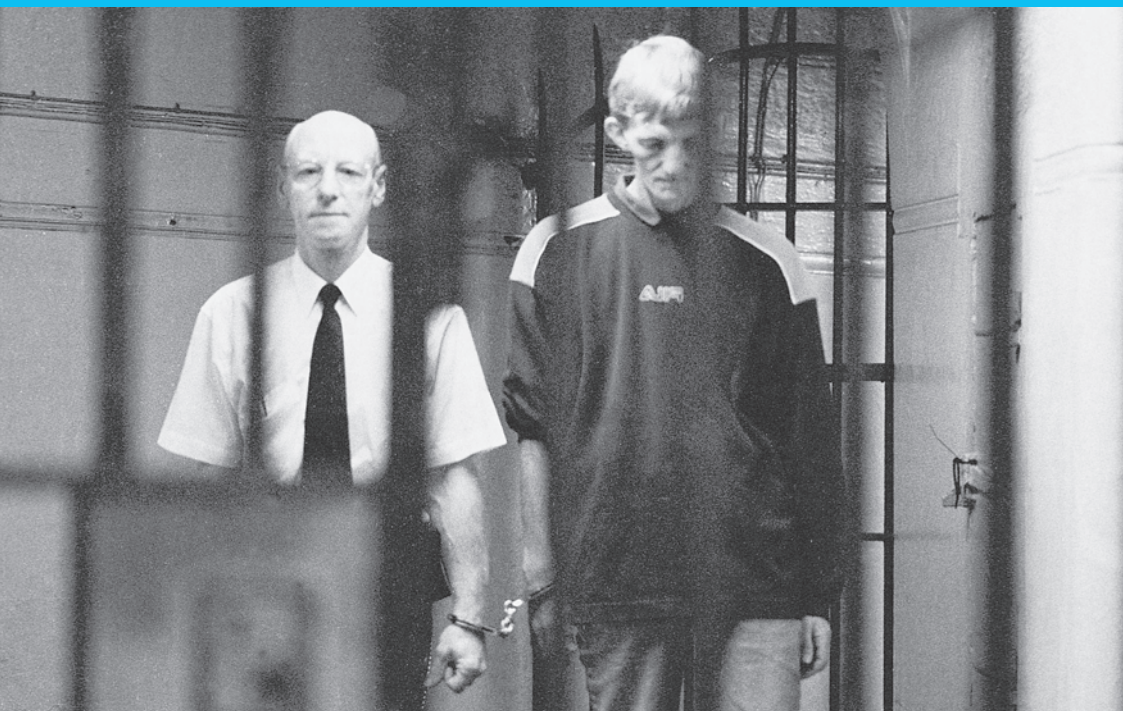


Humanity in Prison

*Questions
of definition
and audit*

Andrew Coyle



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International Centre
for Prison Studies

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Foreword

This publication has two objectives. In the first place, it sets out to provide a working definition of ‘humanity’ as regards the treatment of people who have been deprived of their liberty. Secondly, it offers a proposal for the measurement of ‘treatment with humanity’ in the prison setting.

All prison systems, in all countries, are expected to treat detained people with humanity. However, it is not possible to find a simple explanation of what ‘humanity’ means in this context. A definition needs to be sought through an analysis of the large body of United Nations conventions, norms, standards and guidelines, supplemented by the conventions and texts of regional human rights bodies such as the Council of Europe. It is sometimes argued that ‘humanity’ is too complex to measure and too subjective for its delivery to be audited. We do not agree. Experience from around the world shows that it is possible to produce a workable definition.

In 2002 the International Centre for Prison Studies produced *A Human Rights Approach to Prison Management*, a handbook which analyses this body of international instruments and describes what they imply in practical terms for prison managers and staff. It is the responsibility of these managers and staff to take the international body of requirements for the treatment of detained people and to apply it in the particular local context in which they work. This current publication builds on the work in the earlier handbook, with a particular focus on the position in England and Wales and we hope that it will help prison staff in England and Wales to measure the extent to which they treat prisoners with humanity.

In looking at ways of measuring humanity in the treatment of prisoners in the Prison Service of England and Wales, we are entering a field that is already marked by extensive activity. The Prison Service is vigorously pursuing its ‘decency agenda’ and the groundbreaking work of Alison Liebling and colleagues at the Cambridge Institute of Criminology has begun to produce a statistically valid methodology for measuring the quality of the treatment of prisoners.

We hope that the work we have done, and our suggestions for a draft tool to measure the extent to which prisoners are treated with humanity, will be useful additions to that work and will root it in the thinking of the international human rights instruments to which the UK Government is a party. At times when prison services are under great strain ‘humanity’ can suffer and prison staff can be put under pressure to give a reduced priority to the basic human decencies. In our view this publication is, therefore, timely and we hope it will help prison staff under pressure to be clear about their responsibilities.

Many people have contributed to this publication and need to be thanked. A group of senior prison governors met at ICPS to reflect on what treating prisoners with humanity meant to them and how they tried to measure their performance. A number of people provided very useful comments on a draft of the document; they included Silvia Casale, Alison Liebling, Stephen Shaw, Colin Allen, Terry Bone and Arthur de Frisching. Thanks are also due to Jim Haines, Vivien Francis, Helen Fair and Vivien Stern of ICPS for their work in putting the document together, to Sara Burns for producing the first draft of the audit tool and to the Pilgrim Trust for its financial support for this project.

SECTION ONE

A discussion of
'treatment with
humanity'

The need to measure humanity in prison

Much of the activity of prisons in England and Wales is now subject to measurement. For example, figures are collected conscientiously and assiduously on how many random drug tests are carried out, how many hours prisoners spend in constructive activities, how many cells are searched each month, how long prisoners spend in education classes, how many assaults take place. Performance indicators for the Prison Service for 2003-2004 are intended to ensure that prisoners spend on average at least 24 hours a week in 'purposeful activity', that the rate of serious assaults is no greater than the preceding year, and 'that the number of prisoners held two to a cell designed for one, expressed as a percentage of the population, does not exceed 18 percent'.¹

Levels of constructive activity, numbers of assaults and proportion of prisoners living in overcrowded conditions are indeed important indicators of the health of any prison system. Collecting such information enhances the accountability which the Prison Service has to Parliament and the public. It is worth collecting it and making it widely available.

However, this does not tell the whole story about what prisons are like and the public service they are delivering. Knowing for example that the number of prisoners sharing cells built for one is restricted to 18 percent of all prisoners gives us little information on how those 18 percent, or the other 82 percent, are being treated in other respects. Are they being spoken to respectfully by all staff or are they sometimes being subjected to insult because of their ethnic origin or personal characteristics? Are they receiving their proper entitlement to family visits? Is anyone aware of whether any of them have made earlier suicide attempts? Such statistics alone will not tell the senior manager or the member of the Independent Monitoring Board (formerly the Board of Visitors) whether the prison is being managed according to the ethical standards that the Prison Service would expect and according to international law and the international human rights obligations of the United Kingdom.

... centralist command and control supported by a plethora of targets is as counterproductive as it was in the former Soviet bloc.

James Strachan, Chairman, Audit Commission²

Statistics can also be subject to fine-tuning by managers who are anxious to turn in the right results. Are cells being re-classified from single to double occupancy to help meet the overcrowding target or to bring down the unit cost of a prison place? When hours of constructive activity are being measured, who is defining what is constructive?

Any visitor to a prison in England and Wales will be struck by a short clear statement prominently displayed at the entrance and sometimes in other parts of the prison also. It is the Statement of Purpose, which was adopted in 1988 by the Prison Service. It reads:

Her Majesty's Prison Service serves the public by keeping in custody those committed by the courts. Our duty is to look after them with humanity and help them lead law-abiding and useful lives in custody and after release.

Providing humane treatment to prisoners is therefore a central function of the Prison Service. Yet very little of the counting, recording, auditing, reporting and accountability activity leads directly to a measurement of the treatment with 'humanity' that is required by the Statement of Purpose.

In the political arena where the Prison Service is held accountable humane treatment can be of considerable importance. Where actions are taken by prison staff that violate common understandings of humanity there are political consequences. The Minister for Prisons in 1996, Anne Widdecombe, had to face a storm of protest about a pregnant woman from Holloway prison who was taken to the local hospital to give birth and was there shackled to the bed. The incident led to the Minister making a statement to the House of Commons on 9 January on the Prison Service policy for restraining prisoners in outside hospitals. In response the MP for Blackburn, Jack Straw, called the practice of shackling in labour 'inhuman, degrading and unnecessary'.³ Following the statement, meetings were held between the President of the Royal College of Midwives and the Director General of the Prison Service to agree new procedures and a further

statement was made to the House of Commons by the Home Secretary, Michael Howard. Jack Straw welcomed this statement and said:

*...is it not the truth that [the Home Secretary] has been driven to this humiliating retreat, not by decency or compassion, but by panic at the avalanche of bad publicity that has engulfed both him and his Minister of State?*⁴

If the prison had been auditing its practices regularly according to principles of humanity, it would not have put Government ministers in that position.

Staff at Cardiff prison found themselves under investigation in 1997 when questions were raised in Parliament about a remand prisoner, Geoffrey Thomas, who was admitted to hospital, was diagnosed as having terminal cancer and was kept shackled to the bed until three hours before he died.⁵ Compensation of £25,000 was subsequently offered to the Thomas family.⁶ Reports by the Chief Inspector of Prisons, which have highlighted other situations of stark and gross inhumanity in the treatment of prisoners, have also been mentioned in the press and in Parliament. In 2001 there was publicity over the dismissal of two members of staff from the privately managed Parc Prison in South Wales. They had given a prisoner a note saying that all his family had been killed in a fire. This was not true.⁷

Political consequences follow from high profile cases of inhumane treatment. Sometimes when a culture of inhumanity has taken hold in a prison actions can take place that lead to criminal proceedings. The ill-treatment of some prisoners at Wormwood Scrubs prison by prison officers led to the police in 1999 forwarding a dossier of allegations against 43 members of staff to the Crown Prosecution Service.⁸ Seven officers were suspended and three were convicted and imprisoned in 2001.⁹

By definition, prison is a coercive environment in which persons are held against their will. This means that issues of security and good order need to be given a high priority in operational terms. However, there needs to be an effective balance which ensures that considerations of security and order do not become unduly oppressive nor are misused to justify inhuman behaviour and treatment.

Against this background, at the Prison Service conference in February 2000 the then Director General, Martin Narey, launched the 'decency' agenda. He made it

clear that the Prison Service expected prisoners to be treated ‘with dignity’.¹⁰ Since then the Service has maintained and developed this approach. When Phil Wheatley was appointed Director General in March 2003, he committed himself to ‘leading a prison service that treats all prisoners...with decency and fairness.’¹¹

We therefore conclude that it is worth developing tools to assess the level of humanity in the treatment of prisoners. The Prison Service can then more easily satisfy Parliament and the public about a proper level of treatment. It can also see how far it is realising its own ambitions to deliver ‘decency’.

It is worthwhile developing a tool for measuring humanity in the treatment of prisoners for another important reason. If most measurement relates to activities such as security and other outputs that can easily be counted, then managers will quite reasonably place great emphasis on those activities. In the BBC Reith Lectures (2002) Baroness Onora O'Neill, Principal of Newham College, Cambridge, pointed out that, in the new culture of public accountability, the real focus is on performance indicators chosen for their ease of measurement rather than because they measure quality of performance accurately.

*Most people working in the public service have a reasonable sense not only of the specific clinical, educational, policing or other goals for which they work, but also of the central ethical standards that they must meet. They know that these complex sets of goals may have to be relegated if they are required to run in a race to improve performance indicators.*¹²

This document aims to help the Prison Service by putting ‘treatment with humanity’ in an international context, by producing a working definition derived from international human rights law and guideline documents, and by including a draft audit tool that prison staff might like to use themselves as a way of assessing how far the Service’s Statement of Purpose is being met.

2 The context of the development of a humanity audit

The central importance of prison staff

The Prison Service's Statement of Purpose requires that prisoners should be treated with humanity. It also encompasses the other two core elements of imprisonment, they are, ensuring prisoners are held in lawful custody and do not escape, and providing a rehabilitative regime that gives prisoners opportunities to better themselves.

Taken in conjunction, these three elements make up the foundation stones of the management of any prison that is run within the international human rights framework. It is essential that there should be a proper balance between all of them. A system which places an undue emphasis on preventing escapes, while relegating rehabilitative regimes and treatment with humanity to a second order of importance is unlikely to be a prison which is properly managed. Similarly, an emphasis on rehabilitative activities that marginalises both considerations of security and treatment with humanity will also produce a flawed system.

The need to balance the different elements of imprisonment was a central theme of the Woolf Report of 1991, a document that defined most authoritatively the proper character of prisons in a democratic society bound by international law. In his report Lord Woolf said:

(T)here are three requirements which must be met if the prison system is to be stable: they are security, control and justice.

For present purposes, "security" refers to the obligation of the Prison Service to prevent prisoners escaping. "Control" deals with the obligation of the Prison Service to prevent prisoners being disruptive. "Justice" refers to the obligation of the Prison Service to treat prisoners with humanity and fairness ...¹³

Herein also lies the true professionalism of prison staff. It is possible to design a prison system which has as its sole objective the prevention of escapes. This can be achieved through the rigid application of security measures without regard to the human consequences. A system that aims solely to control those within it will be

similarly one-dimensional. To provide a balanced prison system that ensures adequate security and control within a guiding ethos of treatment with humanity is an immensely complex task, calling for highly developed professional skills and leadership.

Prison staff are thus a central element in any discussion about humane treatment of prisoners. As we wrote in the handbook on human rights and prison management:

Government ministers and senior administrators should make it clear that they hold prison staff in high regard for the work they do and the public should frequently be reminded that prison work is an important public service... An emphasis by the prison authorities on correct processes, a demand for operational efficiency, or pressure to meet management targets without a prior consideration of ethical imperatives can lead to great inhumanity.¹⁴

The attitudes and actions of first line staff will determine whether or not prisoners are treated with humanity. They are in contact with prisoners day in and day out and they make the practical decisions that affect every aspect of prisoners' daily lives. If staff are to be expected to treat prisoners decently then they themselves will have to be treated decently by their management. In this respect the Prison Service of England and Wales has over the years faced many difficulties. The history of staff/management relations has not been a happy one. The Woolf report of 1991 highlighted a series of management failures.¹⁵ Most recently research by Alison Liebling and David Price suggests that prison staff complain of a 'them and us' relationship between staff and management.¹⁶ Managers do not take sufficient account of officers' views. Managers are more concerned about how prisoners feel than how staff feel.¹⁷ Staff are clear that the way they are managed affects the way they treat prisoners. 'If they (management) become authoritarian with us, then it goes straight down the line'.¹⁸ The researchers also report that prison staff described their ideal working environment as one where they are 'seen, heard, respected, rewarded', where they 'feel safe, supported, and nurtured'.¹⁹

The current publication focusses on the need to treat prisoners with humanity. There is room for a separate analysis of the need to treat prison staff with humanity but that is not our purpose here. Some issues in this area were dealt with in an earlier ICPS publication.²⁰

Inhumanity in the criminal justice system itself

Any consideration of humanity in the Prison Service needs to take account of what other parts of the criminal justice system require of prisons. The Prison Service must not have inhumane treatment thrust upon it either by the courts or by government policy. When the courts send to prison people whom prisons can only hold inappropriately then they are contributing to inhumane treatment.

The prison system, for example, should not be required to detain people who are mentally ill. On 29 November 1994 Christopher Edwards, a disturbed young man who had been remanded into prison custody, was kicked to death in his cell in Chelmsford prison by his cellmate. In 2002 the European Court of Human Rights found that there had been a violation of Article 2 (the right to life) of the European Convention on Human Rights as regards the circumstances of Christopher's death.²¹ The Prison Service carried a heavy burden of responsibility for the death of this young man, which it acknowledged. However, serious questions need to be asked about the court that saw fit to remand Christopher Edwards to prison rather than to the health services.

Few prisons are equipped to hold severely physically disabled people. One particularly shocking case in this respect is that of Adele Price, a thalidomide victim with no arms or legs who was sent to prison for seven days for contempt of court in January 1995. The European Court of Human Rights found that her treatment in prison amounted to inhuman and degrading treatment and awarded her costs and compensation. The Court considered that 'to detain a severely disabled person in conditions where she is dangerously cold, risks developing sores because her bed is too hard or unreachable, and is unable to go to the toilet or keep clean without the greatest of difficulty, constitutes degrading treatment contrary to Article 3.'²² It is also of interest in this context to note the 'separate opinions' of three of the judges. Two of them criticised the sentencing judge for sending Adele Price to prison without ensuring that there was a place of detention where her needs could be met. The third judge was even more critical and her comments are worth quoting at length because of her analysis of treatment with humanity.

In this case there is a lack of immediate compatibility between the applicant's mere situation and detention in any ordinary prison facility. The applicant is confined to her wheelchair and has an extensive need for assistance, to the extent that at night she is unable to move enough to keep a

normal human temperature if the room in which she stays is not specially heated or, as in casu, she is not wrapped, not just in blankets, but in a space blanket.

...In a civilised country like the United Kingdom, society considers it not only appropriate but a basic humane concern to try to ameliorate and compensate for the disabilities faced by a person in the applicant's situation. In my opinion, these compensatory measures come to form part of the disabled person's bodily integrity. It follows that, for example, to prevent the applicant, who lacks both ordinary legs and arms, from bringing with her the battery charger to her wheelchair when she is sent to prison for one week, or to leave her in unsuitable sleeping conditions so that she has to endure pain and cold – the latter to the extent that eventually a doctor had to be called – is in my opinion a violation of the applicant's right to bodily integrity. Other episodes in the prison amount to the same.

The applicant's disabilities are not hidden or easily overlooked. It requires no special qualification, only a minimum of ordinary human empathy, to appreciate her situation and to understand that to avoid unnecessary hardship – that is, hardship not implicit in the imprisonment of an able-bodied person – she has to be treated differently from other people because her situation is significantly different.

As the Court has found, Article 3 is violated in this case. In my opinion, everyone involved in the applicant's imprisonment – the judge, police and prison authorities – contributed towards this violation. Each of them could and should have ensured that the applicant was not put into detention until special arrangements had been made such as were needed to compensate for her disabilities, arrangements that would have ensured that her treatment was equivalent to that of other prisoners. The failure to take these steps foreseeably gave rise to violations of the applicant's personal integrity – physical and psychological – as well as to inhuman and degrading treatment.

The treatment to which the applicant was subjected moreover violated not only specific provisions but the entire spirit of the Standard Minimum Rules for the Treatment of Prisoners.

Young people in prison can be particularly vulnerable. In recent years, courts in England and Wales have sent an increasing number of children into the custody of the Prison Service. This practice flies in the face of international human rights instruments, including the Convention on the Rights of the Child, to which the UK is a signatory. The Prison Service makes every effort to treat these children with humanity but it is not always successful in doing so. Kevin Henson was 17 years old and on remand at Feltham Young Offenders Institution when he hanged himself by a piece of sheet from an electrical pipe in his cell in September 2000. The Coroner who presided over the inquest expressed concern about the failure of the prison to pass relevant information about Kevin's history and mental state to the responsible staff. The prison failed in many respects. But Kevin Henson had been showing signs of emotional disturbance since the death of his mother when he was 14 years old. He had developed a serious alcohol problem. His remand to Feltham Young Offenders Institution took him into prison for the first time, and so he was not able to visit his mother's grave on her birthday, which was very important to him.²³ While the Prison Service was at fault in its treatment of Kevin, it has to be remembered that it was a court that took the decision to send this child to prison in the first place.

Overcrowding

Overcrowding is a severe test of the humane treatment of prisoners all over the world. It puts pressure on physical resources but also on human resources. It leads to prisoners being treated as commodities. The priority of the prison system becomes the need to find a location in which to detain them, with little account being taken of whether or not it is appropriate. For example, in times of severe overcrowding local prisons in England and Wales operate by way of 'overcrowding drafts'. A unit in Prison Service headquarters has the task of ensuring that every prisoner in the country has a bed for the night. Local prisons submit figures to this unit on a daily basis covering the number of prisoners who are due to be released or transferred to another prison, together with the expected number due to be received from the police or from court. If it becomes clear that there will not be sufficient beds to accommodate the expected number of new prisoners in a particular prison, an order is issued to prepare an 'overcrowding draft'. Within a matter of hours a list has to be drawn up of sufficient prisoners to be transferred to another prison. The main criteria are that the prisoners involved are not due to be released within the next few days, or to be presented at court or, for example,

do not have a hospital appointment. They may be prisoners on remand, who are awaiting trial or who have just recently been sentenced. Overcrowding is more likely to occur in the large urban prisons in London and other major cities. Available spaces are often in locations that are far removed from these centres of population, so prisoners can find themselves transferred at very short notice hundreds of miles from their home areas. It is frequently not possible to pass word to families or friends, who may turn up to visit a day or so later only to find that the family member is no longer there. Director General Phil Wheatley said of ‘overcrowding drafts’ that they were ‘always bad news... (They are) bad news for us and they are quite bad news for prisoners usually – coming at short notice, with no chance to tell anybody, to a place they don’t want to go to’.²⁴

Overcrowding threatens all of the Inspectorate’s tests of a healthy prison – safety, respect, purposeful activity and resettlement.

Anne Owers, HM Chief Inspector of Prisons²⁵

Overcrowding puts the emphasis on finding bed spaces for numbers rather than for individuals with names, families and home towns. It also limits the time available to staff. They can no longer treat prisoners as individuals. They are reduced to dealing with people en masse as ‘bodies’ to be processed, fed, locked and unlocked. Expecting staff to deal with so many people without the time to recognise their individuality or identify their specific problems and anxieties is asking them to put humanity and respect to one side. When the government calls on its prison staff to work in such an environment it must not be surprised when the staff do not reach the standards of humanity required of them by the Statement of Purpose.

...the more we put pressure when we “churn” people through, the less we deal with individuals, and are more at risk of missing individuals that we might otherwise notice.

We are greatly at risk of individuals in the prison being completely dehumanised – it’s a very big machine that is churning away – as individuals, they are not very important to it and they feel the weight of imprisonment at that point and it looks like a very scary world they are entering...

Phil Wheatley, Prison Service Director General²⁶

Pressure from security requirements

Prison staff have an important responsibility to make sure that their prisons are secure and that prisoners do not escape. The manner in which they fulfil this responsibility will inevitably affect their relationship with prisoners. It is possible to carry out security duties in a humane manner but this requires special skill and professionalism. Security work, such as personal searches of prisoners, searching cells, moving prisoners around to prevent escape attempts, often presents a real challenge to maintaining the highest standards of humane treatment. Security measures, even when justified, can lead to unnecessary humiliations.

Thomas Munch-Petersen was a university lecturer who served 45 days in prison for causing three deaths in a car accident. He was in three prisons – Shrewsbury, Wandsworth and Ford. He described his experiences to a reporter from the Times. His wife and his two sons visited him at Ford prison, but in many ways it was a lugubrious experience for his family to see him in his prison tracksuit and “dog tags”, the identity cards inmates must wear. “You are conscious that it’s not just you who’s humiliated. It’s them as well...” He was astonished at the disrespect shown to relatives at Ford Prison. ‘One visiting period ended with a warder shouting: “It’s time to end your visits, ladies and gentlemen, that’s if there are any ladies and gentlemen here”’.²⁷

At Brockhill prison the Chief Inspector found not only that prisoners receiving their visits had to wear bibs to distinguish them as prisoners, but also that those prisoners on the lowest behaviour grade, called basic grade, wore different coloured bibs from the other prisoners.²⁸

Many of the security measures which are implemented with the objective of reducing the risk of drugs being brought into prisons by visitors can lead to potential humiliation for prisoners and their visitors if they are not carried out sensitively. Examples are the personal searches of visitors, the use of sniffer dogs, constant surveillance of visits by CCTV cameras that can zoom in closely enough to read the writing on a crisp packet. The need to use such practices should be kept under constant review; they should not be taken for granted nor regarded as the norm.

The International Framework

...no state can afford to be complacent about the likelihood of torture or inhuman or degrading treatment occurring...

Malcolm Evans and Rod Morgan, 1998.²⁹

In common with all prison services the Prison Service of England and Wales has international and regional human rights obligations. For example, by choice the UK government has entered into legal obligations to observe the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, the International Convention on the Elimination of all Forms of Racial Discrimination, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Convention on the Elimination of all Forms of Discrimination against Women and the Convention on the Rights of the Child. The UK government was not obliged to ratify these treaties, but in doing so it undertook to implement every element of each treaty. This has implications for the Prison Service.

The UK Government is also a signatory to the European Convention on Human Rights and the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment. Under the latter convention an inspection mechanism has been set up, known as the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT). The Committee is entitled to visit places of detention in the UK at any time and subsequently to report to the Government on what it finds. Such inspections are aimed at preventing torture and inhuman and degrading treatment by ensuring that in prisons the climate, the ethos and the practices emphasise the need to treat prisoners as human beings entitled to respect.

The CPT made its first visit to the UK in 1990. In its subsequent report it found that in Brixton, Leeds and Wandsworth prisons the combination of overcrowding, lack of integral sanitation and inadequate regimes for prisoners constituted inhuman and degrading treatment.³⁰ By mid 2003 the Committee had visited the UK eight times.

A system of inspection of prisons by independent bodies is likely to become more widespread when anticipated new United Nations arrangements become operational. The UK Government played a leading role at the United Nations in supporting a new instrument, the Optional Protocol to the UN Convention against Torture, which was finally opened for signature and ratification on 4 February 2003. Under this Optional Protocol a new international expert visiting body, a Sub-Committee of the UN Committee against Torture, will be created. States that ratify the Optional Protocol must also establish or maintain national visiting bodies. These bodies will work together to conduct regular visits to places of detention and make recommendations to authorities for improvement in the treatment of persons deprived of their liberty and in the conditions of detention.

A regular audit of humanity in the Prison Service would assist the Government in ensuring that its obligations under the European Convention on Human Rights and the Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment as well as to the United Nations were being met.

3 Towards a definition of ‘treatment with humanity’

The international human rights instruments

The international human rights documents do not provide a short, clear explanation of what is meant by ‘treating prisoners with humanity’. The meaning of the term has to be extracted from a large body of covenants, conventions, guidelines, declarations, norms, standards instruments and court judgements, as well as from the accepted standards of the world community for the treatment of human beings by state agencies.

The main international instrument of relevance is the *International Covenant on Civil and Political Rights*, which has a number of articles referring to people deprived of their liberty. These include Article 7, which prohibits ‘torture or ... cruel, inhuman or degrading treatment or punishment’ and Article 9, which prohibits ‘arbitrary arrest or detention’. Article 10 is the key article for our purposes. It requires treatment with ‘humanity’ and ‘respect for the inherent dignity of the human person.’ The three elements, **humanity**, **respect** and **inherent dignity** give some guidance about the way each human being should be seen, that is as sharing with others a common membership of human kind and as meriting respect because the right to respect and preservation of dignity is inherent in being a human being.

The international instruments leave no doubt that this level of treatment applies to all human beings, imprisoned or free. Article 1 of the *Universal Declaration of Human Rights* is unequivocal in stating that ‘all human beings are born free and equal in dignity and rights’. The men, women and children who are in prison remain human beings. Their humanity extends beyond the fact that they are prisoners and there can be no circumstances in which the loss of the right to be treated with humanity could be seen as implicit in the act of imprisonment. The reason those deprived of their liberty are specifically singled out in the international human rights instruments is because deprivation of liberty can so easily lead to treatment with inhumanity and lack of respect. It should never be forgotten that these instruments were drafted in the period following the Second World War and are based on the concrete experience of the sufferings of people deprived of their liberty during those years.

The various interpretative instruments adopted by the United Nations are also helpful in reaching a definition of what is meant by “treating prisoners with humanity”. The *Standard Minimum Rules for the Treatment of Prisoners* and the *Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment*, for example, give considerable detail on how prisoners should be treated.

The *Standard Minimum Rules for the Treatment of Prisoners* suggest that an environment where prisoners are given ‘*respect due to their dignity as human beings*’ (rule 60 (1)) will be one where the differences between prison life and life at liberty are minimised. They also stress that the treatment should encourage prisoners’ ‘*self-respect and develop their sense of responsibility*’ (rule 65).

The concepts of **responsibility**, **respect for human dignity** and encouragement of **self-respect** are seen as intrinsic to treatment of prisoners according to United Nations standards. The same concepts are echoed in the basic principles that preface the Council of Europe’s *European Prison Rules*. These rules call for:

The deprivation of liberty ... in material and moral conditions which ensure respect for human dignity (rule 1).

and also refer to the need for custody to sustain prisoners’ ‘self-respect’ and to develop ‘their sense of responsibility’ (rule 3).

In the new European Prison Rules (Recommendation No. R (87) 3) there has been a shift in the priorities and emphases ... Most important has been the elevation to the highest priority of the six rules of basic principle which are the bedrock of the whole philosophy and moral code on which the rules rest. These basic principles embody the criteria of humanity, respect for human dignity, social purpose and managerial performance which comprise a coherent and effective basis for the administration of modern prison systems. They endow those systems with the essential attributes of an ethical social organisation that are important to the welfare of prisoners, the status of staff and the expectations of civilised society in contemporary circumstances.

Explanatory Memorandum to European Prison Rules³¹

The case law of the European Court of Human Rights is very important in any analysis of the practical details of how to treat prisoners with humanity. Prisoners have brought several cases to the Court arguing that the way they have been treated in prison constitutes inhuman and degrading treatment. For example, in 2002, the Court concluded that the Russian government had subjected a prisoner to inhuman and degrading treatment. He had been held in a cell where he had between 0.9 and 1.9 square metres of space; the overcrowding was so bad that prisoners had to take it in turns to sleep; the light was on in the cell all the time; there was constant noise from other prisoners; the ventilation was inadequate; the cell was dirty and infested with pests and there was no privacy. The Court noted that there was no actual intention on the part of the Russian authorities to humiliate or debase the prisoner but in spite of the lack of intention the Court found against the Russian government.³²

In another judgement, this time against the government of Greece, the Court found inhuman and degrading treatment in the case of a remand prisoner held in a cell with no ventilation and no window. He also had to use the toilet in the presence of the other prisoner in the cell and be present when the cellmate used the toilet. The Court concluded that these conditions ‘diminished Mr Peers’ human dignity and gave rise in him to feelings of anguish and inferiority capable of humiliating and debasing him’.³³

Both these cases give indications of how the Court sees humanity and human dignity. Lack of privacy, performing essentially private bodily functions in front of others and living in dirty conditions where health is endangered all render prison conditions inhuman and degrading, regardless of the intention of the prison authorities or their efforts to provide the best conditions they can.

The same approach has informed the UK courts in interpreting the Human Rights Act 1998. In June 2001 a Scottish judge passed an interim order requiring a remand prisoner, Robert Napier, to be transferred out of a cell in Barlinnie prison in Glasgow because the conditions there were inhuman and degrading. The court reached its conclusion because Mr Napier had to use a bucket as a toilet in a cell shared with other prisoners and was only allowed out of his cell one hour per day.³⁴

The reports by the Committee for the Prevention of Torture, on visits to places of detention in all 45 member countries of the Council of Europe, give more rounded guidance on what treatment with humanity means. These reports carry particular weight since they represent the view of a body set up under a treaty ratified by Member States to ensure that these States fulfil their treaty obligations to prevent torture, and inhuman and degrading treatment or punishment.

One major area of emphasis that runs as a constant theme through reports of CPT visits is that of 'degrading' treatment. Degrading treatment usually describes situations where personal bodily privacy is invaded, or where the prisoner is unable to keep clean and have access to fresh clothes. Mention has already been made of its 1991 report on prisons in England and Wales in which it drew attention to a number of practices that it regarded as degrading, particularly 'slopping out'.

The CPT considers that the act of discharging human waste, and more particularly of defecating, in a bucket or pot in the presence of one or more other persons, in a confined space used as a living area, is degrading. It is degrading not only for the person using the bucket or pot but also for the person(s) who are obliged to hear and smell his activities.

The other consequences of the absence of integral sanitation – the many hours often spent in the presence of buckets or pots containing one's own excreta and that of others (or the removal of some of it through the cell window) and the subsequent slopping out procedure – are scarcely less objectionable. The whole process must, from start to finish, be extremely humiliating for prisoners. Moreover, the CPT delegation was left in no doubt that slopping out was also very unpopular with the prison officers who had to supervise it; indeed, the task must be debasing for them.³⁵

The Committee also notes that some measures to get rid of slopping-out are a scant improvement on what went before. Unscreened lavatories, it notes, are:

*a far from ideal system of in-cell sanitation – prisoners held in such cells were effectively living in a shared lavatory.*³⁶

Where the prisoner is humiliated in front of other people the Committee feels that human dignity is compromised. For example the Committee found that for a prisoner to be handcuffed when receiving a visit, as was the practice in the Isle of Man prison, could certainly be considered as degrading for both the prisoner concerned and his visitor.³⁷ Allowing prisoners to present themselves in a clean and tidy condition at court is also part of respecting their 'human dignity'.³⁸

In addition to reports on particular countries, the CPT publishes annual General Reports in which basic principles are set out. Principles on the treatment of women prisoners were set out in the 2000 General Report. The CPT expects that prisoners should only be searched by staff of the same gender and any search requiring prisoners to undress should be done out of sight of staff of the opposite gender. Babies should never be born in prison, and pregnant women should never be shackled or restrained to beds or other furniture.³⁹

The Council of Europe also publishes guidance to member countries, which takes the form of Recommendations from the Committee of Ministers. A Recommendation of 1982 on the custody and treatment of dangerous prisoners comments on the preservation of human dignity for prisoners who are undergoing punishment or being held in segregation or other specially secure units:

*Human dignity is to be respected notwithstanding criminality or dangerousness and if human persons have to be imprisoned in circumstances of greater severity than the conventional, every effort should be made, subject to the requirements of safe custody, good order and security and the requirements of community well-being, to ensure that living environment and conditions offset the deleterious effects...*⁴⁰

Health is important in the prison setting. Guidance from the World Health Organisation and international and regional bodies makes it clear that prisoners are entitled to absolute privacy about their health condition. Information on illnesses should be confidential. Medical interviews should always take place out of the hearing of prison staff.⁴¹

The CPT states very clearly that prisoners must be able to communicate with health care personnel in prison 'on a confidential basis, for example by means of a message in a sealed envelope'.⁴² The Committee commented critically about the situation in a Greek prison in which a member of the prison staff acted as a nurse and the prisoners assisting him had access to medical records. At another prison,

medical information was given by nurses to prison staff. Neither of these practices was deemed by the Committee to be acceptable.⁴³ Similar practices in Belgium were also condemned. There, all consultations with medical personnel in the prison visited by the Committee took place in the presence of a member of the prison staff. The CPT recommended that measures be taken to ensure that medical consultations take place out of the hearing of prison staff and, unless the doctor specifically requested it, out of the sight of prison personnel.⁴⁴ Similar comments were made in reports on visits to the Netherlands⁴⁵ and to Denmark.⁴⁶

The World Health Organisation identifies a clear correlation between, on the one hand, prisoners' self-respect and dignity as human beings and, on the other, opportunities for regular social contact and for taking personal responsibility.⁴⁷

The discussion in England and Wales

These issues are the subjects of much current discussion in the Prison Service of England and Wales. The need to treat prisoners decently formed the key message from the then Director General (now Commissioner for the Correctional Services), Martin Narey, to staff at the Prison Service Conference in February 2000. In some prisons, he said,

a minority of staff...a pervasive and dangerous minority, see prisoners not as people entitled to be treated with dignity but as some form of sub species...We do not talk of serving meals but instead refer to feeding, as if we were dealing with animals in a zoo.

He went on to add:

I visited a prison just a few days ago and saw a notice on a door which said: No Entry While Feeding in Progress. What does that convey about our attitude to prisoners?⁴⁸

Speaking on the same theme in 2002, the current Director General, Phil Wheatley, provided a definition of decency in the form of a seven-point checklist. He defined the seven elements of a decent prison as:

- Prisoners are not punished outside the rules of the prison.
- Promised standards within the prison are delivered.
- Clean, properly equipped facilities.

- Prompt attention to proper concerns.
- Prisoners should be protected from harm.
- Actively filled time.
- Fair and consistent treatment by staff.⁴⁹

He went on to suggest that ‘a basic test of whether a prison is running decently and reasonably is whether or not staff would be happy with their relatives being held there’.⁵⁰ This is an illuminating comment when considering a definition of humanity. It brings to the fore the idea that prisoners and staff share a common humanity and are in a sense members of the same family. This sense of common humanity is echoed in one of the four tests made by the Prison Inspectorate to assess a prison, that is ‘prisoners are treated with respect as fellow human beings’.⁵¹

The 2003–2004 Business Plan of the Prison Service notes that there is a determination in the Service ‘to ensure that all prisoners are dealt with as individuals and treated with respect and decency’.⁵²

England and Wales is fortunate to have an independent prisons inspectorate which has at the heart of its approach the notion of treating prisoners with respect as fellow human beings and which bases its work on ‘domestic and international human rights standards’.⁵³ The inspections it carries out are much broader than an audit of how far prisons are meeting public service targets. The Inspectorate looks for a ‘healthy’ prison characterised by four tests: safety, respect, purposeful activity and resettlement. These four tests are the basis of *Expectations* which was published as an annexe to the Inspectorate’s Annual Report for 1999–2000.⁵⁴ *Expectations* was produced by the Inspectorate in order to set out the criteria to be used in assessing the quality of the treatment of prisoners. It draws on all the international instruments, covenants and guidance together with national statutory provision.

An analysis of the Chief Inspector’s Report for 2001–2 gives an indication of the standards the Inspectorate looks for in a prison system that treats prisoners with humanity. The Chief Inspector noted that during the year many prisons had become ‘less decent places’. Decency was lessened, for example, because ‘increasingly, two prisoners share a cell meant for one, with a common toilet in full view (and often providing the only place where one of them can sit to eat)’.⁵⁵

The Chief Inspector identified two types of respect for prisoners: institutional respect and individual respect.⁵⁶ Institutional respect applies to those features of the prison that relate to the building, the facilities, the places where visitors have to wait, the provision of private rooms for strip-searching, the presence of appropriate staff. For example, a shortage of female staff at Brockhill prison for women meant that male staff were required to carry out duties that were inappropriate in a women's prison. At Brockhill the inspectors observed male staff shouting "Decent?" before waiting for the response, "Stripping", from reception staff when strip-searching of women prisoners was taking place. This they noted was the 'procedure to prevent male staff entering at that time'.⁵⁷ The Chief Inspector also criticised Hull prison for neglecting cleanliness and personal hygiene with prisoners only being able to shower every three days and too infrequent changes of underwear and bed linen.⁵⁸ Similarly, Liverpool prison was failing to provide prisoners with the basic hygiene: either a daily shower or change of underwear.⁵⁹ Pentonville prison was able to provide showers only once a week. "We expect prisoners to have access to daily showers and changes of underwear", noted the Chief Inspector.⁶⁰

The Chief Inspector also commented on the conditions in which prisoners were being confined when restricted to their cells as a punishment. She noted that 'prisoners serving a punishment of cellular confinement were placed in cells where the bed was a concrete plinth, and the table and chair were also formed concrete. This was an unacceptable environment in which to expect anyone to live'.⁶¹

Individual respect refers to the way people in the prison respond to each other. A report on Dartmoor published in 2002 highlighted a pervasive lack of individual respect. Elements of this lack of respect included describing prisoners as the 'rubbish' from the rest of the prison system, 'these people' or 'coloureds' and lack of eye contact between staff and prisoners. Also noted were frequent cancellations of association (the time prisoners spend out of their cells with other prisoners), with no attempt to explain reasons for this to prisoners or to forewarn them, and an atmosphere of over-control. Conditions in the segregation unit gave particular concern and were described by the inspectors as 'degrading and more appropriate for dangerous animals'. The attitudes of staff to those held there were also unacceptable, with prisoners being described as the 'shit' from Dartmoor and other prisons, with worse language also used.⁶² Modes of address are an important part of individual respect and the Chief Inspector comments on calling women prisoners 'girls' at Brockhill,⁶³ addressing prisoners by their surnames alone at

Albany prison⁶⁴ and at Thorn Cross.⁶⁵ The ‘rather public’ use of drugs dogs to vet visitors prior to entry’ to Stocken prison is another example.⁶⁶

The Prisons and Probation Ombudsman deals with complaints by individual prisoners who feel they have been treated unjustly or inhumanely by the prison authorities. In reaching his decisions the Ombudsman sets the action complained of against a view of what constitutes humanity in the treatment of prisoners. In his Annual Report 2001-2 he reported on two cases which he felt constituted inhumanity. In one a prisoner being held in the segregation unit was allowed to keep his radio but without a lead or batteries. The lead had been taken away to prevent the prisoner hanging himself with it and the batteries had been taken away in case the prisoner used them as a weapon. ‘Some might think it’ says the Ombudsman, ‘an especially delicate touch to leave the radio in place, having removed all means of making it work’.⁶⁷ After his intervention the radio was restored to working order and the prisoner was moved from segregation. In another case, a prisoner had been prevented from having pens for writing; again, the decision was reversed after the Ombudsman’s intervention.

The Ombudsman also took a view on whether prisoners should be handcuffed in front of other people. A prisoner complained that he was required to wear handcuffs at his father’s funeral. The Ombudsman commented ‘I deprecate a blanket rule that prisoners must always be handcuffed at funerals’.⁶⁸ In a case concerning a woman handcuffed when being moved with her child to another prison he said that ‘the concept of handcuffing mothers in the presence of their children is abhorrent’.⁶⁹

He also had other suggestions about how to make progress in providing ‘decent’ treatment to prisoners. These included the installation of privacy locks on cell doors (locks that allow prisoners to secure their cells when they are not in them but which can be overridden by staff), initiatives to reverse the decline in the frequency of visits and to ensure that meals are offered at proper times. Above all, he singled out staff-prisoner relationships as the most important area to tackle:

*...showing respect for prisoners and their property, avoiding the casual use of swearwords, calling prisoners Mr or Ms, and saying sorry when something goes wrong, ought to be second nature in every prison in the country.*⁷⁰

The Ombudsman emphasised that punishments have to be carried out within the boundaries of humane treatment. He doubted whether combining cellular confinement with forfeiture of all privileges (including a radio) could be regarded as humane treatment.⁷¹

To me, being treated with humanity means being provided with adequate, reasonably comfortable and clean accommodation and being acknowledged as a person with individual needs, desires, concerns, strengths and weaknesses.

Prisoner in Doncaster prison, quoted by Liebling and Arnold.⁷²

The research carried out by Alison Liebling and Helen Arnold to measure the quality of prison life is an important contribution to an assessment of how prisoners are to be treated with humanity. This research has provided measurements of aspects of prison life not covered by the service's Key Performance Indicators and the Standards Audits. Extensive interviews and discussions with staff and prisoners produced what the authors called 'a moral consensus or shared vision of social order'. The researchers noted that this shared vision was of a set of values basic to any 'civic community' or group of people living together.⁷³

The research questionnaire that they developed was based on discussions with prisoners about what being treated with respect and humanity and given support and trust meant to them. The researchers identified two key areas. The first was the relationship between people and the second was the prison regime. Prisoners highlighted the importance of 'fairness, order, safety, well-being, development in prison (...all activities leading to "personal growth") development with family (a term selected to imply meaningful contact which allows relationships to develop) and decency.'⁷⁴ The questionnaire also asked prisoners to agree or to disagree with a number of statements about humanity. These were:

I am being looked after with humanity here.

I am treated as a person of value in this prison.

Some of the treatment I receive in this prison is degrading.

Staff here treat me with kindness

*I am not treated as a human being here.*⁷⁵

Liebling and Arnold's research demonstrates that it is possible to measure qualitative aspects of prison life. Their work shows that quality of treatment and regime can be evaluated to assess respect, humanity and opportunities for personal growth. It is also possible to record differences in these matters between prisons as well as improvements in individual prisons over time.

SECTION TWO

**A working definition
of treatment with
humanity**

The four elements

There are many fine people who work in prisons. I recall the cookery teacher who made sure everyone in her class got to make a Christmas cake to send home to their families...The teacher who taught his play-reading group to love Shakespeare. The young prison officer who treated prisoners with such respect that, when he died suddenly, dozens of inmates in their best striped suits lined the route from the gate to the prison to bow their heads to his hearse...But the fact remains that I've never been in a jail where making the prisoners feel good about themselves was a priority.

Erwin James, life-sentence prisoner.⁷⁶

The analysis presented in the preceding pages leads to a working definition of treatment with humanity that would command considerable international agreement. Such a definition would cover physical conditions including environment, food and clean clothes. It would give even more importance to the nature of the relationship between staff and prisoners. As indicated earlier, humanity requires that prison staff regard prisoners as human beings like themselves. Staff should try to imagine what prisoners might be feeling, what kind of treatment might lead them to be humiliated or degraded, and how their self-respect might be reduced as a result of any decision made by the prison authorities. It requires staff to take all of these factors into account when exercising the coercive authority that is intrinsic to deprivation of liberty.

Swinfen Hall provided a respectful environment for young prisoners...(It) was characterised by relaxed, caring relationships between staff and young prisoners, and by relationships which were founded on a commitment to fundamental values of decency and care.

HM Chief Inspector, Report on an unannounced follow-up inspection of HMYOI Swinfen Hall, 2002.⁷⁷

Such sensitivity, thoughtfulness and understanding of human beings is the bedrock of the professionalism of prison staff and it is an integral part of the work of the most experienced and professional of them. Alison Liebling and David Price spent many months on prison landings, observing prison officers at work, talking to staff and prisoners and analysing the interactions between them. They concluded that prison staff ‘understood, at a “deep” level, the concepts of respect, boundaries and honesty, and they saw these things as crucial to the success of their work’.⁷⁸

The Canadian prison educator Stephen Duguid also provides some guidance when he calls for ‘an ethical stance towards the prisoner based on interacting with him or her as a subject rather than an object’.⁷⁹

The definition of treatment with humanity that follows emerges from the thinking summarised in the preceding pages and builds on the suggestion from Director General Phil Wheatley that staff should treat prisoners as if they were members of their own family. The definition contains four key elements:

- Preserving human dignity
- Respecting individuality
- Supporting family life
- Promoting personal responsibility and development

Preserving human dignity

Under this heading come all issues of personal and physical integrity and privacy. Preserving human dignity is the bedrock issue in all the international instruments and it covers all elements of prison life concerned with personal integrity, including such intimate matters as personal appearance and the performance of bodily functions. Acknowledging human dignity is intrinsic to the prevention of ill treatment. History has shown time and again that it is much easier to ill-treat and brutalise people who are dirty and unkempt, who smell unpleasant and who are dressed in stigmatising clothes.

To be respected and keep their dignity, prisoners must be able to keep themselves clean and carry out bodily functions in private. They must not have to live with bad smells or in dirt, have their nakedness exposed, particularly to people of the opposite gender, and must only be subjected to personal physical searches when necessary and then as unobtrusively as possible.

These imperatives have implications for prison systems all over the world. In England and Wales, for example, they call into question the policy which was implemented in the 1990s to end the process of 'slopping out' by installing un-screened lavatories in cells, particularly in situations where two prisoners can be required to live together. Eating in such cells rather than in dining areas compounds the indignity.

Being humiliated in front of others by being handcuffed or wearing distinguishing clothes or other items is not conducive to maintaining human dignity and is especially important when a person is appearing in court or when she is a mother being handcuffed in front of her child. Such requirements can be especially stressful in public places such as hospitals.

Men in bibs sit childlike, without dignity, and wait, wondering what they can possibly talk about today...

**Louise Granger speaking of visiting her husband in prison,
Prison Report 2001⁸⁰**

Human dignity can also be compromised by the use of humiliating and insulting language and by inappropriate modes of address.

Treatment with humanity and decency has application in each and every act carried out, from the time the prisoner first arrives in the prison until the moment he or she steps out of the prison gate with personal belongings stuffed into a clear plastic sack stamped 'HM Prison Service'. To reach some appreciation of whether human dignity is preserved in a particular prison one could audit the following features:

- How searches are conducted.
- How people address each other.
- The use of 'non-human' terminology in notices and between staff.
- Arrangements for privacy when people are required to remove their clothing.
- Privacy in toilets and showers.
- The way urine and other samples are collected for drug-testing.
- The use of privacy locks on cell doors.

The applicant, who suffers from cerebral palsy, was sentenced to six months' imprisonment in 1999. The physical consequences of her condition include an inability to walk more than a few steps, leaving her largely confined to a wheelchair, and lack of control over her bladder. In addition, her ability to process information is diminished. In January 2000, the applicant was requested to provide a urine sample immediately to the prison authorities for the purpose of mandatory drug testing. She indicated that she was unable to comply with the request straightaway. She declined the offer of a cup of water since the difficulty lay not in the volume of urine she could produce but in the lack of motor control over her bladder. She was taken to her cell and a female prison officer waited there with her for the sample. When none was forthcoming, the prison officer indicated that this would be treated as a refusal and could result in additional days of detention. It is not clear whether the applicant explained to the prison officers the reason for her failure to provide a urine sample. Although the prison service was aware of her condition, the applicant did not volunteer information regarding her lack of bladder control, being too embarrassed to do so. Her embarrassment was compounded by the fact that, on that day, she was menstruating. In the days that followed, the applicant was brought before the prison governor on two occasions. He found that she had disobeyed a lawful order and sentenced her to 14 days' additional detention. She indicates that the governor did not consider her disability. The applicant then made her case more fully in writing, explaining her physical difficulties and indicating her distress at having her bodily functions discussed publicly. The governor reduced the sanction to three days' additional detention. The applicant's lawyers made representations on her behalf to the prison area manager, who responded that he considered the governor's decision was correct and that due allowance had been made for the applicant's disability by reducing the sentence. The applicant's release date was accordingly deferred by three days to Friday 26 January 2000. However, due to internal administrative reasons, she was not in fact released until the following Monday morning.

Young v. United Kingdom.⁸¹

Respecting individuality

Respecting individuality implies the ability to respond to each person in a manner that is appropriate to that person's situation. It involves the 'ordinary human empathy' that the European Court of Human Rights felt was missing in the way the system dealt with Ms Price in the case mentioned on page 15. It means seeing prisoners as persons, not numbers, responding promptly when they raise proper concerns with staff, avoiding transferring prisoners from prison to prison at short notice as if they are commodities, and when prisoners need to be transferred, explaining the need for this to them and their families.

Some indicators that could be audited are:

- Whether the personal belongings of prisoners are treated as of value when cell searches are conducted.
- Whether prisoners are able to make contact with family and friends on the first night in prison or on transfer to a new prison.
- How requests for compassionate home leave are handled.
- Whether prisoners can have additional access to telephones when a close family member is seriously ill or facing a crisis.
- How bad news, such as the death of a family member, is given to the prisoner.

Many other instances of everyday interaction between staff and prisoners can be observed and analysed.

Supporting family life

Who one is and where one comes from are defining elements of individuality and for most people family life is an important element of this. The support for family life merits inclusion in any definition of treatment with humanity for a number of reasons. Respect for family life is defined as a basic human right in Article 8 of the European Convention on Human Rights and confirmed in UK domestic legislation by the Human Rights Act 1998.

One of the major pains of imprisonment is the deprivation of family life. The obligation to support family life affects many areas of prison life, from how family photographs are treated during cell searches to how families themselves are treated when they visit their family member in prison. Personal visits are an essential way of supporting families and their length and frequency are important

features. An allowance of one or two very short visits each month in a crowded visit room, in which physical contact between partners or between a parent and child is reduced to a minimum, cannot be regarded as meeting the spirit of the international human rights instruments in respect of the right to family life. The environment in which visits take place, such as the degree of privacy that is allowed, whether the staff presence is discreet or overbearing and the seating arrangements, are other important indicators.

In auditing respect for family life one can measure:

- How visitors are received when they arrive at the prison.
- How they are searched when entering the prison.
- Whether legitimate security measures involve the minimum necessary encroachment on privacy.
- Whether there are specific arrangements for the treatment of children of prisoners.
- Whether there are specific arrangements for the treatment of the partner of a prisoner.
- The circumstances in which visitors are strip-searched.
- The frequency with which prisoners have to receive their visitors behind glass screens with no human contact.
- Whether there is a shelter outside the prison for visitors to wait in privacy away from the gaze of passers-by.
- Whether the prison seeks the views of visitors about how they are treated.

Similar audits can be carried out of other kinds of family contact, for example, through correspondence and by telephone.

Promoting personal responsibility and development

The fourth element of the definition of treatment with humanity depends on the first three and leads on from them. We have already seen that prisoners should have their dignity, individuality and family life respected. In addition, the prison environment should enable them to develop their skills, talents and personalities. Prison should facilitate personal growth and development. Respect for the inherent dignity of the human being includes a respect for that person's capacity to grow, to develop, to do things that allow them to increase their self-respect. They should be allowed to make amends for the crimes they have committed, and, in so far as is possible in the prison setting, to help other people. Promoting personal responsibility and development also implies giving prisoners as much freedom as possible to make decisions about what happens to them throughout their time in prison in respect of work, education and other activities.

Many aspects of prison life can contribute to a culture of responsibility and personal development and the prison might measure these by asking a variety of questions about:

- Provisions to encourage prisoners to develop self-respect and opportunities to expand personal skills.
- Arrangements for consultation with prisoners and involving them in discussion about changes in the prison routine.
- Providing explanations to prisoners of the constraints and difficulties involved in running a prison.
- The opportunities which prisoners have to develop creative talents and skills.
- The opportunities which prisoners have to show their strengths and to develop their potential to help other people.

SECTION THREE

**A draft tool for
measuring ‘treatment
with humanity’**

Humane treatment in other public services

The draft measuring tool aims to help prison staff to see how far they are meeting the requirement of the Prison Service's Statement of Purpose to treat prisoners with humanity.

It is perhaps helpful to note that current concerns over treating people with humanity are not restricted to the Prison Service. Other public sector services, for example, education, healthcare or policing, are experiencing tension between the pressure to deliver certain targets and the need to maintain a human dimension.

Few of those who use this report may have experienced the loss of control over one's life that is the common fate of the prisoner. Many people, however, may have felt a similar loss of identity and control in their dealings with medical staff, especially in hospitals, which in certain respects mirror the institutional structure of prisons.

The Chair of the NHS Alliance, Dr Michael Dixon, speaking at a conference in January 2001, said:

*Patients are human beings. Human beings are far more than the sum of their body parts.*⁸²

Dr Dixon went on to suggest that health service practitioners must open their eyes to the fact that the relationship between doctor and patient, when based on their shared humanity, may in itself have a crucial therapeutic effect.

Professor Mike Richards, the Government's 'Cancer Tsar', expressed views which mirror many of the reflections about the treatment of prisoners brought together in this report:

*But improving cancer services is not just about treatments. Patients want to be treated with humanity, dignity and respect. Many want to be given detailed information that enables them to participate in making decisions about their own treatment and care.*⁸³

The parallels between the concerns of the Health Service in attempting to treat patients with humanity and those of the Prison Service in its treatment of

prisoners go further. Just as there has been a recent focus within the Prison Service on technical and physical controls and quantitative measures, so too there has been an increasing emphasis within the Health Service on scientific, evidence-based conventional medicine and, particularly, on technology. As Dr Dixon observed in the speech quoted earlier,

It isn't just doctors, it is the NHS itself that must learn to balance technology with humanity.⁸⁴

Patients' views have become an important element in the evaluation of health care and they provide further guidance on the techniques that might be used in sampling prisoner opinion. Recent studies of patient expectations and satisfaction with nursing care are also helpful in analysing the work of prison officers who, in some respects, carry out a similar function in prisons to that of nurses in hospitals. A number of studies have identified the aspects of nursing care thought to contribute to good quality. These include individualised patient care provided in an empathetic and caring way, nursing that is competent and consistent and nurses who provide patients with information effectively and appropriately.⁸⁵ Each of these – empathy, competence, consistency and effective information – is also a key element in determining whether prisoners are treated with humanity.

For police also, treating people with humanity is an issue of growing importance. In recent years the rise in demand for their services has led police to place an increasing reliance on technology. This in turn has brought a perception that policing is losing its human face, with an emphasis on dealing with incidents rather than their human consequences. Although quantitative audit measures may show that the police are succeeding in reducing crime, paradoxically the public perception of crime suggests the opposite.

In 2001 the Bournville Operational Command Unit of West Midlands Police, working in partnership with the Human City Institute, set up a number of projects aimed at improving the human face of policing. In part the projects are based on concepts of relational justice and relational thinking. They seek to tackle the perception that, as society becomes more complex, face to face contact diminishes with a reduction in the real relationships between individuals, communities and institutions.

In writing about the projects Steve Jordan, Chief Superintendent of Bournville OCU, recently noted:

It is appropriate that our performance is measured, and I welcome accountability in this area. But it is important to remember that the quality of an interaction is likely to be remembered long after quantitative measures are forgotten by the customer. We are therefore determined to maintain an emphasis on the 'Humanity' of our contacts with all groups. We must recognise that both individuals and groups may themselves be especially vulnerable in some way. We need to remember that the people we arrest also deserve fairness and compassion.⁸⁶

The concerns expressed here by the police service are no different from the concerns and priorities of the Prison Service.

2 The audit tool explained

The draft audit tool could become part of a process of reflection and improvement within the prison, rather than being regarded as yet another element of the external monitoring process. It could combine objective and subjective measures. Thus, for example, 'treating visitors with respect' will require judgement that is largely qualitative and subjective. On the other hand, the number of cells with screened lavatories can be counted and recorded objectively.

The audit tool suggests seven different elements of data collection covering a broad range of aspects of prison life. This comprehensive approach is adopted as a way of coping with the complexity of measuring subtle aspects of human interrelationships. A prison in which prisoners and staff are on first name terms, two hour visits take place in pleasant surroundings every afternoon and with screened lavatories in cells could still contain much treatment with inhumanity, perhaps of particular groups within the prison or by a small group of staff. Prison inspectors and international monitors have learned how easy it is to be deluded into feeling that a prison is a safe and respectful place, only to read a few weeks later in the press of a breaking scandal of abuse and ill-treatment at the very prison that had so impressed them.

Thus, all these measures need to be combined if a rounded picture is to be formed. The primary emphasis is on *qualitative analysis* through questioning, interviewing and observing. The views of prisoners as well as staff are relevant. In devising and analysing prisoner questionnaires the experience of the Scottish Prison Service, with its extensive use of surveys of prisoners, and the work of HM Inspectorate of Prisons, which bases a significant part of its preparation for inspection on the views of a sample of prisoners, have much to contribute. Although each of these techniques depends on a subjective assessment, the combined weight of those subjective, anecdotal judgements will, with careful analysis, take on an objective strength. Involving prisoners in an assessment of humanity is in itself an acknowledgement of their humanity, their status as reasonable human beings.

The primary purpose of the audit tool is to provide a mechanism whereby prisons can assess for themselves the extent to which they are meeting the Prison Service objective of treating prisoners with humanity. It is designed to be used by a wide variety of people, including prison staff at different levels, members of Independent Monitoring Boards and prisoners. Some elements of the audit tool gather quantitative data that will be relatively easy to analyse whereas analysis of the qualitative data will be more difficult to categorise.

Over a period of time it might be possible to develop a scoring system for most sections of the audit and eventually even some form of benchmarking. The point of the audit, however, is not to allow comparison between prisons or against some national standard but to give each prison a reliable mechanism for measuring its own progress over a period of time.

We hope that governors and staff will examine the responses and discuss for themselves the extent to which the prison's practice in the different areas covered in the audit constitutes treatment of prisoners with humanity. Individual prisons may choose to use the data in different ways, according to their needs. The most important factor is that it should be used to achieve positive rather than destructive outcomes. Its findings should serve to stimulate staff in their efforts to treat prisoners humanely.

This means that the way the audit is carried out and the way its findings are presented will be important. The audit should be undertaken in an open manner; staff and prisoners should be encouraged to take part. Senior management need to make clear that this is not another "box ticking" exercise. Instead, it is an exercise in measuring the most basic activities of a decent prison system, a way of allowing staff to measure how they demonstrate their own humanity in their professional activities.

Once the audit has been completed, management should ensure that there is a proper vehicle for its dissemination. Staff and prisoners should be informed of its conclusions. They should be told what is to be done to reinforce its positive lessons, what is to be done to rectify the failings which have been identified. The way in which this is done will be a matter for each prison to decide.

3 The draft audit tool

An aim of the audit is to keep paperwork to a minimum, through ensuring that questionnaires are kept short and through a rigorous focus on gathering only that data deemed to be most indicative of treatment with humanity.

The audit consists of seven different tools for gathering information:

- 1 An audit of aspects of the building itself.
- 2 A checklist of relevant policies and practice.
- 3 A questionnaire for prisoners.
- 4 A questionnaire for staff.
- 5 A peer audit: Observation of interaction between staff and prisoners.
- 6 Guidelines for individual in depth interviews with a small sample of prisoners and staff, to supplement and help verify the information from questionnaires.
- 7 An analysis of prison records, such as requests and complaints.

Similar data is gathered through more than one element of the audit tool in order to reduce possible bias and to improve the validity of the findings.

The indicators that form the basis of the audit are drawn directly from the analysis made in earlier pages. Thus, the key indicators of treatment with humanity cover four main areas, each of which includes detail on different aspects of prison life and the treatment of prisoners:

- Preserving human dignity
- Respecting individuality
- Supporting family life
- Promoting personal responsibility and development

Audit tool

Name of prison:

Date of audit:

1. Recording features of the prison building

Completed by:

Please record information on the following aspects of the prison:

Privacy

	Number
Total number of cells	
Number with effective screens for in-cell lavatories	
Number without effective screens	
Number with privacy locks for “unlock” times	
Total number of showers	
Number of showers providing reasonable privacy	

Searching prisoners

Availability of private rooms for searching prisoners:

- ☐ Always
- ☐ Sometimes
- ☐ Rarely

Visitors

Is there place available for visitors to the prison to wait before entering?

Is this place:

- ☐ Sheltered from weather
- ☐ Away from the gaze of passers by

Comment on the suitability of the waiting area for visitors:

Notices (permanent and temporary)

How widespread is the use of ‘non-human’ terminology in notices? (examples?)

2. Checklist of prison policies and practice

Completed by:

Please tick in the relevant box below to note whether the following take place in the prison. Concentrate on what happens in practice, more than on written policy, as not all those listed in the table will relate to a specific policy:

- a) As a matter of course (or nearly always)
- b) Never or very rarely
- c) May or may not take place, depending on certain factors

For example, practice might vary with holiday / weekend periods, different treatment for different prisoners or other factors.

Policy and practice indicative of treatment with humanity	Always /mostly	Never /v. rarely	Varies
New prisoners are given an explanation of the prison routines within 24 hours of arrival			
All new prisoners given access to a telephone to contact relatives/ friends on the first night			
Staff introduce themselves to new prisoners by their (the staff member's) name			
Prisoners have at least some choice of who they share a cell with			
Wherever possible, prisoners are given warning of transfers of cell or prison			
Personal searches are carried out in a private room			
Prisoners can choose to become involved in projects to benefit the local community or others in need outside the prison			
Prisoners can choose a role to support other prisoners (e.g. Listeners)			
Prisoners are able to wear their own clothes if choose to do so (e.g. for visits)			
Special arrangements are made for prisoners to meet with their children			
Requests for accumulated visits are favourably received and granted wherever possible			
Prisoners in crisis are given every possible support			
Prisoners have access to daily showers (including weekends and holidays)			
Prisoners have easy access to their personal officer			
Prisoners are able to get professional help when needed (e.g. lawyers, doctors)			
Wherever possible, prisoners are consulted about changes that affect them			

Policy and practice unlikely to contribute to treatment with humanity	Always /mostly	Never /v. rarely	Varies
Prisoners are required to wear a belt/ bib as a security measure during visits			
Prisoner mealtimes are determined by prison staff shifts (week and/or weekend/ holidays)			
Prisoners are addressed by number or surname only			

If you have ticked “varies” for any of the above, please describe how decisions are made in these circumstances:

Cell searches and personal searches:

How are decisions made on when and how often to search?

Is the policy dictated by the need to meet targets or by security considerations?

Are prisoners always made aware of the reason for the search? _____

What is the policy on the extent to which personal property is disrupted?

Are staff supposed to return/ reorganise property as far as possible following a search?

Monitoring and evaluation

Are there systems in place for gathering feedback from:

- ☐ Prisoners
- ☐ Staff
- ☐ Visitors

If so, please note what these are (briefly) and summarise what is done with the results:

3. Prisoner Questionnaire

Introduction to include:

- Reason for the questionnaire
- What will be done with the findings
- Not compulsory but all prisoners encouraged to give their views
- Confidentiality assured

On arrival at THIS prison, which of the following were you provided with:

- ☐ A clear explanation of prison routines
- ☐ The opportunity to contact a key family member or friend
- ☐ Some choice of whether or not to share a cell
- ☐ If sharing, a choice of cell mate

The following are some statements made by prisoners about various aspects of prison life. Please tick the relevant box to show whether you agree or disagree, strongly or otherwise:

Statement	Strongly Agree	Agree	Neither	Disagree	Strongly Disagree
I have a personal officer					
My personal officer knows my personal circumstances					
I would trust my personal officer to support me in a crisis					
I find most prison officers approachable					
Prison staff do listen and take notice of prisoners' suggestions/ complaints					
I expect requests I make to be considered fairly / positively					
Most officers give helpful answers to my questions					
Most prison officers chat to prisoners during association					
Officers' interaction with each other is positive					
I know I can get access to professional help when required (eg. lawyers, doctor)					
I am treated well by these professionals					
I feel able to make choices on some aspects of prison life					
The extent to which cells can have personal decorations is reasonable					
Limits on cell property are reasonable <i>continued over</i>					

Statement	Strongly Agree	Agree	Neither	Disagree	Strongly Disagree
I am able to attend to personal hygiene/ keep myself clean					
I have reasonable privacy for the toilet and shower					
The way in which meals are served to prisoners is respectful					
Disruption during cell searches is kept to a minimum					
Personal searches are kept to a minimum					

Opportunities to help others

Are you currently involved in any work or scheme to help others, either inside or outside the prison?

- ☐ Yes, voluntary prisoner support scheme (e.g. Samaritans, Listener)
- ☐ Yes, voluntary work within the prison workshops
- ☐ Yes, voluntary work in work parties outside the prison
- ☐ No

If not, are you aware of the opportunity to become involved in work to help others, if you wanted to do so?

- ☐ Yes
- ☐ No
- ☐ Unsure

Consultation and responsibility

To what extent do you feel you have the opportunity to take responsibility for aspects of your daily life within the prison?

- ☐ A considerable extent
- ☐ A small extent
- ☐ Not at all
- ☐ Other (please explain)

How often are you consulted about and involved in the routine decisions that affect you?

- ☐ Always or nearly always
- ☐ Sometimes
- ☐ Rarely or never
- ☐ Other (please explain)

How often do you receive an explanation for the decisions that affect you?

- ☐ Always or nearly always
- ☐ Sometimes
- ☐ Rarely or never
- ☐ Other (please explain)

Acknowledgement of achievements

In general, do you see prisoners' achievements acknowledged and celebrated?

- ☐ Yes, often
- ☐ Yes, sometimes
- ☐ Rarely or never

Have any of your achievements been acknowledged and celebrated in THIS prison?

- ☐ Yes
- ☐ No

If yes, please say what. If no, has there been something that you wanted acknowledged?

Names and numbers

How do prison officers MOST OFTEN address you?

- ☐ By full name (first and surname)
- ☐ By first name or your chosen nickname
- ☐ By surname only
- ☐ By number
- ☐ Other (please write in)

How frequently do prison staff address you by shouting and / or in ways you find patronising or insulting?

- ☐ Always or nearly always
- ☐ Often
- ☐ Sometimes
- ☐ Occasionally/ rarely
- ☐ Never

How do you MOST OFTEN address uniformed prison staff?

- ☐ By full name (first and surname)
- ☐ By number
- ☐ By first name or your chosen nickname
- ☐ By surname only
- ☐ Other (please write in)

Do you actually know the names of the prison officers?

- ☐ Yes, all or most of them
- ☐ Yes at least half
- ☐ Some or a few
- ☐ No, none

Do you want to add any comments about how you address or are addressed by prison staff?

Prison uniform

Which of the following are true about your uniform in this prison?

- ☐ The style is humiliating
- ☐ It does not fit properly
- ☐ It is not laundered often enough to keep clean

Do you have personal underwear? ☐ Yes ☐ No

How would you feel dressed in your uniform, or clothes of the same style and fit, anywhere other than in the prison?

Please give reasons for your answers:

Prison visits

Previous research among prisoners has shown that the treatment of visitors and aspects of visits is particularly important. Please tick the relevant box to say whether you agree or disagree with the following statements concerning different aspects of visits:

Statements of positive treatment	Strongly Agree	Agree	Neither	Disagree	Strongly Disagree
The system for booking visits is easily accessible					
Visitors are able to wait in reasonable comfort and privacy					
Visitors report that prison staff treat them reasonably well					
Prison officers are sensitive to the possible tensions/ stress of visits for the prisoner					
I would expect requests for accumulated visits in other prisons to be well received					

Statements of negative treatments about visits	Strongly Agree	Agree	Neither	Disagree	Strongly Disagree
Clothing for visits makes me feel humiliated/ ridiculous					
Security arrangements encroach unnecessarily on privacy					
I feel anxious about my visitors					

4. Staff questionnaire

Introduction to include:

- ☐ Reason for the questionnaire
- ☐ What will be done with the findings
- ☐ Not compulsory but all prison staff encouraged to give their views
- ☐ Confidentiality assured

How often do you do any of the following?

	Very often	Sometimes	Rarely	Never
Explain prison routines or changes to prisoners				
Chat informally to prisoners during association				
Respond to prisoners' questions				
Refuse to answer a prisoner's question (for any reason)				
Address prisoners on a first name basis				
Allow prisoners to address you by your name				
Tell prisoners to remove cell decoration				
Remove cell property				
Summon prisoners by shouting				
Intentionally humiliate a prisoner				
Consult prisoners on something that affects them				

Personal officers

Are you a personal officer?

- ☐ Yes
- ☐ No

If yes, do you

- ☐ Know the personal circumstances of your prisoners
- ☐ Where appropriate, act as a point of contact for families

Do you have any comments to make on your role as a personal officer, including how satisfying (or otherwise) you find it?

Interaction between staff

By what term (or terms) are prisoners most often referred to in conversations between members of staff?

How often are you aware of the use of non-human terms or descriptions when staff are talking about their work (eg “feeding time” or “counting bodies”)?

- ☐ Very often
- ☐ Sometimes
- ☐ Occasionally
- ☐ Never

Do you ever use such terminology yourself?

- ☐ Yes
- ☐ No
- ☐ Unsure

Do you think it is important that such terms are avoided or not? Please give a reason for your answer:

Officers' statements

The following are some statements made by prison officers about various aspects of prison life. Please tick the relevant box to show whether agree or disagree, strongly or otherwise:

Statement	Strongly Agree	Agree	Neither	Disagree	Strongly Disagree
I am clear what is meant by “treating prisoners with humanity”					
I feel I have sufficient training in order to meet this aim					
It is important that people can maintain a sense of individuality whilst in prison					
Calling people by their own names is the best approach					
I generally get on well with prisoners					
It is important for officers to mix and chat with prisoners informally at times					
Lack of liberty is sufficient punishment					
Prison officers should respect the needs and rights of prisoners					
Staff should care for the safety and well being of prisoners					
I want prisoners to feel able to trust me					
I try and get to know individual prisoners as much as possible <i>continued over</i>					

Statement	Strongly Agree	Agree	Neither	Disagree	Strongly Disagree
Most prison officers treat each other respectfully					
It is important to treat visitors with respect					
It is unwise to get too close to prisoners					
Prisoners do not want to interact with staff or get to know them					
Letting prisoners know your name could be dangerous					

Previous research has shown that visits can be stressful or anxious times for prisoners, for a number of reasons. How do you think the prison should strike a balance between the need for security and privacy during visits?

[End with thanks and reiterate value of their views]

5. Observation of the interaction between staff and prisoners

This section needs guidance on how observation should be carried out and the findings recorded. This should include: Length of time, range of situations/ locations, aim of the observation.

The audit should probably include a template for recording, along the lines of:

Humanity audit: Observation record

Date and time of observation: _____

Place of observation: _____
(eg. Canteen, wing, workshops)

Observed by: _____
(Name of member of staff)

Note: It should, in theory, be possible to train and involve prisoners in such observation work.

Please note your observations of the following:

- ☐ Did prisoners interact with staff as well as with other prisoners during association?
- ☐ Did staff move easily amongst prisoners, allowing themselves to enter into general discussions?
- ☐ Did the degree of contact vary between members of staff and, if so, is it the majority or small minority who do so?
- ☐ Did staff treat each other with respect?
- ☐ How often did staff address prisoners by shouting? By using derogatory names? By using their first names? Surnames?
- ☐ How widespread was the use of 'non-human' terminology (e.g. 'feeding time', 'counting bodies')?
- ☐ Would you describe the overall atmosphere as open and relaxed?

6. Individual in-depth interviews

These are to be conducted with a small sample of prisoners, to both supplement and help verify the information from the questionnaires. Verification will be through specific examples and reasons attributed to responses.

Interviews could be carried out by other prisoners (peer audit), by personal officers or by other staff.

This section of the audit should include guidelines on:

- ☐ How to set up the best possible conditions for an interview
- ☐ Whether or not to tape interviews
- ☐ Assurances of confidentiality
- ☐ Explaining the need for truthful feedback
- ☐ How to ask questions and probe for detail and examples

The main areas covered would be the same as those in the questionnaire for prisoners and would include:

1. Relationship with personal officer and experience of asking for help
2. Relationship with other prison staff, with examples
3. Experience of treatment by other professionals (and access to them)
4. Experience of requests of any sort and the reception they received
5. Feelings about prison clothing/uniform
6. Feelings about arrangements at mealtimes
7. Feelings about how their visitors are treated
8. Experience of both cell and body searches and how they were conducted
9. Feelings about rules on personal property
10. Opportunities to take responsibility
11. Where they are and are not able to make choices or contribute to decisions that affect them
12. Does anybody in the prison really know them as a person, or want to?

7. Prison records

In this part of the audit we suggest a framework for a study of the way in which requests and complaints are handled in one particular area – contact with family. The same framework could also be applied to any other topic, such as requests and complaints, which may give evidence as to whether prisoners are treated with humanity.

The issue of requests and complaints needs to be analysed with care. A low level of complaint, for example, is not necessarily a sign that all is well; it may on the contrary mean that prisoners are afraid to complain or see little point in doing so. So, this part of the audit tool is not asking about levels of requests or complaints. Rather, it is asking about the responses to them, however many they may be.

From prison records, please count and record the numbers of requests for compassionate leave, requests for accumulated visits, and complaints and how these were dealt with:

	Accept	Reject	Reason given
Requests for compassionate leave			
Complaints from prisoners			
Complaints from visitors			
Requests for accumulated visits			

Requests for leave or special visits

Average speed of response to requests:

- ☐ Usual type of response (letter with explanation, yes/no without explanation, individual/formulaic, response in person from a member of staff)
- ☐ Main reasons why requests were not accepted?
- ☐ Policy on how such decisions are made?

Complaints

The three most common causes or nature of complaints made:

- 1. _____

- 2. _____

- 3. _____

Average speed of response to complaints:

Usual type of response (letter with explanation, yes/no without explanation, response in person from a member of staff)

SECTION FOUR

Conclusion

Conclusion

In common with other public agencies, the Prison Service has been subjected in recent years to a plethora of measurement tools. Many of them have measured processes, that is, how things are done, and outputs, that is, the amount which is done. In a number of cases they have not been concerned with outcomes, that is, the results of what is done.

Treating prisoners with humanity is one of the most important outcomes of the work of the Prison Service. It is a principle that is referred to directly in the International Covenant on Civil and Political Rights, one of the key international human rights treaties. It is also mentioned explicitly in the Prison Service's Statement of Purpose.

It is these considerations which have prompted ICPS to produce this document and its accompanying audit tool. The intention is to provide staff and others with an opportunity to identify and measure the many features of their daily work which reinforce humane treatment of prisoners and at the same time to minimise the ever-present dangers of treating prisoners in an inhumane manner.

The issues identified in this document and in the audit tool are by no means exhaustive. It should be pointed out that since they refer to "humanity" in general terms, they do not deal directly with some important specific issues, such as the many aspects of discrimination, or the obligation to recognise the needs of particular groups, such as juveniles and women. If humanity in its most complete sense is to be respected, then its specific manifestations need to be integrated into all aspects of humane treatment.

Finally, it needs to be acknowledged that working in prisons is one of the most challenging of public services. To carry out this work with humanity and a respect for others requires a high level of professionalism. The audit of humanity presented in this publication can become a mechanism which allows all those involved in prisons to recognise this and to measure it.

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