

Activists' Legal Project

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Legal Briefing 4: COPING WITH PRISON

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1. Introduction

The apprehension most people feel when faced with their first time in prison is likely to be increased by not knowing what goes on in there, what will happen to them, what their rights are, how they'll cope. Prison seems designed to instill a sense of powerlessness in prisoners, by giving them a minimum of information and imposing a maximum of petty - and often unwritten - rules. Every aspect of your life is regulated, your choices are limited, you are often treated like an object with just a surname and a number rather than a human being. In this environment, even those who've been in prison many times before can feel scared, intimidated and insecure. This briefing has been compiled from questionnaires completed by activists who've spent time in prison (to whom many thanks), together with factual information from prison support groups. It's unlikely to make your time in prison an entirely positive experience, but hopefully will in some small way help to make your time inside at least bearable. **Please note that the briefing relates to prisons in England and Wales only.**

2. Preparing for prison

If you know you're likely to get a prison sentence, or be put on remand, it's worth spending some time preparing for your time inside. Suggestions from people who've been in prison include:

- Talk to as many people as possible who've been there, to get an impression of how things work and what the biggest issues are.
- Domestic preparations - make sure your rent and bills will be paid, someone will feed the cat/water the plants etc, to ensure you're not worrying about things on the outside while you're on the inside.
- Pack things you might want sent in to you and leave

them with a friend.

- Designate a support person(s) as a point of contact, to organise your visits, deal with any requests from you, inform family and friends of your whereabouts.
- Try to develop inner self-sufficiency so you're not dependent upon anything or anyone.
- Learn relaxation techniques.
- Try to get sent to prison at the same time as a friend of the same sex, so you aren't in on your own.

Take it quietly on going in; don't accept blatant injustices but don't worry about the hundreds of small ones.

Sylvia Boyes

3. Going in

For first time prisoners, the reception process can be a frightening introduction to prison life. You may feel as if you're being pushed and pulled in every direction, with little explanation as to what's going on. The prison term for booking in new prisoners is 'processing', and you can soon start to feel like a battery chicken on a production line as you're given a number, stripped, inspected, and passed on to the next stage. As in all things, prisons vary greatly in their reception procedures but all will include:

- Questions: you'll be asked to provide lots of personal details. If you refuse, you may find yourself on report (see 'rules and breaking them'), but you can always make things up if you don't feel like giving the information.
- Medical examination: at best cursory, with the main interest being in determining whether you're suicidal.
- Strip search. All prisoners are strip searched when they enter prison, and usually also when they leave. If you refuse, you'll probably find yourself stripped by force and chucked into the segregation unit. It seems to be more about control than about discovering contraband, and you'll have to make up your own mind as to whether you think it's worth resisting it. You can only be strip searched by officers of the same sex as yourself, and should not be searched in sight of other prisoners. The search should not involve physical contact.
- Your property will be searched and listed. What you're allowed to keep varies between prisons, but you won't be allowed food or toiletries.
- Convicted men will have their clothes taken and replaced with prison uniform.
- You'll be given a prison number. This will remain with you throughout your time in prison, even if you're transferred to a different prison.

In addition, you may have your photo and fingerprints taken (if you've just been convicted) and may be asked to

provide a urine sample for a drugs test (but you cannot be punished for any drugs found in your urine at reception).

Once you've completed the reception process you'll be taken off to a wing and allocated a cell. On your first night you're likely to end up in one of the most horrible cells, but don't worry too much - there's usually an opportunity to move later. All prisons now have in-cell toilets and sinks. However, there's often little privacy - you may be in a cell with one or more other prisoners, with no screen around the toilet or sink. There are male officers in women's prisons, and vice versa, who may burst into your cell without knocking. Making a complaint about such behaviour may help.

4. What to take

If you're expecting a prison sentence, you'd be well advised to go to court with everything you think you might need whilst you're there. As you'll soon discover, getting stuff into prison once you're there is a nightmare of bureaucratic form filling and delay - better to take what you need with you. Note that every prison is different in what it allows - it's not uncommon for prisoners to have items in their possession at one prison, then be transferred and have them confiscated. Many prisons operate 'volumetric control', whereby prisoners are allowed to have only what fits in two boxes of 0.7m x 0.25m x 0.55m - anything above that has to be kept in prison storage. If you know which prison you might go to (easier for women as there are far fewer women's prisons) you could ring up in advance and ask what's allowed. You might think of taking the following, but be aware that some prisons will not allow some of the things in the list:

- Clothes. Women and unconvicted men can wear their own clothes. Convicted men must wear prison uniform. Laundry facilities may be poor, so take several sets.
- Reading matter. At least three books are allowed, often more. Some prisons allow books to be sent in by people on the outside, others insist that they come direct from the publisher. Newspapers and magazines cannot usually be sent in, but must be ordered from a designated newsagent.
- Stationery and stamps. Available from the prison canteen (shop) but often little choice and overpriced.
- Address list of family and friends.
- Flask. You'll probably be locked up for at least twelve hours overnight, and often all day as well, so being able to make tea can be a big comfort. It should be the type which can be unscrewed at the bottom.
- Radio/walkman, batteries (non alkaline), tapes (clear plastic only).
- Pens - clear plastic type.

- Toothbrush - prison ones are very hard on the gums.
- Spare glasses if you wear them.

5. Daily routine

This is likely to be largely unchanging, and will include (if you're lucky) things such as education, work, gym, association with other prisoners and exercise. Remand prisoners cannot be made to work, but convicted prisoners can (although often there aren't enough jobs available for everyone who wants one). You'll get paid for any work you do, and should also get a lesser sum if you go to education rather than work, or are willing to work but can't because there are no jobs. The only activity which is a right (as opposed to a privilege) is exercise. You have a right to half an hour a day of 'time in the open air' (unless you have an outside job, in which case the exercise rule can be waived), even if you are being held in the segregation unit as punishment for some infraction, unless the weather is 'inclement', which often they claim it is when it clearly isn't. Boredom may well become an issue, especially at the weekend when you're likely to be locked up almost all day.

6. Communicating from prison

Telephone

There are telephones located on most prison wings. Some prisons operate a booking system, others just let prisoners queue up, which can be chaotic and often leads to bullying. Some prisons still use phonecards - which can't be sent in but must be bought from the canteen - but the Prison Service is in the middle of switching over to 'smart' phones in all prisons, whereby prisoners use PIN numbers rather than phonecards, and are allowed to make direct calls only to a certain number of pre-approved numbers. If a prisoner dials a number which is not pre-approved, a delay occurs during which the person being called will be given the prisoner's name and told where they're calling from, thus giving them the chance to refuse the call. The idea behind this is supposedly to prevent prisoners from harassing people (eg victims of their crime) and to remove one of the causes of bullying (using other people's phonecards). At open prisons, calls are not routinely monitored, but at other prisons staff are expected to monitor a random sample of calls. By using the phone, you are deemed to have given your consent to having the call monitored. If they're listening in and hear anything you're not allowed to say (escape plans?) you'll be cut off (and probably put on report).

Letters

In theory, prisons are allowed to restrict the number of letters sent and received by convicted - but not remand -

prisoners. In practice, it seems to be rare for there to be restrictions on incoming and outgoing mail. All incoming mail will be opened and checked for 'contraband', and it may in some circumstances be read. Outgoing mail may also be read, and must be placed unsealed in the post box. Remand prisoners are entitled to two free letters a week (ie letters where the prison pays the postage), and convicted prisoners to one. You may also apply for free letters to write to your solicitor, social worker, the court, council etc - this may take some time so if it's urgent you should just use one of your own stamps. Stamps can be bought in the canteen, and can also usually be sent in from outside but this should be checked with the individual prison.

7. Visits

All prisoners are entitled to visits, but the entitlement varies:

* Remand and civil prisoners

Remand and civil prisoners are entitled to visits totalling 90 minutes per week, which is usually interpreted as a 15 minute visit each day for six days, but may be, eg, 30 minute visits on three days. Note that this is a minimum - you will usually be able to have longer visits than this.

* Convicted prisoners

Convicted prisoners are entitled to visits totalling 60 minutes per month, usually taken as two 30 minute visits. Again, this is a minimum. Convicted prisoners need to send out visiting orders (VOs) to their visitors in advance.

Booking

Most prisons run a booking system for visits - remind your visitors not to leave booking to the last minute as booking lines are notorious for being constantly engaged. Don't forget to check with the prison about any special requirements - eg some may require very specific types of ID before they let you in, others won't allow children other than the prisoner's. Partners and immediate family members may be able to get help with the cost of travelling to the prison if they are on state benefits - ask at your social security office. All women's prisons, and some men's prisons, offer regular children's visits where children can be dropped off and spend the day with their parent, with play activities provided.

One of the worst experiences for a prisoner is nobody turning up when you're expecting a visit. This is depressing in the extreme, and those on the outside should do their utmost to let prisoners know if they will not be able to make a visit. Visits can be a welcome contact with the outside world, but can also be - particularly for those

-serving long sentences - a painful reminder of what you've lost, albeit temporarily. Whilst longing to see their visitors, some prisoners may feel quite down after they've left. The sight of children clinging to their mothers and screaming as they're dragged away after a visit is also likely to be upsetting for everyone around.

Prison visitors

Prison Visitors are usually local people who are available to visit any prisoner, whether or not they have other visits. You can see one by asking the Prison Visitor Liaison Officer (often the prison chaplain). A visit from a Prison Visitor does not count against your entitlement to ordinary visits, and does not require a visiting order.

Religious visitors

You will be asked your religion when you enter prison, and can specify one or be registered as 'nil' religion. If you register as a particular religion, you should be visited by a representative of that religion shortly after you arrive. Subsequently, you can make an application for further visits. The prison chaplain can also arrange for you to be visited by a priest/minister etc from your home area.

8. Food

A subject close to the hearts of many activists. Prison food is supposed to be, according to Prison Rule 21, 'wholesome, nutritious, well-prepared and served' - a statement likely to produce a hollow laugh in anyone who's been in prison. As in all things, prisons vary enormously and some may indeed produce a wholesome and nutritious diet. Many others though serve food which is stodgy, greasy, lacking in fruit and vegetables, over-processed and generally pretty unappetising. Terrible food seems to be one of the most common complaints amongst prisoners. You're not allowed to have food sent in to you, so you'll have to get used to it, although in some prisons you may be able to get 'luxuries' such as fresh fruit, cereal and vitamin supplements in the prison canteen.

Prisons are required to provide special diets, including vegetarian, vegan, Halal and kosher - you should be asked when you enter prison if you require a special diet. Whether the vegan diet is really vegan, or the kosher, kosher, is anyone's guess. If the food is really terrible, don't hesitate to put in a complaint - the governor is supposed to taste the food on a regular basis but one suspects this might be an oft (and deliberately) neglected duty. Meals in prison are at very odd times - usually around 8am, 11.30am and 4pm, leaving a huge gap between dinner one day and breakfast the next.

9. Health

The prison health service is not part of the NHS, and seems to be staffed largely by doctors who were too incompetent to get a job in the NHS (there may well be some excellent and dedicated doctors in the prison service, but if there are, they're very much a minority). While you're on remand, you have the right to see your own doctor, at your own expense, but no such right exists once you're convicted. If you need to visit the prison doctor, expect to be patronised, to have nothing explained, and to be fobbed off with some kind of happy pill. By all accounts, the health care centre is about the worst place in any prison, full of people with severe mental health problems who should be in hospital rather than prison. You may want to bear this in mind before going to the doctor, who may decide to ship you off there. If you feel your health needs are not being met, your best option may be to put in a complaint, and also to ask friends on the outside to write to their and your MPs on your behalf - this may produce more rapid results.

10. Smoking

A Prison Service 'circular instruction' of 1989 (3/89) asked for 'non-smokers not to be compelled to share living accommodation with smokers'. However, over a decade later non-smokers are still being forced into cramped cells with smokers. If you don't wish to be in with smokers, you should make this clear from the outset - it's worth telling the doctor in reception that smoke makes you ill and asking her/him to put a note to that effect in your file. If that doesn't work, tell an officer as soon as you reach the wing that you don't want to share with a smoker, and keep asking, and putting in complaints if necessary, until you get your request granted.

Sharing a cell with smokers nearly drove me mad but my many requests to be moved were totally ignored. In the end I went to see the doctor who was very sympathetic and put a note in my file that I was not to share with smokers. Even then I still had to keep making a fuss to get this order implemented.

Andrea Needham

If all else fails, start making dire threats about suing the Prison Service for the damage to your health, and ask everyone you know to bombard the prison and their MPs with letters of complaint. You could also try contacting the Prison Reform Trust for advice - see end. Being a non-smoker has its advantages, however, in that you might eventually get a cell to yourself, whereas if you're a

smoker you've got no leverage and could end up sharing with several other people and their radios. No fun.

11. Money - getting it and spending it

You won't handle any money in prison - all transactions are on paper. Money you have with you in reception will be credited to your account, and thereafter you can have money sent in to you (ask how to do this as it varies between prisons), and you will be given a 'wage', the amount of which depends on the type of work you do (you should also get paid for going to education, or even for sitting in your cell all day if there are no other options). You can usually spend your money in the prison canteen once a week - the amount you're allowed to spend depends on whether you're on remand or convicted, and your level in the Incentives scheme (see below). The canteen will sell tobacco, stationery, stamps, phonecards, food, drinks, toiletries and various other things.

12. Getting things done - applications and complaints

To get almost anything done in prison, you have to make an application. This might include getting your clothes washed, having clothes or books brought in to you, getting a free letter to write to your solicitor, taking part in a class or one of a hundred other things. The process varies from prison to prison, and you should ask an officer how it's done, but it is generally quite slow so make sure you make your application in time if, for instance, you want someone to bring something in to you on a certain day.

If you want to make a complaint about some aspect of prison life, you're expected to go through certain channels, starting within the prison, and progressing right up to the Prisons Ombudsman if the complaint isn't resolved to your satisfaction. The process is too complicated to go into here, but if you have a serious complaint you'd be well advised to contact one of the many firms of solicitors which specialise in prison law.

13. Incentives and earned privileges scheme (IEPS)

This is basically a way of making you 'earn' things (such as extra time out of your cell, the right to attend certain classes, to spend more of your own money in the prison canteen, to have extra visits or to have a cell of your own) which you might think were basically rights. All prisoners are in one of three categories: basic, standard or enhanced. When you first arrive, you'll be put on standard, then your behaviour will be reviewed at regular intervals

and your category may be altered accordingly. You have the right to make representations if you feel you've been unfairly classified. IEPS operates in all prisons and has been criticised by many penal reform groups, who consider that the 'privileges' on the basic level are too limited and that the minimum standards should be higher (ie there should be basic rights accorded to all prisoners, whatever their behaviour, simply as a matter of humanity.)

14. Rules and breaking them

It's not always easy to know if you're breaking the rules since they're not often readily available (although there should be a copy in the prison library). There is a huge list of 'offences against discipline', ranging from assault to absenting yourself from a place you're supposed to be, via being disrespectful to an officer and failing to work properly.

All the women seemed to call the officers 'Sir' or 'Miss' - I would not at any point do that. The officers happen to accept a wage cheque for the role of keeping us locked up; that in no way makes me feel any deference towards them.

Melanie Jarman

Some of the offences are obvious - assault, theft, fighting - but you may not realise other things are offences until you're hauled up for breaking them. 'Delivering to another person any article which he [sic] is allowed to have only for his [sic] own use', for example, means that in theory you could be had up for lending someone a book, giving someone a stamp, even sharing your lunch. In practice, most officers have the common sense to ignore prisoners sharing things freely although you may well find some petty enough to charge you with an offence. If an officer decides that you've committed an offence, you'll be given a notice of the alleged offence, then shipped off to the segregation unit, where you'll be strip searched, 'examined' (or more likely, glanced at for a millisecond from some distance) by a doctor (to ensure you're fit to undergo punishment of cellular confinement if convicted) and then taken in front of a governor for 'adjudication' (note that you have to be given at least two hours to prepare your case after being informed of the charge). The officer concerned will present their case, you'll get a chance to present your case and to call witnesses if you wish. You can ask to have (but may not be granted) a 'McKenzie friend' to assist you, who might be another prisoner, a prison probation officer, or the prison chaplain. After hearing the case, the governor will decide

whether you're guilty, and if so, pass sentence. Punishments range from a caution, through loss of privileges, exclusion from association, stoppage of earnings, cellular (solitary) confinement, and up to 42 extra days on your sentence.

15. Keeping your home

For those on remand, or serving sentences of more than a few weeks, paying your rent and council tax may become an issue. If you know you'll be in for a while, contact the council immediately to sort this out, or ask a friend on the outside to do it on your behalf. You may in some circumstances be able to claim mortgage interest payments - contact the Benefits Agency for details. The Probation Service will have staff based in the prison who may be able to help with housing issues, but they are likely to be desperately overworked so it's best to sort it out yourself if at all possible.

* Housing benefit

You can get housing benefit in certain cases:

1. If you are on remand, you can get benefit for up to 52 weeks provided you intend to go back to your property on release; you don't rent out your property whilst in prison; you won't be away for more than 52 weeks; and you don't have more than £16,000 in capital.
2. If you are convicted, you can get HB only if your absence from home will be for 13 weeks or less. If the period of absence will exceed 13 weeks (ie you get a sentence of more than 6 months), no HB is payable at all (ie you can't claim for the first 13 weeks, then start paying the rent yourself after that).

If you need to claim HB, contact the HB department at your local council as soon as you get to prison, explaining your circumstances. You can get a free letter from the prison to do this.

* Council tax

If your property is empty whilst you're in prison, the council should treat it as exempt and no tax will be due for the period of imprisonment (unless imprisonment is for failure to pay fines or council tax). If there are still people in your home, you may be able to get a discount - contact the council for details.

16. Getting out

* How much time will I serve?

Sentences up to 12 months

You'll be released after serving half your sentence (or earlier if released with a tag - see below), provided you

haven't had days added on to your sentence for breaking prison rules. You will not be subject to supervision on release. However, you will be 'at risk' until the date on which the full sentence ends - this means that if you are convicted of a new imprisonable offence before this date, the court can make you serve all or part of the period between your release date and the expiry of the full sentence (unless your sentence is for nonpayment, in which case you will be released unconditionally).

Sentences up to four years

The same as sentences up to 12 months (see above), except that you will be released on conditional licence, and will be supervised by the probation service until the three-quarters point of your sentence. Breaching the conditions of your licence (eg failing to turn up to appointments with your probation officer) is a criminal offence in its own right. You will be 'at risk' until the expiry date of your sentence (see above).

* Short sentences

If you are serving a very short sentence, eg for nonpayment of fines, you may well benefit from the fact that prisoners are not usually released at weekends so if your release date falls on a weekend, you'll almost certainly be released the previous Friday. You may be able to manipulate your court date to take advantage of this - eg if you get seven days and go to prison on a Thursday, your release date (four days later) will fall on Sunday, so you'll be let out on Friday, thereby serving less than 24 hours.

* Discharge grant

This is supposed to cover your living expenses on release until you get your benefits sorted out. It's equivalent to a week's dole. If you've been on remand, are serving less than 15 days, are a civil prisoner or are in prison for fine default, you won't get a discharge grant. Everyone released from prison is eligible for a travel warrant to their home address or to any other place in the British Isles where they intend to settle.

* Tagging

Also known as Home Detention Curfew (HDC), this was brought in under the Crime and Disorder Act 1998 and makes provision for prisoners serving between 3 months and 4 years to be released early with an electronic tag, subject to a satisfactory risk assessment and a suitable home address. Tagged prisoners are required to stick to a curfew and are subject to supervision by the probation service. The amount of time served under HDC varies according to sentence length, but is a maximum of eight weeks. It remains to be seen whether this system will be

used for activists - it may be felt that they are not sufficiently low-risk.

17. Dealing with it...the worst

A straw poll among prisoners in one women's prison produced a near-unanimous agreement that the worst thing about prison is the pettiness and ever-changing rules - more commonly known as 'fucking with your head'. Every officer has his or her own interpretation of the rules, and consequently the rules change as often as the officers change shifts. What's allowed today may be a disciplinary offence tomorrow, and 'Because I said so' becomes reason enough for anything. The incredible pettiness of prison life can probably not be properly appreciated by anyone who hasn't been there.

I did find it hard to cope with prison, and still don't think I've found a way not to let all the frustrations, sadness and hopelessness built up by the prison system get to me.

Rosie Bremer

Whilst some prison officers genuinely seem to care for prisoners in their charge, others seem to go out of their way to make life as unpleasant as possible. In the enclosed atmosphere of prison, where you can't escape from the situation (unless you're really creative), small acts of pettiness can take on huge significance. An officer confiscating something which has been sent in to you, which you know you're allowed to have, is one common example. All you can do in such cases is to breathe deeply, try not to get too upset, then make the appropriate complaints afterwards. There's little point getting into a confrontation with an officer, which may make them all the more determined to repeat their behaviour in future.

One way of dealing with the pettiness and inhumanity of prison may be to decide what you will, and won't, go along with. You may decide that there's no point getting worked up about every little insult and frustration, but that there are bigger issues which you simply can't accept and would be willing to risk punishment over. Whatever you decide, it's important not to feel bad about it - there's no point beating ourselves up over our inability to resist every injustice. Prison is hard enough at the best of times - we don't need to make it even harder for ourselves.

Other issues identified by people who've been in prison include:

- boredom
- sharing cells with smokers
- ever-changing cellmates

- being confronted daily with people who are very disturbed and people leading desperately awful lives
- bullying prison officers
- lack of exercise and fresh air
- institutionalisation
- constant noise - radios, shouting, banging, screaming
- ridiculous mealtimes, terrible food
- too cold, too hot
- arbitrary denial of rights
- lack of privacy
- feeling emotionally vulnerable
- loneliness and isolation
- endless waiting in cold corridors
- seeing other prisoners being picked on and being too scared to intervene

I was very, very surprised by little acts of camaraderie by the prisoners and shocked at the indifference and aloofness of the prison officers. In my middle-class experience everybody listened to me and responded to polite, well-argued requests. In prison you're just like everyone else - ignored.

Chris Cole

18. And the best....

Many of the same things were identified by a lot of people: having time to read and write; getting enforced rest (although others suggested that you could never really relax in prison); receiving letters and visits, especially from other activists; discovering how supportive other prisoners are; having no responsibilities; moments of laughter and sharing with other prisoners. Unsurprisingly, 'getting out' was identified as the best thing by most people, whilst one comment was, 'I'm afraid I would refuse to say any 'best' thing. I thought at the beginning and continue to believe in the total futility of the system.' Paradoxically, some people spoke of the sense of freedom engendered by a spell in prison - that they'd experienced the ultimate sanction in our society, and could go on to take action with the knowledge that they could cope with the worst the state could throw at them.

19. And finally...

Prison can be seen as an entirely negative experience, or as an occupational hazard which one can make something positive out of. Life doesn't stop while we're in prison, and it may be useful to think of it as part of our resistance - just by being there, we're reminding people on the outside that the issue is still alive, that people are willing to sacrifice their freedom for it.

20. Resources

Prison Reform Trust

15 Northburgh St, London EC1V 0AH, 020 7251 5070,
prt@prisonreform.demon.co.uk.

Campaigns for better prison conditions, deals with enquiries and complaints. Publishes information book for prisoners in conjunction with Prison Service, which is supposed to be given to all prisoners on reception but rarely is.

Prisoners' Advice Service

Unit 305, Hatton Square, 16/16a Baldwin Gardens,
London EC1N 7RJ. 020 7405 8090.

Takes up complaints about prison treatment.

Women in Prison

Aberdeen Studios, 22 Highbury Grove, London N5. 020
7226 5879.

Campaigns on issues around imprisonment of women.

POPS - Partners and Families of Prisoners Support Group

St Mark's Cheetham, Tetlow Lane, Manchester M8 9HF.
0161 740 8600. families@surfaid.org.

Advice, information and support to families of prisoners.

Nacro - National Association for the Care and Re-settlement of Offenders

169 Clapham Rd, London SW9 0PU. 020 7582 6500.

Freephone advice line: 0800 0181259

Information and advice. Publishes useful booklet 'Outside help' for families and friends of people in prison.

Haven Distribution

27 Old Gloucester St, London WC1N 3XX

Provides free educational books to prisoners. Send stamp for details.

We have obviously tried to be as accurate as possible. However, it is impossible to include every point in a short briefing like this. If you are in any doubt about anything, please ask us or contact one of the advice services listed.