



Life in prison: Living conditions

A findings paper

by HM Inspectorate of Prisons

October 2017

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Introduction

Some people may feel a sense of déjà vu or world-weariness when they hear repeated accounts of poor conditions in our prisons. Many reports from HM Inspectorate of Prisons (HMI Prisons) have pointed out that, all too often, prisoners are held in conditions that fall short of what most members of the public would consider as reasonable or decent. I would urge readers not to assume this paper is simply another account of some dilapidated prisons, but to look at the details of what we describe, and then ask themselves whether it is acceptable for prisoners to be held in these conditions in the United Kingdom in 2017.

It is, of course, right to point out that not every prison holds its prisoners in poor conditions. On the whole, high security prisons, women's prisons and open prisons provide decent conditions and some good facilities. However, in many of the local prisons and training prisons, the picture is bleak.

The details of what we have found are set out in this paper, but some of the headlines make for grim reading. Prisoners cannot benefit from education or training if they are confined in their cells for long periods, and they inevitably become frustrated, angry or turn to drugs to ease the tedium. We have found that in local prisons 31% of prisoners report being locked in their cells for at least 22 hours a day, rising to 37% at young adult prisons (holding prisoners aged 18–21). We found large numbers of prisoners at some jails who were locked up for more than 22 hours a day, or throughout the working day.

The cells in which prisoners are confined for these excessive periods of time vary greatly in their condition, but poor conditions are exacerbated by overcrowding. Her Majesty's Prison and Probation Service (HMPPS) themselves report that in 2016/17 nearly 21,000 prisoners out of some 85,000 in total were held, by their own definition, in overcrowded conditions. This proportion rises in local prisons to over 15,000 of the 31,800 held in such establishments – or 48%.

Overcrowding often occurs when two or more prisoners are held in a cell designed to hold one. These often have an unscreened or inadequately screened lavatory, frequently without a lid, or sometimes with a makeshift lid made of cardboard, pillowcases or food trays. In these same cells, prisoners are frequently required to eat all their meals – in what are obviously insanitary, unhygienic and degrading conditions. The risks to health inherent in flushing open lavatories in confined spaces which have to serve as a bedroom and dining room (and sometimes as a kitchen) are described in this report and deserve close attention. The accounts from prisoners of what it feels like to eat and sleep in what is, in effect, a shared lavatory make for compelling reading. To compound all of this, our surveys suggest that in only around half of our prisons are prisoners able to get cleaning materials for their cells every week, and ventilation of too many cells is poor.

In terms of personal hygiene, most prisoners say they are able to have a shower every day, but this falls to 51% in those prisons holding young adults. There is a mixed picture for other issues that have an impact of the everyday lives of prisoners, with about two-thirds of prisoners saying they can get clean sheets each week, and access to telephones is obviously dependent upon prisoners having enough time out of their cells to be able to queue and make a call.

The concerns and recommendations set out in this paper need to be taken seriously. The aspirations of the prison reform programme will not be met if prisoners are confined in conditions that embitter and demoralise, leaving them unable to access rehabilitative activities and, all too often, turning to illicit drugs to break the boredom born of long periods locked in their cells.

Peter Clarke CVO OBE QPM
HM Chief Inspector of Prisons

August 2017

Preface

- I.1** This findings paper is part of a series which focuses on daily life in adult prisons and young offender institutions (YOIs) holding young adults aged 18 to 21 years. The series explores topics that are regularly reported to us as concerns during our inspections, or which merit detailed and specific examination. We hope these findings papers will be of interest to practitioners, and that they will provide the public with an insight into the reality of life in prison and be used to encourage further discussion. We expect that the findings detailed in this paper will support the development of prison services.
- I.2** This findings paper draws on existing literature surrounding prison cell conditions and in-cell activities. It also draws on evidence from recent inspections of prisons and YOIs undertaken by HMI Prisons and survey data from inspection reports published between 1 April 2016 and 31 March 2017. This data is aggregated and overall responses for the year are presented. Comments from confidential prisoner surveys, conducted as part of the inspection process, are also included in this report; these quotes are not ascribed to individual prisons or inspection reports. The paper focuses on adult men and women held in prisons and young adults held in YOIs, the types of cells that they live in and the in-cell activities they take part in.

Background

- I.3** A prison cell is a prisoner's 'home' while they are in prison; it is where they spend the majority of their time when not engaged in activities such as programmes, education or prison work. Prisoners will sometimes spend a lot of time in their cells due to limited access to association¹ or work; this may hinder their ability to cope with day-to-day prison life, leaving them vulnerable.² It is therefore important that they have sufficient mental stimulation available to them during periods of lock-up – a lack of which can lead to prisoners experiencing extreme stress, anger and frustration.³ In-cell possessions and activities are a key protective factor for prisoners; they can keep them occupied and also provide a link to the outside world. In-cell safety is also a key concern for prisoners, as negative emotions and behaviours which develop due to long periods of lock-up and a lack of mental stimulation can impact on the wider prison and outcomes for prisoners.
- I.4** Prison Service Instruction (PSI) 17/2012 requires HMPPS prisons group directors to certify each cell in their area as fit for habitation and confirm that the 'size, lighting, heating, ventilation and fittings' of every cell are 'adequate for health and that it allows the prisoner to communicate at any time with a prison officer'.⁴

¹ 'Association' is the time that prisoners have out of their cells. This time can be used to socialise with other prisoners, use the telephone, speak to members of staff and also shower in prisons where there are no in-cell shower facilities.

² Prison and Probation Ombudsman (2015). *Learning from PPO investigations: Self-inflicted deaths of prisoners 2013–2014*.

³ Nurse, J., Woodcock, P. and Ormsby, J. (2003) 'Influence of environmental factors on mental health within prisons: A focus group study', *BMJ: British Medical Journal* 327 (7413), 490–494.

⁴ PSI 17/2012 Certified Prisoner Accommodation. Available at: <https://www.justice.gov.uk/downloads/offenders/psipso/psi-2012/psi-17-2012-certified-prisoner-accommodation.doc> [accessed 09/08/17].

PSI 17/2012 Certified Prisoner Accommodation⁵

The Performance Standard on Accommodation sets minimum standards for the certification of prisoner accommodation. The Accommodation Standard addresses:

Environmental factors i.e. heating, lighting and ventilation: All accommodation must have heating, lighting and ventilation to recognised technical standards that conform to the requirements as set out in the PSI.

Space and privacy requirements for uncrowded conditions (CNA): The number of uncrowded places is determined on the basis that the accommodation provides reasonable space for each prisoner and the ability to use the WC in private. Each uncrowded place must provide sufficient space for:

- A single bed (the establishment may choose between single beds and bunk beds for shared cells).
- Storage for personal possessions.
- A chair and table area (for dining and for personal pursuits).
- Circulation and movement.

Prisoners must be able to use the WC “in private”, where one is provided within the cell. This is defined to mean full body visual screening from all points in the cell or room, as would be provided at a minimum by a cubicle, though in practice most double cells and rooms have a sanitary annex.

In double cells or rooms containing a WC cubicle, the WC area must be ventilated separately to the living area. Without separate ventilation, such cells or rooms would only be considered suitable for an uncrowded capacity (CNA) of one, though they may have a higher crowded capacity (see C.13).

Space and privacy requirements for crowded conditions (maximum capacity):

The number of crowded places is determined on the basis that the accommodation provides adequate space for each prisoner and the ability to use the WC with some privacy.

Each crowded place must provide sufficient space for:

- A bed, which may be two-tier.
- Storage, which may be compacted.
- Circulation and movement.

Prisoners must be able to use the WC “with some privacy”. This is defined to mean body screening, when using the WC, from the fixed points of the cell i.e. the table(s) and beds. For crowded conditions, the WC area need not be ventilated separately.

Emergency assistance: All prisoners must have the means to summon assistance when necessary.

Cell call systems must provide both a visual and an audible means of alert. Where an alternative means to summon assistance is relied upon, the DDC must be satisfied that it is adequate and effective.

⁵ PSI 17/2012 Certified Prisoner Accommodation. Available at: <https://www.justice.gov.uk/downloads/offenders/psipso/psi-2012/psi-17-2012-certified-prisoner-accommodation.doc> [accessed 09/08/17].

- I.5** Prisons group directors document a cell's certified normal accommodation (CNA) and its maximum capacity on cell certificates.⁶
- I.6** The PSI provides guidance as to what a typical cell may look like but no minimum measurements.⁷ Cells are instead subjectively assessed by HMPPS prisons group directors using the criteria above and these assessments can be affected by the needs of the prison estate as a whole. HMPPS reported that 24.5% of prisoners were held in overcrowded conditions, unchanged compared to 2015/16: this is 20,928 prisoners out of a total population of 85,645.⁸

The HMPPS measurement of overcrowding

For HMPPS, crowding is measured as the number of prisoners who, at unlock on the last day of the month, are held in a cell, cubicle or room where the number of occupants exceeds the uncrowded capacity of the cell, cubicle or room. This includes the number of prisoners held two to a single cell, three prisoners in a cell designed for one or two and any prisoners held crowded in larger cells or dormitories. For example, if 12 prisoners occupy a dormitory with an uncrowded capacity of 10, then the 12 prisoners are counted as crowded.

- I.7** Overcrowding varies between the functional types of establishments and is highest in male local prisons, where 48% of prisoners lived in crowded conditions (15,313 out of 31,864 prisoners). This is then followed by male category C prisons, where 14.7% of prisoners lived in overcrowded conditions (4,694 out of 31,862 prisoners). Only women in local prisons were held in overcrowded conditions, which was 13.5% of the total population (349 out of 2,580 women).
- I.8** The HMPPS PSI contains detailed diagrams of example cell configurations which show that cells that are only able to hold one prisoner can be approximately 5.5m²; this equates to roughly 1.8 metres wide by three metres in length.⁹ Figure 1 below shows a typical cell layout for a 19th-century prison cell, a type which is still used in many prisons today, and how a cell originally built for one prisoner can be 'doubled up'.

⁶ Certified normal accommodation (CNA) is the number of prisoners that a cell can accommodate in uncrowded conditions which HMPPS believes are good and decent.

⁷ PSI 17/2012 Certified Prisoner Accommodation. Available at: <https://www.justice.gov.uk/downloads/offenders/psipso/psi-2012/psi-17-2012-certified-prisoner-accommodation.doc> [accessed 09/08/17].

⁸ HMPPS (2017). *Annual NOMS Digest 2016/17: Official Statistics Bulletin*. London: Ministry of Justice. Available at: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/633904/annual-noms-digest-report.pdf [accessed 09/08/17].

⁹ PSI 17/2012 Certified Prisoner Accommodation. Available at: <https://www.justice.gov.uk/downloads/offenders/psipso/psi-2012/psi-17-2012-certified-prisoner-accommodation.doc> [accessed 09/08/17].

Figure 1: Illustration of a 'Victorian type' cell with a CNA of one which can be 'doubled up' to accommodate two prisoners¹⁰

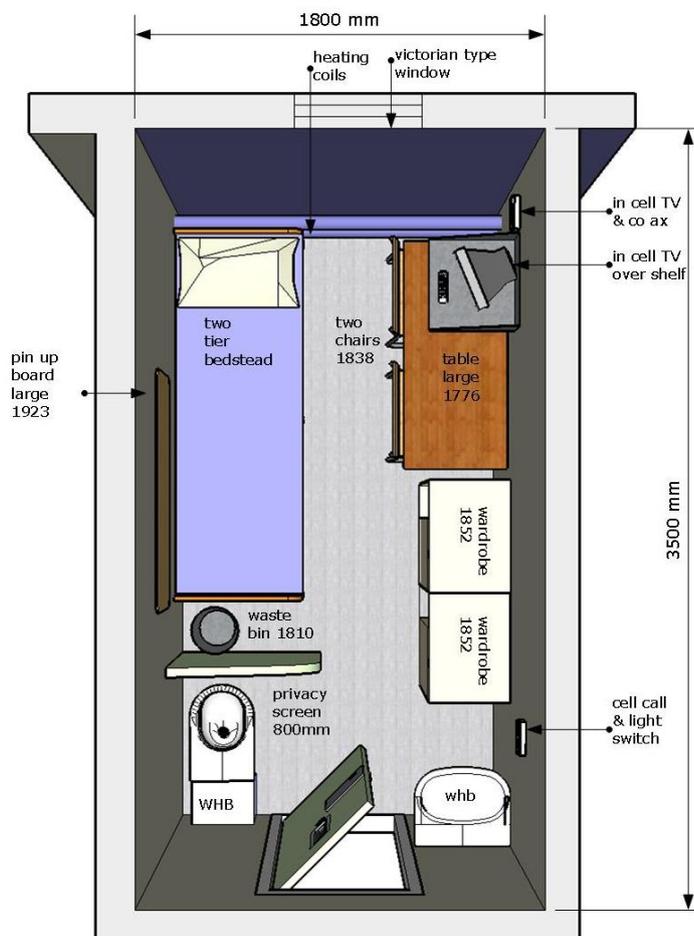
**Single Occupancy Wet Cell
With Crowding Capability**

Victorian Type : Existing Build

Max. Capability : Two

Approx. Flr. Area

6.5 msq

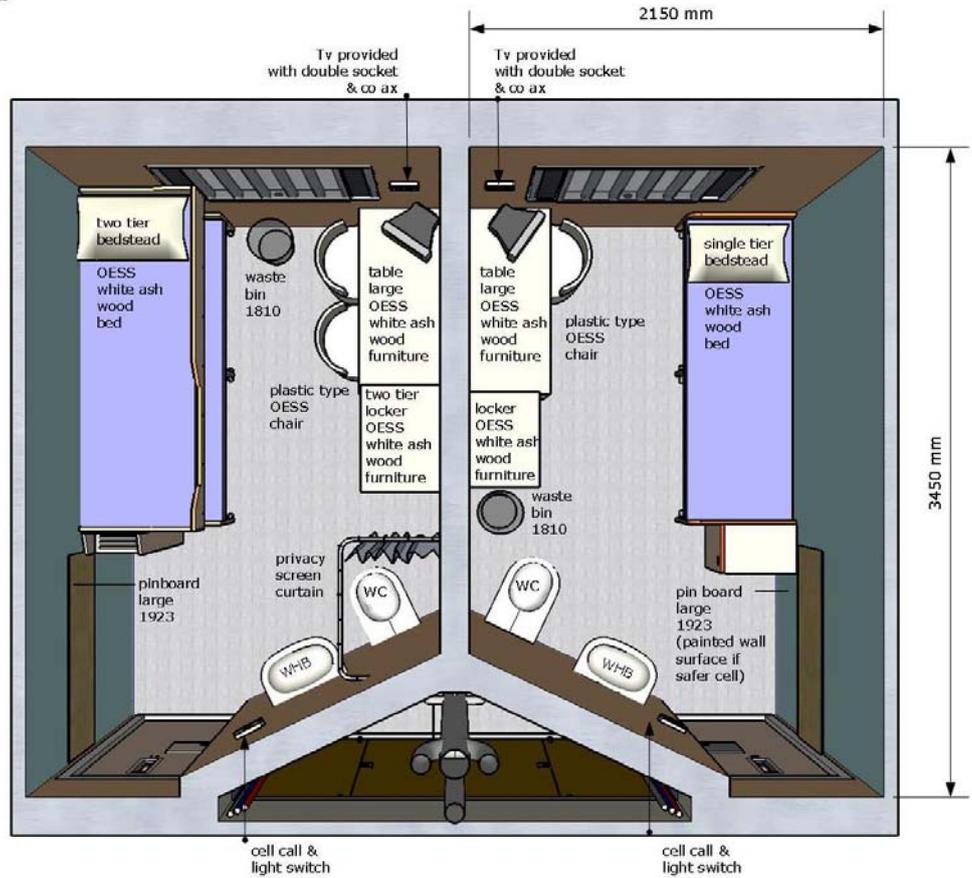


- 1.9** Were this cell to be 'doubled up', two prisoners could share a space of as little as 6.5m², including sanitary facilities. Figure 2 below shows how another example of a slightly larger cell, but with a different layout, could be 'doubled up' (left-hand cell).

¹⁰ PSI 17/2012 Certified Prisoner Accommodation. Available at: <https://www.justice.gov.uk/downloads/offenders/psipso/psi-2012/psi-17-2012-certified-prisoner-accommodation.doc> [accessed 09/08/17].

Figure 2: Illustration of a how a cell with a CNA of one can be ‘doubled up’¹¹

Single Occupancy Crowded
 With Crowding Capability
 Approx. flr. area
 Typical Existing Build
6.8msq



¹¹ PSI 17/2012 Certified Prisoner Accommodation. Available at: <https://www.justice.gov.uk/downloads/offenders/psipso/psi-2012/psi-17-2012-certified-prisoner-accommodation.doc> [accessed 09/08/17].

I.10 However, there are a number of international human rights standards in relation to cell size. These are set out below.

International human rights standards in relation to cell size

International human rights standards require that cells meet acceptable requirements for health, space, lighting, heating and ventilation:

'All accommodation provided for the use of prisoners and in particular all sleeping accommodation shall meet all requirements of health, due regard being paid to climatic conditions and particularly to cubic content of air, minimum floor space, lighting, heating and ventilation.' UN Standard Minimum Rules for the Treatment of Prisoners, Rule 10.¹²

Rule 18.5 of the European Prison Rules (2006)¹³ states that *'Prisoners shall normally be accommodated during the night in individual cells except where it is preferable for them to share sleeping accommodation.'*

In December 2015, the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) published **minimum** standards for living space per prisoner:¹⁴

- 6m² of living space for a single-occupancy cell plus sanitary facility
- 4m² of living space per prisoner in a multiple-occupancy cell plus fully-partitioned sanitary facility
- at least 2m between the walls of the cell at least 2.5m between the floor and the ceiling of the cell

The CPT advocates that 'sanitary facilities' not be included in the living space measurements and estimates that a sanitary annexe would be 1m² to 2m,² meaning that a single occupancy cell would need to be at least 7m² and a double occupancy cell would need to offer at least 9m,² or 4.5m² per person.¹⁵

The CPT also published **desirable** standards for multi-occupancy cells:

- Two prisoners: at least 10m² (6m² + 4m²) of living space plus sanitary annexe
- Three prisoners: at least 14m² (6m² + 8m²) of living space plus sanitary annexe
- Four prisoners: at least 18m² (6m² + 12m²) of living space plus sanitary annexe

The CPT encourages, *'all Council of Europe member states to apply these higher standards, in particular when constructing new prisons.'*

In addition to these specific standards, the CPT also lists some additional criteria which should be taken into consideration when assessing detention conditions in prison:

- state of repair and cleanliness
- access to natural light and ventilation
- sanitary facilities
- outdoor exercise
- purposeful activities

¹² UN Standard Minimum Rules for the Treatment of Prisoners are non-binding, adopted by the United Nations General Assembly on 17 December 2015.

¹³ The European Prison Rules are non-binding and were developed by the Council of Europe.

¹⁴ European Committee for Prevention of Torture and Inhuman or Degrading Treatment or Punishment (2015). *Living space per prisoner in prison establishments: CPT standards*. CPT/Inf (2015) 44.

¹⁵ European Committee for Prevention of Torture and Inhuman or Degrading Treatment or Punishment (2015). *Living space per prisoner in prison establishments: CPT standards*. CPT/Inf (2015) 44.

Our expectations

- 1.11** We inspect against independent criteria known as Expectations.¹⁶ Expectations describe the standards of treatment and conditions we expect an establishment to achieve. Each expectation is underpinned by ‘indicators’ which suggest evidence that may indicate whether the expectations have been achieved. The list of indicators is not exhaustive and these do not exclude an establishment demonstrating the expectation has been met in other ways. Cell conditions are assessed under the healthy prison area of ‘respect’, cell-sharing under the area of ‘safety’ and time spent in cell under the area of ‘purposeful activity’.

Respect

- Prisoners live in a safe, clean and decent environment which is in a good state of repair and fit for purpose.
- Prisoners are appropriately and safely located in their residential units and understand the rules and routines of the prison, which encourage responsible behaviour.
- Prisoners are encouraged, enabled and expected to keep themselves, their cells and communal areas clean.

Safety

- Prisoners are protected by comprehensive and effectively monitored cell sharing risk assessments.

Purposeful Activity

- Prisoners spend at least 10 hours a day outside their cells on weekdays.

In recognition of the specific needs of women prisoners, the women’s expectations include this additional indicator:

- In addition to women feeling safe in their residential units, officers do not enter women’s cells without knocking and waiting for a reply, except where there is an operational need.¹⁷

Our findings

- 1.12** A prisoner’s experience in their cell is dependent on a number of factors. These factors include:

- Time unlocked and out of cell
- Physical condition of cells and cell facilities
- Possessions and activities in the cell
- Sharing a cell
- Perception of in-cell safety

¹⁶ HMI Prisons (2012). *Expectations: Criteria for assessing the treatment of prisoners and conditions in prisons*. London: HMI Prisons.

¹⁷ HMI Prisons (2014). *Expectations: Criteria for assessing the treatment of and conditions for women in prison*. London: HMI Prisons

Time unlocked and out of cell

- I.13** Perhaps the biggest influence on how prisoners experience living in a cell is the time they spend in it. Clearly the impact of spending 22 hours a day in an unpleasant cell with another prisoner and no privacy is greater than spending 12 hours in it.
- I.14** When prisoners spend long periods locked in their cells they become frustrated with staff and each other, they are bored and have more time to use illicit substances, and many can suffer deteriorating physical and mental health, which can aggravate depression and suicidal feelings.^{18,19} Our earlier thematic on time out of cell found that keeping busy and occupied was one of the main things that helped prisoners to cope with their sentence.²⁰
- I.15** When out of their cells, prisoners are likely to engage in activities that improve their well-being, for example work, education, training, exercise, visiting the library or socialising. We expect prisoners to spend at least 10 hours out of their cells on weekdays, but this is rarely achieved and prisoners spend an enormous amount of time locked in their cells.
- I.16** The amount of time spent out of cell depends on a range of factors. These include:
- **The prison regime.**²¹ Regimes vary from prison to prison. For example, some prisons allow prisoners out of their cells to socialise every day; other prisons do not.
 - **Staffing.** A shortage of staff may mean that prisoners are unable to receive the full regime, including sufficient time out of cell.
 - **The prisoner's employment status.** Employed prisoners often spend over seven hours out of their cells a day; part-time prisoners spend less, and unemployed prisoners sometimes spend as little as one hour a day out of their cell.
 - **The incentives and earned privileges scheme.** Prisoners on the basic level of the scheme had fewer hours out of cell; those on enhanced had more.
- I.17** In our surveys, only 14% of adult prisoners reported spending more than ten hours out of cell and 21% reported spending less than two hours out on weekdays. Figure 3 below shows the variation in the time prisoners reported spending out of their cells in different types of prison. Those in young adult and local prisons reported spending the most time in their cells. Prisoners in open prisons were more likely to spend ten or more hours out of their cells on weekdays.

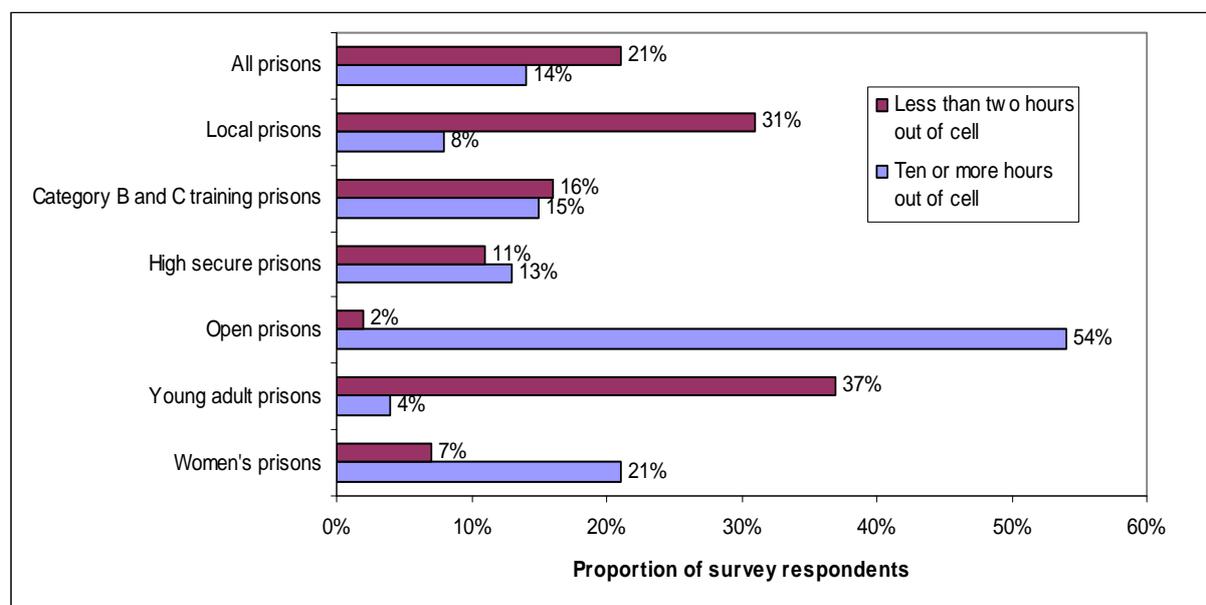
¹⁸ Light, M., Grant, E. and Hopkins, K. (2013). *Gender differences in substance misuse and mental health amongst prisoners*. London: Ministry of Justice.

¹⁹ Felthous, A. R. (1997) 'Does isolation cause jail suicides?', *Journal of the American Academy of Psychiatry and Law* 25 (3), 285–294; Kerkhof, A. J. and Bernasco, W. (1990) 'Suicidal behaviour in jails and prisons in the Netherlands: incidence, characteristics and prevention', *Suicide and Life-Threatening Behaviour* 20, 123–137.

²⁰ HMI Prisons (2007). *Time out of cell: A short thematic review*. London: HMI Prisons.

²¹ The prison regime is the timetable of activities within an establishment; this covers when prisoners are unlocked, receive exercise and association time and also attend learning and skills and work activities.

Figure 3: Percentage of survey respondents who reported that they spent 10 or more hours or less than two hours a day out of cell (N=7,202)



- I.18** At HMPs Winchester (2016) and Wormwood Scrubs (2016), a large number of prisoners spent more than 22 hours in their cell every day, and at HMP Cardiff (2016) prisoners could be locked up for over 27 hours, only being let out briefly to collect their meals. We regularly found more than a quarter of prisoners locked up during the working day; at HMP Cardiff (2016) this was 47% and at HMP Wormwood Scrubs (2016) this was 55%.
- I.19** During weekends, prisoners spend more time in their cell as the regime is reduced. For example, prisoners at HMP Onley (2016) were often locked up for periods of up to 26 hours.
- I.20** The time that prisoners get unlocked has also become less predictable – mostly as a result of staffing shortages and a rising number of incidents. Many prisons operated temporary restricted regimes to cope with staffing shortages, with prisoners locked up for the night at 6pm or earlier, making it difficult for them to telephone their families and friends. For example, at HMP Onley (2016), chronic staff shortages had led to a restricted and too limited regime being in place for two years. This had reduced the maximum amount of time unlocked. Evening association periods were no longer provided and the previous practice of unlocking workers for a short period in the evening to access showers and telephones had ceased.
- I.21** A predictable, even if limited, regime can also be positive for prisoners. For example, at HMP Elmley (2016), time out of cell had become much more predictable. It was still too limited but it was delivered consistently so prisoners could plan phone calls or domestic tasks with confidence.

Physical condition of cells

- I.22** The ‘background’ section sets out in detail what both HMPPS and the CPT expect in terms of cell size. HMI Prisons has not previously measured the size of cells during inspections, but for five establishments inspected in January and February 2017 a number of cell measurements were taken across the range of wings within each establishment.²² The vast majority of cells were within the measurements set out in the example cell diagrams in the HMPPS PSI on guidance for cell sizes, for both single and shared cells.
- I.23** When assessed against CPT minimum standards, the majority of single-occupancy cells met the required minimum, 7m², although screening of sanitary facilities was often inadequate, as will be discussed later. However, the majority of cells did not meet the required CPT minimum standard for multi-occupancy cells of 4m² per person. They also did not have fully partitioned sanitary facilities, which the CPT requires. The table below sets out some example measurements for cells that did not meet the CPT minimum standards.

Establishment	Wing	Occupancy	Cell dimensions	Space per person
HMP Birmingham	B	2	3.3m by 2.2m	3.63m ²
HMP Brixton	A	2	3.2m by 2.1m	3.36m ²
HMP Garth	D	2	3.5m by 2.1m	3.68m ²

- I.24** When assessed against the CPT desirable standards regarding multiple-occupancy cells, an even smaller number of cells met these requirements, either in terms of size or the separate sanitary annexe. Those that met the CPT minimum standards did not meet the desirable standards; for example, a shared cell for two people on A wing at HMP Birmingham which measured 4m by 2.1m only had a total size of 8.4m², and a cell shared by two people in HMP Pentonville which measured 4m by 2.3m had a total size of 9.2m².
- I.25** Alongside the cramped conditions in shared cells, the physical condition of cells in many prisons was also poor. These physical conditions shape prisoners’ experience of a prison cell. As stated above, HMI Prisons expects that all prisoners live in a safe, clean and decent environment which is in a good state of repair and fit for purpose. The conditions of cells that we inspected varied greatly, from clean, well-equipped and spacious to cramped, squalid and unsuitable for habitation.
- I.26** Common problems with the condition of cells included the lack of furnishings, broken furniture, poor decoration, damp, damage to flooring, dangerous exposed wiring, graffiti and litter. Some prison residential units were also infested with vermin.

²² Measurements were carried out manually and so may not be as precise as they would be if carried out technically. Cell measurements were taken at the following establishments: HMP Pentonville, HMP Birmingham, HMP Garth, HMP Brixton and HMP Lincoln.

Figure 4: graffiti in a cell at HMP Exeter (inspected in August 2016)

- 1.27** During our inspections we often find conditions in 19th-century local prisons to be worse than other, newer establishments. They often have sanitary facilities which are not fit for purpose and inadequate fixtures and fittings. For example, at HMP Exeter (2017), A wing provided some very poor-quality accommodation. Far too many cells across the prison had poor or missing furniture. At our inspection of HMP Durham (2017), we found that cells were cramped, and some were dirty and in need of redecoration, and at HMP Wormwood Scrubs (2016), another 19th-century local prison, we found many toilets were dirty and lacked appropriate lids or screening.
- 1.28** At other 19th-century local prisons, we found that windows could not be opened properly and cells were poorly ventilated. In summertime, some prisoners reported that they break windows that cannot be opened in order to provide ventilation, and that prisons often do not repair broken windows when a new occupant arrives, even in winter. We frequently found broken or improvised windows. For example, at HMP Exeter (2017), the quality of window fittings was of particular concern, often consisting of a piece of Perspex propped up against the window frame. At HMP Wormwood Scrubs (2016), broken windows were sometimes sealed with newspaper and magazines by prisoners to prevent cold draughts.

Figure 5: Cardboard replacing glass panels on C wing at HMP Swinfen Hall (inspected in October 2016)



I.29 During inspections, prisoners told us about their experiences of ventilation and heating control within prison cells:

'There is no heating in cell. I have to put my clothes to block draught through windows.'

'These cells are too hot, we are next to the boilers so our cells are so hot. They know we are supposed to have fans but staff say they can not find any.'

'There is not enough air coming into the cells – just got one vent. The heating is on 24/7. In the summer we can hardly breathe.'

'J wing has had a problem with the heating, and every winter for three years since being on this wing, most prisoners (including myself) have been left freezing in our cells. The Governor and staff have been repeatedly told, but they just tell us to deal with it and it is like torture every year.'

'My cell that I'm currently in there is not enough oxygen coming through my vents on my window, I am already very claustrophobic and find it very difficult to breathe and feel this is very wrong and would like either a fan or the window to be open so air can get in the cell.'

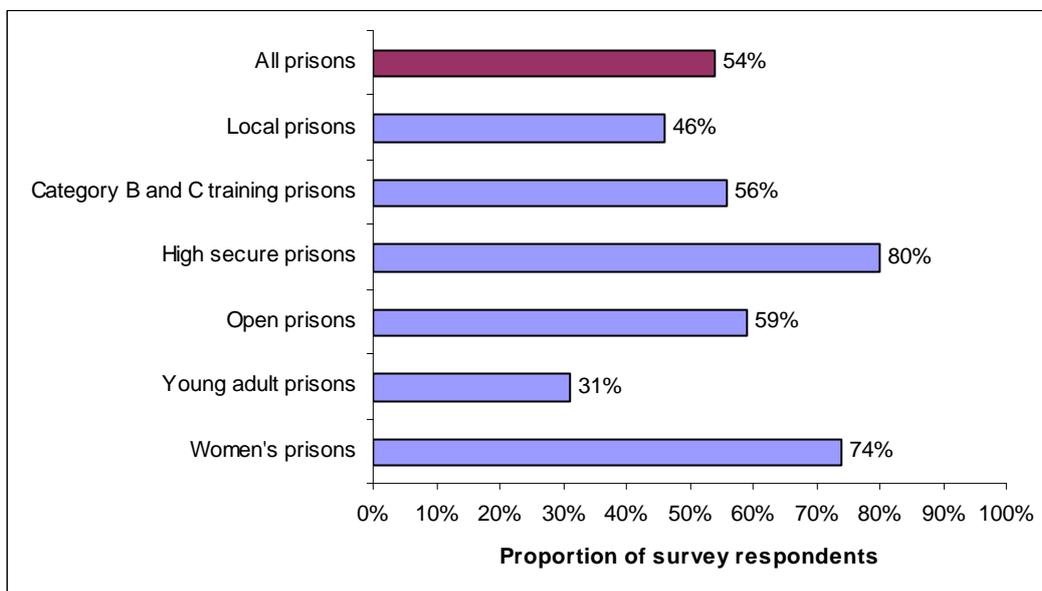
I.30 We did find some examples of good cells on some inspections. This was more common in prisons with more recently built wings or house blocks. For example, at HMP Chelmsford (2016) around half of the population lived on E, F and G wings, which were the newer wings. These were bright, in good decorative order and well maintained in comparison to the older wings, especially B and C, which were dark, damp and in poor decorative order. At HMP Channings Wood (2017) we found that most cells were clean and well equipped, with sufficient furniture, toilet screens, curtains and lockable cabinets, and that there was little graffiti in most of the living blocks. At HMP Wymott (2017), peer workers in the prison ensured cells were clean, decent and fully equipped prior to prisoners moving into them.

Figure 6: Example of modern single-occupancy cell at HMP Oakwood (inspected in December 2014)



- I.31** However, not all new prisons are clean. For example, at HMP Hewell (2017) – the closed prison site built in 2008 – many cells had missing or damaged fixtures and fittings and poor or inadequate furniture. Some cells had broken windows and graffiti remained prevalent across the units. Some damaged cells remained out of action for lengthy periods awaiting refurbishment. And at HMP Isis (2016), which was built in 2010, many cells were dirty and lacked basic furniture, such as chairs and cupboards.
- I.32** The problems associated with poor cell conditions can be exacerbated by lack of regular access to cell-cleaning materials. As shown in figure 7 below, only 54% of all adult prisoners reported having access to cleaning materials every week. However, this figure was much higher in high security prisons, where 80% of prisoners respectively reported access to cleaning materials every week, and was considerably lower for those in young adult prisons (31%).

Figure 7: Percentage of survey respondents who reported that they get cell cleaning materials every week (N=7,202)



- I.33** Without proper access to cleaning materials, prisoners often resorted to alternative methods of cleaning their cells:

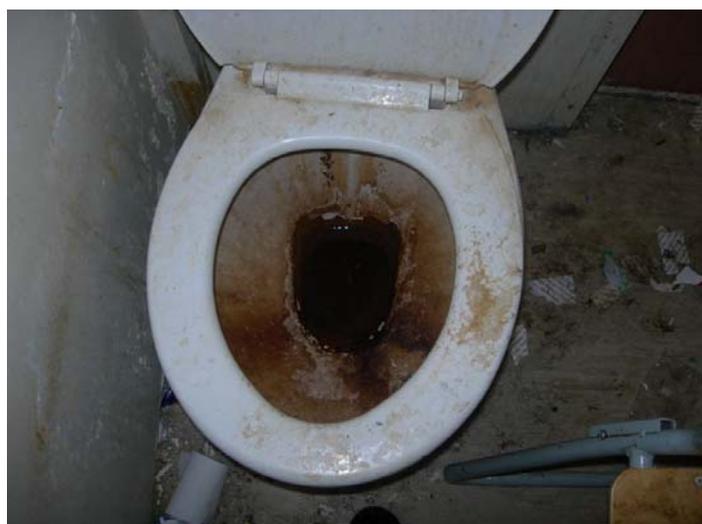
'The only way of cleaning our cell floors is by using used T-shirts and pouring water on our floors, and mopping the water up with T-shirts as we do not get to mop our floors.'

'The lack of cleaning product for inmates to clean their cells and not be provided with a mop or brush to clean cell so inmates have to get on hands and knees with ripped sheets cleaning their cells. It is unacceptable and needs sorting out.'

Toilets

- I.34** Toilets can be located within a cell or in an annex attached to the cell. We found a number of issues with integral toilets in prison cells.
- I.35** First, the cleanliness of in-cell toilets is often poor. We frequently find that toilets are scaled and have ingrained dirt that cannot be cleaned even where cleaning materials are available.

Figure 8: Dirty toilet in an occupied cell at HMP Pentonville (inspected in February 2015)



- I.36** Many in-cell toilets also lacked lids. For example, at HMP Wormwood Scrubs (2016), HMP Leeds (2016), HMP Nottingham (2016), HMP Chelmsford (2016) and HMP Norwich (2017), in-cell toilets did not have lids. Where there are no lids or appropriate screening, this can result in bacteria from the toilet being sprayed into the cell when the toilet is flushed. Studies have shown that flushing toilets without lids contaminates nearby floors and surfaces as toilet aerosol plumes contain bacteria and transmit infections.²³ When a toilet is flushed germs from the toilet bowl can travel as far as six feet, landing on the floor, the sink and other items within range. A study showed that significant

²³ Johnson, D. L., Mead, K. R., Lynch, R. A. and Hirst, D. V. L. (2013) 'Lifting the lid on toilet plume aerosol: A literature review with suggestions for future research', *American Journal of Infection Control* 41, 254–258; Barker, J. and Jones, M. V. (2005) 'The potential spread of infection caused by aerosol contamination of surfaces after flushing a domestic toilet', *Journal of Applied Microbiology* 99, 339–347.

quantities of microbes float around the bathroom for at least two hours after each flush.²⁴ The effect would be the same in a cell as in a bathroom.

- I.37** Toilets in prisons we inspected were often in close proximity to beds, meaning that any germs which were emitted from the flush would end up on the prisoner's bed and, in some cases, pillow.

'The toilet is almost next to my pillow, and far too close to where I have to sleep.'

- I.38** Due to there not being facilities in all establishments to 'dine out', prisoners often have to eat their meals in their cells, often next to their toilets and, in some cases where there is insufficient furniture, sitting on their beds. At HMP Durham (2017), most prisoners had to eat their meals in their cells by an unscreened shared toilet.

'I feel no one should be forced to eat their food a couple of feet away from their toilet. Some sit on their toilet as a seat to eat. This is degrading and totally unhygienic.'

'It would be better to have a canteen sitting area to eat our food instead of in your cell with a stinking toilet.'

Figure 9: Unscreened toilet where prisoners ate their meals at HMP Birmingham (inspected in January 2017)



- I.39** Guidance from the Food Standards Agency (FSA) for commercial operations states that toilets must not open directly into rooms where you handle food, and guidance from the UK building regulations requires there to be at least one door between a toilet and a kitchen, providing that there are suitable hand-washing facilities. While a prisoner's cell is not technically a kitchen, they may prepare their own food from the canteen in the space and, as stated above, are often required to eat in their cell and should be provided with some level of screening from their toilets.
- I.40** Prisoners will often improvise makeshift toilet lids. At previous inspections we have seen prisons mitigate the lack of lids. For example, at HMP Ranby (2016), staff provided

²⁴ Gerba, C. P., Wallis, C. and Melnick, J. L. (1975) 'Microbiological Hazards of Household Toilets: Droplet Production and the Fate of Residual Organisms', *Applied Microbiology* 30 (2), 229–237.

wooden boards as a substitute for lids. We have also seen makeshift lids made from cardboard, pillowcases or even food trays to address this problem.

- I.41** For the purposes of decency and dignity, as well as hygiene, toilets should be in a fully screened cubicle or annexe with its own window or ventilation. However, we rarely found toilets like this; many toilets in shared cells were unscreened or insufficiently screened.
- I.42** We often find that shower or fabric curtains are used to screen toilets in both shared and single cells. At HMP Leeds (2016) and HMP Cardiff (2016), prisoners often rigged up makeshift curtains from sheets to screen the toilet. Shower or fabric curtains are not sufficient screens and, while they may provide a small level of privacy, they cannot mitigate the humiliation felt by a prisoner who has to defecate feet away from their cellmate.

'Having to go to the toilet in a cell with someone else there is degrading and unhygienic.'

- I.43** A small number of prisons still do not have in-cell sanitation.²⁵ Instead they use an electronic unlocking system (known as a night sanitation system) which provides access to communal facilities during periods of lock-up and during the night.²⁶ In prisons with night sanitation, prisoners have to press a call button answered by wing staff to be allowed out of their cell. Sometimes they have to wait for over an hour to use the toilet as, if other prisoners wish to use the toilet, they have to wait in a queue, being unlocked one at a time. Night sanitation systems are notoriously temperamental and prone to breaking down, and prisoners can then be forced to resort to using buckets during the night which can then be emptied in the morning. Some prisoners throw waste out of cell windows.
- I.44** Some prisons had communal toilets on wings in addition to toilets in cells. For example, at HMP Wymott (2017) and HMP Whatton (2017), prisoners could access communal wing facilities 24 hours a day along with the in-cell facilities they had. Where access was not 24 hours a day, some prisoners regulated their bowel movements and used the communal toilets, thereby avoiding the indignity of using a toilet in front of their cellmate. However, not all prisons had communal toilets and for some their use relied on prisoners being routinely unlocked.

Showers

- I.45** HMI Prisons expects that all prisoners are able to take a shower or bath daily, immediately following physical exercise or work, before court appearances and before visits.²⁷ Within prisons that do not have in-cell showers, prisoners have to rely on time out of their cells to wash. For some prisoners this time is limited and they are required to collect medication and meals, speak to family and friends on the telephone and carry out domestic tasks, such as putting in applications and complaints and showering, in this short period of time. Prisoners often tell us that they may have to sacrifice one of these tasks, such as speaking to family and friends or showering, due to this time pressure. As

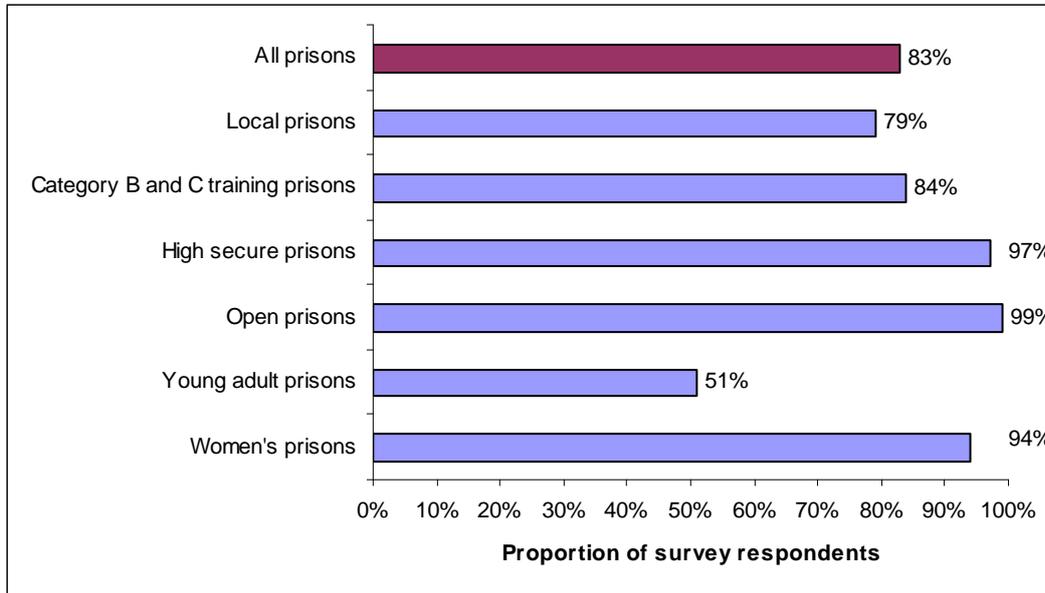
²⁵ Although 'slopping out' – where pots were used at night due to a lack of in-cell sanitation – was supposed to end in 1996, the electronic unlocking system was considered an acceptable solution in cases where cells were too small for the installation of in-cell toilets.

²⁶ National Council for Independent Monitoring Boards (2010). *Slopping out? A report on the lack of in-cell sanitation in Her Majesty's Prisons in England and Wales*. London: National Council for Independent Monitoring Boards.

²⁷ HMI Prisons (2012). *Expectations: Criteria for assessing the treatment of prisoners and conditions in prisons*. London: HMI Prisons.

a result, only 83% of prisoners reported that they were able to have a shower every day. Prisoners in open prisons were the most likely to report being able to have a shower every day; they were also most likely to report that they spent more than 10 hours out of their cell each day.

Figure 10: Percentage of survey respondents who reported that they are able to have a shower every day (N=7,202)



- I.46** Recently constructed prisons are likely to have been built with in-cell showers; for example, HMP Dovegate, built in 2001, HMP Thameside, built in 2012, and HMP Oakwood, which was built in 2012, have them. HMP Berwyn, which opened in 2017, also has in-cell shower facilities.

Figure 11: HMP Oakwood – example of a modern cell with in-cell shower (inspected in December 2014)



- 1.47** We frequently found on inspections that wing showers were dirty, mouldy, insufficiently ventilated and offered inadequate screening. At HMP Exeter (2017), showers on some of the wings were dirty, damp and strewn with litter and discarded prison clothing. At HMP Risley (2016), where the showers were dirty and poorly ventilated, they also had low water pressure and an inadequate supply of hot water for all prisoners.

Lockable cupboards

- 1.48** Many cells lacked lockable storage, which rendered prisoners' belongings vulnerable to theft. This was particularly an issue where prisoners shared cells (which is common in most local prisons), did not have cell privacy keys, or where prisoners needed to store their medication securely.²⁸ The latter is especially concerning if the medication is tradable.²⁹

Beds

- 1.49** Prisoners frequently told us in our survey that it was difficult to get new mattresses, even in modern prisons where conditions in cells were otherwise viewed positively. Many reported that old mattresses caused back pain and they struggled to sleep on them. This was also commented on in a number of inspection reports where mattress replacement schemes were found to be inadequate. We also expect that prisoners are able to access clean sheets every week but found this was variable across the prison

²⁸ A cell privacy key enables prisoners to lock their own cell door during association periods; staff can still access the cell at all times.

²⁹ Some prisoners buy or steal medication prescribed to other prisoners. See our HMI Prisons thematic report *Changing patterns of substance misuse in adult prisons and service responses*.

estates: while 64% of all adult prisoners told us they received clean sheets every week, this ranged from 88% of those in women's prisons to only 58% in local prisons.

Telephones

- 1.50** A small number of prisons have in-cell telephones, which prisoners told us helped their well-being as they have more privacy during phone calls. They may also be able to better maintain contact with their families, as it is possible to make phone calls at times convenient for their family rather than being dependent on association times and queues for telephones, as is necessary in other prisons.³⁰ Our findings paper on family contact highlighted the important role that in-cell phones can play in facilitating contact between prisoners and their family and friends.³¹

Televisions

- 1.51** Prisoners who are on the entry, standard or enhanced level of the incentives and earned privileges (IEP) scheme are allowed to rent a television from the prison.³² Televisions cost £1 a week per cell to rent and where a cell is shared the cost is split between the occupants. Prisoners can watch nine free-view channels which are decided locally. Television can help prisoners keep in touch with the outside world.³³ Some prisons also use specific television channels to give information about the establishment to prisoners, and the National Prison Radio broadcasts on an audio channel through in-cell televisions.

Possessions and in-cell activities

- 1.52** There are both volumetric control and other restrictions on what a prisoner can have in their cell 'in possession'. The quantity of property is limited to that which fits into two boxes, each measuring 0.7m x 0.55m x 0.25m. There are additional items which a prisoner can have in possession which are exempt from volumetric control restrictions, for example, a musical instrument and bedding.³⁴
- 1.53** In addition to the volumetric controls, prisoners may retain authorised property appropriate to their privilege level under the locally operating IEP scheme, subject to the limitations of the prison's facility list and volumetric control. For example, prisoners can only have 30 CDs and 12 books. Other restrictions vary between prisons.³⁵ Prisoners are also allowed to purchase their own radio or CD players, although MP3 players are prohibited.

³⁰ National Audit Office (2013). *Ministry of Justice and National Offender Management Service: Managing the prison estate*. London: The Stationary Office.

³¹ HMI Prisons (2016). *Life in prison: Contact with family and friends*. London: HMI Prisons.

³² The IEP scheme is a national scheme with four distinct levels: entry, basic, standard and enhanced. The scheme has the following aims: to encourage responsible behaviour by prisoners; to encourage effort and achievement in work and other constructive activity by prisoners; to encourage sentenced prisoners to engage in sentence planning and benefit from activities designed to reduce reoffending; and to create a more disciplined, better-controlled and safer environment for prisoners and staff. These aims are achieved by ensuring that privileges above the statutory minimum are earned by prisoners through good behaviour and performance and are removed if they fail to maintain acceptable standards (National Offender Management Service Incentives and Earned Privilege PSI 11/2011).

³³ Vandeboosch, H. (2005) 'The Perceived Role of Mass Media Use during Incarceration in the Light of Prisoners' Re-entry into Society', *Journal of Criminal Justice and Popular Culture* 12 (2), 96–115.

³⁴ Annex A of Prison Service Instruction (PSI) 12/2011 – Prisoners' Property provides the full list of volumetric control exemptions.

³⁵ PSI 12/2011 Prisoners' Property.

- I.54** During long periods of lock-up prisoners will watch TV, read or listen to music or the radio. Having a TV is something that prisoners frequently tell us is the most positive thing for them at their establishment, and prisoners on the enhanced level of the IEP scheme are also allowed to purchase games consoles which are not enabled for internet access.
- I.55** Depending on the local rules in each prison and each prisoner's risk assessment, standard and enhanced prisoners are able to order craft supplies such as model-making matchsticks and model glue as part of their canteen, and are also able to order supplies from catalogues to supplement their hobbies. These include canvases for painting, acoustic guitars, flutes or harmonicas. Some prisoners also told us that they had taken Open University courses from their cell, or prepared for their education classes and prison responsibilities, such as being Listeners. Others said they did in-cell workouts to keep fit.

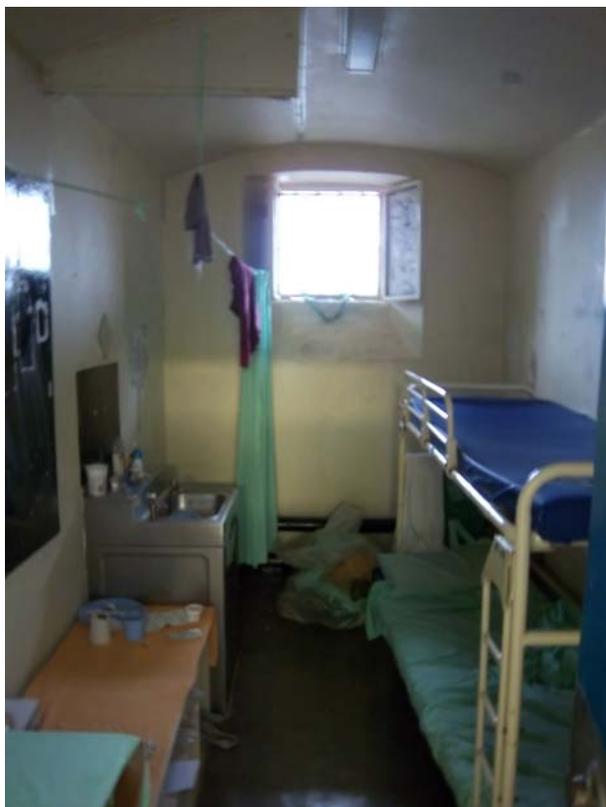
Sharing a cell

- I.56** As well as living in often squalid and cramped conditions, prisoners often have to share this enclosed space with one or more other prisoners. Prisoners could be required to share a cell due to overcrowding – where two prisoners are required to share a cell due to population pressures – or through design: some prison cells are specifically built or designed to hold two prisoners. In some establishments prisoners are required to share very small cells, and we regularly find cells that have been certified as being for two prisoners but do not meet the CPT minimum cell size requirements (see 'background' section above for further information on cell size and occupation). While this is more frequently the case in 19th-century locals, for example at HMPs Leeds (2016), Lewes (2016), Wormwood Scrubs (2016) and Cardiff (2016), we often find this in more recently built establishments, for example at HMP Forest Bank (2016), which was opened in 2000, and HMYOI Bronzefield, opened in 2004. We recommended that cells designed to hold one prisoner should not be used to hold two. Not only do prisoners have to 'double up' in single cells, but some cells designed to hold two prisoners are used to hold three (HMP Belmarsh, 2015). In Birmingham (2017), some prisoners lived in cramped cells holding four to six prisoners with inadequate toilet screening.

Figure 12: A cell occupied by two prisoners at HMP Hull with poor natural light and prisoners sleeping in close proximity to each other (inspected in October 2014)



Figure 13: A shared cell at HMP Cardiff (inspected in August 2016)



- I.57** Some prisoners strongly dislike sharing a cell, reporting that it causes stress and arguments, reducing feelings of safety. Others reported that the lack of privacy was a problem for them:

'It's torture for both people, stealing, disturbing, bullying, taking stuff. Everything in each other's company – washing and dressing. It only causes stress on top of stress.'

'No matter how compatible people may appear, when they are in a confined space for a lot of time you get friction over the smallest things, plus you have the problem of one snoring, staying up later watching TV, bad habits or even how often somebody is using the toilet. Occasionally it is good for company but I myself far prefer my own space, it really does help to relieve my stress.'

'Being forced to share a single cell with strangers, whilst also having to use broken, uncurtained toilets; eat ones meals in this environment; and sometimes being locked up for over 20 hours a day is not respectful or humane.'

'All prisoners in here should be in single cells as you don't know who you're living with or told about them and the cells are far too small and you don't get any privacy in them or you should be told about your cellmates first and double cells should be a lot bigger than these tiny cells, thanks.'

- I.58** Other prisoners enjoy the company and support in a shared cell, particularly where an individual is vulnerable. Some prisoners said sharing passes the time and relieves isolation. Studies suggest cell sharing may be a protective factor against suicide, as self-inflicted deaths often occur only when the cellmate is out of the cell.³⁶
- I.59** Despite some prisoners having positive experiences of cell-sharing, this needs to be managed carefully; it is also a potential risk to the safety of each prisoner as they are in a confined space together for extended periods of time. Cell sharing risk assessments should be completed for all prisoners to ensure that they are safe sharing a cell. The assessment is based on the prisoners' convictions, health and offending history.³⁷ We found this was being done properly in a number of prisons where cells were shared, but not all.

Perceptions of in-cell safety

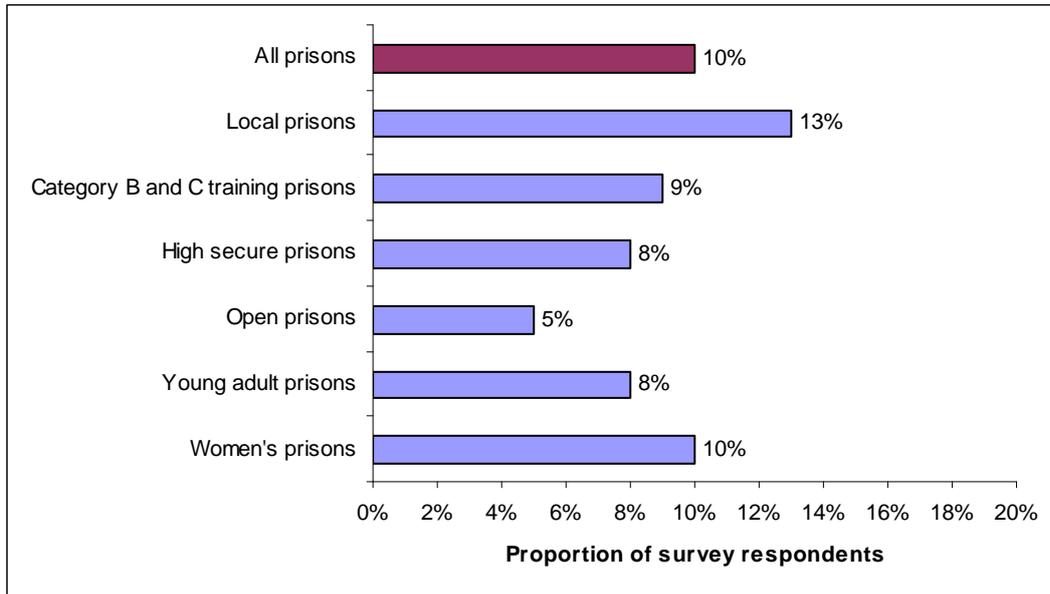
- I.60** As stated above, in-cell safety is a key concern for prisoners. Feeling unsafe in their cells and on residential units can result in prisoners not feeling safe anywhere in the establishment, which can lead to them not engaging with activities and services for their rehabilitation. Prisoners could feel unsafe in their cells for many reasons. They could feel unsafe because of their cellmate, or indeed they could feel isolated and unsafe due to not having a cellmate. They could also feel unsafe due to other prisoners coming into their cell during association periods.
- I.61** Within the period covered by this report, 46% of adult prisoners reported that they had ever felt unsafe in their current establishment. Of these, one in 10 (10%) reported feeling

³⁶ Shaw, J., Appleby, L. and Baker, D. (2003). *Safer prisons: A national study of prison suicides 1999–2000 by the National Confidential Inquiry into Suicides and Homicides by People with Mental Illness*. Manchester: National Confidential Inquiry into Suicides and Homicides by People with Mental Illness.

³⁷ There are two risk categories: high risk and standard risk. Prisoners are classed as high risk when there is a clear indication (from evidence) of a high level of risk that they may be severely violent to a cellmate, or that a cellmate may be severely violent to them. (HM Prison Service 2015 PSI Cell Sharing Risk Assessment).

unsafe in their cells; this was highest in local establishments, where 13% reported that they had felt unsafe in their cell.

Figure 14: Percentage of survey respondents who reported that they had ever felt unsafe and had felt unsafe in their cell (N=7,202).



1.62 Feeling safe within the first few days in custody is essential. Our findings paper on the first 24 hours in custody highlighted how the first few days in custody can be when prisoners are the most vulnerable and the risk of self-harm is high during this time.³⁸ It is therefore essential that their first cell is clean and provides the appropriate facilities for their induction into the prison. On an inspection of HMP Pentonville in 2015, shockingly, we found dried blood on a bunk bed and empty cells that were not routinely prepared for occupation and were often left in a filthy state, with the new occupant of a cell expected to clean it.

Figure 15: An empty G wing cell at HMP Pentonville (inspected in February 2015).



³⁸ HMI Prisons (2015). *Life in prison: The first 24 hours in prison*. London: HMI Prisons.

- I.63** In addition to our expectation that women feel safe in their residential units, HMI Prisons expects that officers do not enter women's cells without knocking and waiting for a reply, except where there is an operational need. This practice was highlighted as good practice at HMP Bronzefield (2016), where officers routinely knocked on cell doors prior to opening hatches. However, this practice is not common in all women's establishments.

Conclusion

- I.64** Prison cell conditions and facilities vary greatly across the prison estate. They vary not only between establishments but also within establishments, where newer wings will sometimes provide a higher quality of accommodation than older wings, or accommodation will vary depending on the nature of the population held on the wing. Some cells are in good physical condition: they are properly decorated, clean, well heated and ventilated, with lots of natural light, and free from graffiti; they have fully partitioned toilets, in-cell showers and secure lockable cupboards, providing some mitigation. However, this is not what all prisoners experience. Many prisoners have to eat meals sitting on a bed feet away from an open toilet, and also have to defecate feet away from their cellmates, separated by nothing but a curtain. Some cells also have broken windows, poor ventilation and heating, graffiti, damp, exposed wiring and vermin.
- I.65** Poor cell conditions exacerbate the impact of being locked up for long periods of time. Many prisoners spend long periods of time confined in cells that are cramped and decrepit, often with little to stimulate them. When confined to their cells it is important that prisoners can access stimulating in-cell activities to help them pass the time constructively. However, sometimes access to such activities is limited: prisoners may not be able to access the library or other education opportunities, or may not have the means to purchase craft materials, and so spend long hours in confined spaces with nothing to occupy them.

Areas of concern and recommendations

To HMPPS

1.66 Concern: Too many prisoners live in cells that are far too small for multi-occupancy.

Recommendation: HMPPS should review all current cells to assess those which do not meet the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment's (CPT) minimum standards and provide a plan for reducing the number of prisoners in crowded cells.

Recommendation: Cells being built as part of the future prisons programme should meet the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment's (CPT) minimum standards for living space per prisoner:

- 6m² of living space for a single-occupancy cell plus sanitary facility;
- at least 2m between the walls of the cell;
- at least 2.5m between the floor and the ceiling of the cell.

Multi-occupancy cells should be built to the following standards:

- Two prisoners: at least 10m² of living space plus sanitary annexe;
- Three prisoners: at least 14m² of living space plus sanitary annexe;
- Four prisoners: at least 18m² of living space plus sanitary annexe.

1.67 Concern: Too many prisoners live in squalid cell conditions with inadequate ventilation, damaged furniture and unscreened toilets.

Recommendation: All cells should be in good physical condition and contain appropriate facilities and equipment for day-to-day life.

1.68 Concern: In-cell toilets are unhygienic and when in shared cells lead to a loss of dignity and respect for prisoners who use them.

Recommendation: In-cell toilets should have lids and a floor-to-ceiling partition with a closable door to protect the privacy of prisoners sharing cells and also to reduce the transmission of bacteria within cells.

1.69 Concern: Prisoners spend far too long locked in their cells with limited access to association or purposeful activity.

Recommendation: Prisoners should spend at least 10 hours out of their cells and have access to a wide range of stimulating in-cell activities.

Acknowledgements

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