

UNDERSTANDING PRISONER RIGHTS & REPORTING MISTREATMENT: A GUIDE FOR LOVED ONES

CONSIDER THIS SCENARIO -

John, a prisoner at HMP Parkhurst, claims he was mistreated during a routine search. While being searched, a prison officer allegedly grabbed his wrist aggressively and pushed him towards the wall without provocation. John feels that the officer's actions violated his rights since no emergency, medical assistance, or lawful restraint was necessary at the time.

John seeks advice from his family on how to proceed. His family is concerned and wants to help, but they are unsure of the steps to take. They learn that John must start the complaint process himself, and there are specific actions that need to be followed to ensure his rights are respected.

His rights and the processes to follow are below:

IN THE INCIDENT, AS DESCRIBED, THERE SHOULD NOT BE ANY REASON AT ALL FOR AN OFFICER TO TOUCH A PRISONER, OR VICE VERSA DURING THEIR DUTIES APART FROM THE FOLLOWING TIMES:

- When administering medical treatment or assistance in an emergency.
- When applying restraint during an incident.
- When conducting a rubdown search.
- On occasions, they may shake hands when greeting.

There is absolutely no excuse during conversation, particularly during an altercation for poking a prisoner with a finger, pushing them, grabbing them by the wrist, or leading by the elbow etc ...

If an altercation escalates into violence or restraint is required, the General Alarm would be activated for other staff to assist, and an organised, lawful C&R situation would develop. Prison Officers are allowed to use what is known as a **Pre-emptive strike** when faced with a threat of violence, but sustained punching and kicking is not lawful unless there is a threat of serious injury/death.

In any event where a prisoner is manhandled, the actions of all officers in attendance **MUST** be recorded on the "Use of Force" form, as soon as possible after the incident and the prisoner **MUST** be medically examined to record any injuries and to ensure no further medical help is needed. In almost all cases a prisoner would be placed on report and face a Governors Adjudication. They can be placed in their own cell but invariably they are taken, albeit temporarily to the Segregation Unit.

All prisons should be equipped with CCTV and officers should wear body cameras to record incidents, ensuring the safety of both staff and inmates. These recordings are essential in safeguarding officers from false allegations of assault by prisoners, as well as documenting any unlawful actions by officers. Having this technology in place provides clear evidence of events, promoting transparency and accountability on both sides when complaints of misconduct arise.

TO ASSIST FAMILY MEMBERS THEY SHOULD KNOW WHAT IS AVAILABLE TO THEIR LOVED ONES IF THEY ARE MISTREATED :

COMPLAINT TO POLICE

In the incident described, the prisoner could ask to see the PLO (Police Liason Officer) and complain that they had been assaulted.

The police must deal with the complaint as they would in the community.

COMPLETING THE COMP 1 FORM

In all cases where there are allegations of mistreatment, the Prisoner must fill in the COMP 1 form that is available from the wing office.

It is pointless for family members/friends to make complaints to the Governor or the Safer Custody Office if the prisoner themselves has not made any complaint. This form starts a paper trail on which all other avenues will rely.

COMPLAINT TO PRISONS OMBUDSMAN

A prisoner can complain to the Prisons Ombudsman and they can investigate only IF/WHEN all internal processes have been followed. They need a paper trail and it is time consuming, but worth it if it affects progress in prison, or towards parole if relevant.

You can contact the Prisons and Probation Ombudsman (PPO) by:

Emailing mail@ppo.gov.uk
Writing to the PPO at Third Floor, 10 South Colonnade, London, E14 4PU

Calling 020 7633 4100 or lo-call 0845 010 7938

LEGAL INTERVENTION

Prison Treatment issues do not qualify for legal aid, and it is a waste of money instructing a lawyer if the internal complaints system has not been used, there has been no police involvement and there is no evidence available other than the prisoners allegation of unfair treatment. However, a lawyer could charge for obtaining a copy of a prisoners full record, to examine Security Intelligence Reports, C-Nomis entries, which record all incidents, behavioural records and decisions taken. This may provide evidence of unfair/unlawful treatment, but it can also support the prisons stance that there is nothing to answer to. A prisoner can ask for a full copy of his prison records from the DATA COMPLIANCE UNIT and although it is free, prisons can charge an admin fee, normally £10.

SUBJECT ACCESS REQUEST

It can be just a simple letter headed Subject Access Request, which must include the address of the prison that the prisoner is in, his/her full name and Prison number. It MUST be signed by the prisoner and not by any third party.

It is always good for a prisoner to see what is being recorded about them, especially as they move towards a move to Open Prison or a Parole Hearing.

The prisoner can make a Subject Access Request (SAR) direct to :

The Data Compliance Unit
Branson Registry
Building 16
Supply and Transport Store
Burton Road, Branson
Burton on Trent
Staffs, DE14 3EG

Further info can be found here :

<https://unlock.org.uk/advice/prison-records/>

A prison cannot refuse this information, and if there is any resistance then a complaint can be made to:

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

Helpline number: 0303 123 1113

COMPLAINT TO LOCAL MP

A local MP can ask questions on behalf of a prisoners family, but the response is usually a standard one drafted by the Public Protection Casework Section, who often refer back to the internal process.

PPCS
Southern House, Croydon, CR0 1XG

*Credit to: **Joe Chapman**, Award winning Prison Officer and our resident prison law specialist in Unseen Victims.*