



## **‘Slopping out?’**

A report on the lack of in-cell sanitation in Her  
Majesty’s Prisons in England and Wales

*National Council for Independent Monitoring Boards*

*August 2010*

It is said that no one truly knows a nation until one has been inside the jails. A nation should not be judged by how it treats its highest citizens, but its lowest ones.

*Nelson Mandela, former President of the Republic of South Africa*

The mood and temper of the public in regard to the treatment of crime and criminals is one of the most unfailing tests of the civilisation of any country.

*Sir Winston Churchill, former Prime Minister of the United Kingdom*

## STATUTORY ROLE OF THE IMB

The Prison Act 1952 and the Immigration and Asylum Act 1999 require every Prison and Immigration Removal Centre to be monitored by an Independent Board appointed by the Secretary of State for Justice (or Home Secretary in the case of an IRC) from members of the community in which the prison or centre is situated.

A Board is specifically charged to:

- satisfy itself as to the humane and just treatment of those held in custody within the prison and the range and adequacy of the programmes preparing them for release;
- inform the Secretary of State, or any official to whom he has delegated authority, as it judges appropriate, any concern it has;
- report annually to the Secretary of State on how well the prison has met the standards and requirements placed on it and what impact these have on those in its custody.

To enable the Board to carry out these duties effectively its members have right of access to every prisoner and part of the prison and also to the prison's records (this does not include Prisoner Health records unless with express written permission, or staff personnel files).

There are currently over 1800 board members at Prisons, Immigration Removal Centres and Short Term Holding Facilities in England and Wales.

This report has been prepared by John Weightman MBE, Vice President of the National Council for Independent Monitoring Boards.

The report can also be found on the IMB website at [www.imb.gov.uk](http://www.imb.gov.uk)

For further information about this report and the IMB please contact:

Independent Monitoring Boards Secretariat

2<sup>nd</sup> Floor

Ashley House

2 Monck Street

London

SW1P 2BQ

Tel: 020 7035 2270

Email: [imb@justice.gsi.gov.uk](mailto:imb@justice.gsi.gov.uk)

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Thanks must go, too, to the Editor of the Prisoners’ Newspaper ‘Inside Time’ for first raising this matter and also for permitting the author to place an article inviting comment.

Lastly - but by no means least – special thanks must be recorded for all those prisoners who wrote to me with their stories.

## FOREWORD

*Dr Peter Selby, President Independent Monitoring Boards*

Like many who will read this report I had assumed that following the acceptance of Lord Woolf's recommendations slopping out was a thing of the past. Only when the annual reports of IMBs became part of my staple reading diet did I realise that it had been replaced by a situation in which – as IMBs constantly report – two men will be living, eating and spending most of the day in what is in effect their shared lavatory. Boards describe this – rightly – as unacceptable on grounds both of health and of dignity. They recognise that financial considerations and the numbers in the prison system make it unlikely that this will be quickly remedied, but place it on the record that this is not as it should be.

But what this report shows is that however unacceptable that replacement of slopping out may be the practice itself continues, and there are still establishments where the lack of in-cell sanitation means that prisoners are still subjected to something that is a threat to health and dignity. While IMBs rightly concern themselves with all aspects of prison life, this most basic matter needs to be brought to the attention of Ministers and the public. We are much indebted to John Weightman who has undertaken the research, to *Inside Time*, and to the prisoners who wrote to him, for bringing this degrading matter into the public domain.

Please read this, and remember, and add your voice to the call for change. It cannot come too soon.



## EXECUTIVE SUMMARY

- In-cell Sanitation does not exist in some 2000 prison cells across 10 prisons
- An electronic unlocking system exists in these prisons but excessive queuing and limited access time cause further unplanned problems.
- The use of buckets continues at night-time causing the practice of slopping out to continue, despite the formal termination of this system some 14 years ago.
- There are particularly serious concerns where elderly and disabled prisoners are placed in these cells.
- There is evidence that some prisons cope with the management of this issue better than others.
- In many instances, the night sanitation system is unreliable and frequent breakdowns are reported.

## INTRODUCTION

In its May 2010 issue, *Inside Time* reported a Parliamentary Question and answer as follows:

**David Howarth MP:** *To ask the Secretary of State for Justice what his most recent estimate is of the number of prison cells without in-cell sanitation; and what plans his Department has to install in-cell sanitation in those cells.*

In her reply, the then Minister of State, **Maria Eagle MP**, stated: *There are about 2000 cells on normal location across the prison estate that do not have integral sanitation but which have electronic unlocking facilities, which permits a prisoner to leave a cell to access sanitation and washing facilities on a call system. This system was approved as a method of ending ‘slopping out’, as set out in the Judge Tumin report of 1989. There are also some further cells on the prison estate without integral sanitation but which permit prisoners to have open access to central sanitation facilities via their privacy locks. This was also acceptable to Judge Tumin as a method of ending ‘slopping out’*

*Cells with the current electronic unlocking facilities are too small for the installation of integral sanitation.<sup>1</sup>*

Following the publication of this exchange in the March edition of *Inside Time*, it was apparent that not all of the users of this alternative to in-cell sanitation felt that the reply adequately covered the reality of the situation. The IMB National Council felt that the issue was of such significance and related to one of its fundamental values (Monitoring fairness and respect for people in custody) that further investigation was required.

An article was placed in the July copy of *Inside Time* following which there has been significant response. Further research was done by analysing existing publicly available documents viz The Annual Reports of Independent Monitoring Boards and Inspection Reports of Her Majesty’s Chief Inspector of Prisons. Enquiry was also made to chairs of IMBs to ascertain the current situation.

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<sup>1</sup> *Hansard: written answers and statements, 3 March 2010.*

## BACKGROUND

The age-old practice of 'slopping out' - referred to at the time by penal reform groups as the 'single most degrading element of imprisonment this century'<sup>2</sup> - was officially brought to an end on Friday April 12 1996. On that day, the last plastic pot was ceremoniously discarded at Armley Prison in Leeds, West Yorkshire. Flushing lavatories were then, apparently, installed for all.

This heralded the end of queues of men and women to empty their pots of waste in the sluice rooms. There would be no more stench and no packages of excrement lobbed out of windows: an attempt to make the atmosphere within the cell bearable to the detriment of that in the grounds.

Of such significance was this event that it was attended by the then Prisons Minister, Anne Widdecombe and the Director General of the Prison Service, Richard Tilt. It was the end of a six year programme to install sanitation in all prisons.

This programme was the result of a campaign by the Chief Inspector of Prisons, Judge Stephen Tumim. Sir Stephen had commissioned a report which was adopted by Lord Woolf in his review of prisons following the Strangeways riots of 1989.

There is an irony that Armley (Leeds) Prison, built in the first half of the 19<sup>th</sup> Century, was actually built with sanitation systems but these were ripped out at the turn of the century to make way for more accommodation and to "make life tougher for inmates". Paul Cavadino again: "This is a very welcome return to Victorian values."<sup>3</sup>

## CURRENT PRACTICE

Where in-cell sanitation is not available an electronic system is available for night time needs. This provides for electronic unlocking of cells to access communal facilities in response to the pressing of the cellular call button. This system was approved as part of the ending of 'slopping out.'

Prisoners are placed in a queue to be released one at a time for between 6 and 10 minutes. The length of the waiting time depends on how many are in the queue.

This situation exists in the following prisons:

- Blundeston
- Bristol
- Bulwood Hall
- Coldingley
- Gloucester
- Grendon
- Hewell (Brockhill)
- Isle of Wight (Albany)
- Long Lartin
- Ranby

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<sup>2</sup> *Paul Cavadino, then Chair of the Penal Affairs Consortium*

<sup>3</sup> Independent Newspapers 13 April 1996

## A HUMAN RIGHTS PERSPECTIVE

International Instruments have much to say on this matter. Article 10 of the International Covenant on Civil and Political Rights tells us:

All persons deprived of their liberty shall be treated with humanity and with respect for the inherent dignity of the human person.<sup>4</sup>

Basic Principles for the Treatment of Prisoners, Principle 1 says:

All Prisoners shall be treated with the respect due to their inherent dignity and value as human beings.<sup>5</sup>

The 'Body of Principles for the Protection of all Persons under Any Form of Detention or Imprisonment, Principle 1 states:

All persons under any form of detention or imprisonment shall be treated in a humane manner and with respect for the inherent dignity of the human race.<sup>6</sup>

The Standard Minimum Rules for the Treatment of Prisoners, Rules 9-21 states:

The sanitary arrangements shall be adequate to enable every prisoner to comply with the needs of nature when necessary in a clean and decent manner.<sup>7</sup>

In 1991, following visits to places of detention in all 45 member countries of the Council of Europe, the Committee for the Prevention of Torture produced a report which, in the words of Professor Andrew Coyle in his book, *Humanity in Prisons*, gives 'a more rounded guidance on what humanity means.'<sup>8</sup> Here, Coyle notes that a major emphasis that runs as a constant theme through reports of CPT visits is that of 'degrading treatment.' He goes on to note: 'Degrading treatment usually describes situations where personal bodily privacy is invaded, or where the prisoner is unable to keep clean or have access to fresh clothes'<sup>9</sup>. In the report referring to prisons in England and Wales, the CPT 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 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

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<sup>4</sup> Quoted in Andrew Coyle: *A Human Rights Approach to Prison Management: Handbook for Prison staff 2002*. P16. International Centre for Prison Studies: London

<sup>5</sup> Quoted in Andrew Coyle: *A Human Rights Approach to Prison Management: Handbook for Prison staff 2002*. P16. International Centre for Prison Studies: London

<sup>6</sup> Coyle: *ibid*

<sup>7</sup> Coyle: *ibid*

<sup>8</sup> Andrew Coyle *Humanity in Prison: Questions of Definition and Audit*. 2003. P25. International Centre for Prison Studies: London

<sup>9</sup> Coyle: *ibid*

out was also very unpopular with the prison officers who had to supervise it: indeed the task must be debasing for them.<sup>10</sup>

Further practical comment is found in Andrew Coyle's *A Human Rights Approach to Prison Management: Handbook for Prison staff*. There, he writes:

Since the movement of people who are in prison is often severely restricted, it is important that they should have regular access to sanitary facilities. Prisoners should have unrestricted access to toilet facilities and to clean water. There should also be adequate facilities to allow regular bathing or showering. These matters are especially important when prisoners are kept for long periods in overcrowded living accommodation. The arrangements which are in place should not humiliate prisoners, for example, by obliging them to shower in public. As well as meeting the right of all people to keep themselves clean and to maintain theirself-respect, access to proper sanitation is essential in prisons as a means of reducing the possible spread of illness among prisoners and staff. Sanitary arrangements must be accessible, clean and private enough to ensure the dignity and self-respect of the prisoner.<sup>11</sup>

## THE EVIDENCE

### Method

The content of this report is based entirely on the following:

- IMB Annual Reports
- HMCIP Inspections Reports
- Letters from Prisoners

### IMB Reports

**Blundeston:** The original four wings do not have integral sanitation, access to toilet facilities being available, on application to a duty officer, by remote unlocking of the cell, during times, of course, when prisoners are locked up. Time limits are set for prisoners having access to the toilet facilities. This system is very unsatisfactory and is rapidly reaching the point when it will cease to function. The multiple occupancy cells, on F and G wings, also provide poor accommodation, but some prisoners like them as they appreciate the opportunity to share a cell with other prisoners. *P5 2009*

**Bullwood Hall:** There are seven wings, providing single and shared occupancy cells. In the region of 40% of the prison population share cells. Approximately 35% of prisoners have in-cell toilet and washing facilities, so the majority are subject to night-sanitation arrangements. *P3 2009*

Issues That Require A Response From The Minister

#### 5.2.1 Night Sanitation

5.2.1.1 *Last year: The Board drew attention to the unsatisfactory night toilet arrangements and recommended that a planned programme of action be introduced to eliminate this archaic process.*

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<sup>10</sup> Council of Europe Report to the United Kingdom Government on the visit to the United Kingdom carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 29 July 1990 to 10 August 1990. CPT/Inf(91)15[EN].Paragraph 47. Quoted in Coyle: *ibid*

<sup>11</sup> : *A Human Rights Approach to Prison Management: Handbook for Prison staff 2002*. P45. International Centre for Prison Studies: London



5.2.1.2 *The Minister's Response: There are no plans to replace the present sanitation system with an integral one, though funding is being sought for a new computer/operating system to monitor use of the present system.*

5.2.1.3 The night toilet arrangements in A, B, C and D Wings remain extremely unsatisfactory and, while it is understood that no changes can be made without significant capital expenditure, the problems will continue.

5.2.1.4 The proposed new Night Sanitation operating system (Night San) has not yet materialised. It is of serious concern to the Board that it is not possible to monitor the length of time a prisoner has to wait before being released from his cell to use the toilet.

5.2.1.5 The Board and prison management are currently following up allegations that prisoners may have to wait for up to two hours to use the night toilet facilities. Preliminary investigations reveal that prisoners are locked in at 19:30 each weekday night and the Night San system does not become operational until 21:15. Only seven prisoners on each wing can register their request at any one time, so there can be a considerable wait to get registered on the system, a wait which can be further exacerbated for some if others continuously tap the Night San button to get registered.

5.2.1.6 It should be noted that each prisoner has a plastic 'potty' in their cell, this whole issue remains extremely unsatisfactory in the Board's view and needs urgent review.

5.2.1.7 The Board considers also that in the event of a Novo virus/Swine flu epidemic within the prison the potential effects could be exacerbated by unsatisfactory sanitation, particularly at night. See also paragraph 5.3.1.

5.2.1.8 In light of the above, the Board requests that the Minister again reviews the situation concerning Night San and instigates improvements during the coming year. *P6 2009*

**Gloucester:** The Board's concern that prisoners on A and B Wings have to eat their meals in cells that contain their toilets is also longstanding. The Board notes the Minister's response (to last year's report) that there are insufficient resources of space and staff to change this situation and that the health risks are minimal. Administratively, given the resources provided, this may seem a reasonable explanation. However, the Board has a statutory role that invokes wider considerations: it has to satisfy itself that prisoners are treated humanely. Moreover, it is mindful that the Government and the Prison Service have a respect and decency agenda. The present arrangements – normally involving two-man cells - fail when measured against such standards. *P7 2009*

Further recent comment by the IMB: There is an automatic system the current situation of which was described in the following terms by the Governor on Feb 10 after the installation of new PCs to control it: "Each locking slot is for a maximum of 10 minutes in length and there are at most 16 prisoner/cells on any spur so that the most any prisoner would have to wait is 160 minutes. It is accepted that should a prisoner wake up in the night urgently needing the toilet this would be too long to wait which is why pots are issued.

The way in which the system is being managed has also been amended and all limits on how many times one prisoner can come out of his cell have been withdrawn. The effect of this is that if a prisoner is out of his cell at the door of another cell, talking, he will return to his own cell when asked by a prisoner needing to use the toilet as he knows he can come out again if he wants to. The relaxation of the rules governing the operation of the system has improved its effectiveness. While the system does not and cannot guarantee immediate access to a toilet or running water, it does provide reasonably prompt access most of the time. "

**Grendon:** The combination of inadequate night time sanitation and reduced night staff has led to a dramatic increase in "dirty parcels" being deposited on wing roofs. Apart from being an extreme health risk, the stench which results, especially in the summer months, creates an unacceptable environment for both prisoners and staff. This has been reported by both the Board and The Inspector of Prisons. Clearance of these parcels has become a low priority as a result of the budget

*Monitoring fairness and respect for people in custody*

cuts. The Board has observed the smells and continues to monitor the situation. This has been an ongoing annual problem. *P8 2009*

**Isle of Wight (Albany):** The accommodation is split into 7 wings, plus a segregation unit and an induction unit. Wings F and G are purpose built and have integral toilets and washing facilities. However, A-E do not have such facilities, but a night sanitation system is in place. Unfortunately it regularly fails leaving inmates having to rely, to a large extent, on mop and slop! There will never be any room for the building in-cell sanitation on these wings and the Board is concerned at the frequency of breakdowns, especially as there is no alternative to the night sanitation system. *P7 2009*

**Long Lartin:** Last year the Board drew attention to the lack of integral sanitation in the four original wings which remain at Long Lartin. At night and during lock-downs, the men concerned have to rely upon the Nightsan system or their own informal and unpleasant expedients.

(2) In its response the Service summarised the practical difficulties which have stood in the way of any improvement to this situation over many years. These difficulties are undeniable, but the Board would be failing in its duty if it did not keep this aspect of life in Long Lartin before a wider public.

(3) The two wings which are about to open have, of course, been built to modern standards. As they are replacing two of the original wings – albeit ones that had been mothballed for several years – they will reduce the proportion of men without their own sanitation. The two further house blocks that are envisaged, however, will not be replacing old accommodation but be additional. Around three hundred prisoners will continue to rely on Nightsan for as many years as the planners can foresee. This should be a source of embarrassment. *P20 2009*

**Ranby:** As in our previous annual reports, Board members have major concerns regarding some matters that have a negative impact on the welfare, safety and security of prisoners on this wing. The following are of particular note:

- There has been no progress in the provision of toilets within cells;
- The communal toilets and showers are antiquated and there are significant delays in repairs;
- Access to communal toilets provides an opportunity for bullying and assaults. *P20 2009*

## HMCIP Reports

**Blundeston:** In the absence of in-cell sanitation, many of the prisoners at Blundeston continued to rely on a highly unsatisfactory night sanitation system. In spite of some recent improvements, its defects were evident, not least in the pervasive smell of urine on the exercise yards. *P5 2008*

The quality of the environment was mixed; some parts were pleasant but there were some areas outside wings which were littered and had not been cleared for some time. Communal areas were mostly clean but the stairwells in the older units were dirty. Standards in cells were mixed. In spite of some attempts to improve access, the night sanitation arrangements remained unsatisfactory, demonstrated by the fact that parcels of excrement and bottles of urine were still thrown out of windows, as prisoners often found themselves unable to gain access to toilets when the prison was in patrol state. During the inspection, the exercise yards smelt of urine. *HP13 Announced Inspection June 2008*

**Bristol:** B Wing: 99 single cell unit, incorporating the voluntary drug testing unit. It does not have in-cell sanitation. *P7 Announced Inspection 2010*

**Bullwood Hall:** The major problem relating to decency was the continued use of the ineffective and sometimes degrading and unsafe night sanitation system, which governed prisoners' access to toilets, and staff access to wings, at night. *P5 Unannounced Inspection 2007*

## Description of residential units

The residential living accommodation is made up of seven different wings. A, B and C wings are of a similar size, housing between 27 and 32 prisoners in single cells. D wing can house up to 30 and includes four double cells but some of its cells are out of commission as part of an overall window replacement programme. E and F wings are enhanced wings and can hold up to 13 and six prisoners respectively. None of the cells in these areas has integral sanitation. Prisoners located on A, B, C and D wings have to make use of a night sanitation system, while men on E and F wings are unlocked 24 hours a day and can use the communal toilet facilities. *P7 Unannounced Inspection 2007*

Prisoners on E and F wings were unlocked 24 hours a day and could use the communal toilet facilities, and those on G wing had en suite toilets and showers. However, prisoners on A, B, C and D wings had to use the night sanitation system and many complained about this. The system entailed pressing a button to be put in a queue to be released one at a time for six minutes. How long someone had to wait depended on how many were in the queue but prisoners said it was not unusual to wait over half an hour. This was a particular problem for men with medical problems who needed to use the toilet more frequently. There were also problems in supervising those on suicide prevention measures (see paragraph 3.25). It was not uncommon for the system to break down and sometimes night staff used the manual override to unlock cells by hand, but this was time-consuming.

2.7 Some prisoners used the night sanitation system to access hot or cold water as there was no drinking water in the cells. Prisoners were issued with two-litre plastic jugs but had to buy their own hot water flasks costing over £7.

## Recommendations

2.8 A regular programme of good quality refurbishment work should be carried out throughout the prison.

2.9 In-cell toilets or an alternative system to the current unsatisfactory arrangements should be introduced in order to provide 24-hour access to toilet facilities.

2.10 While the current night sanitation arrangements persist, more prisoners should be unlocked for 24 hours a day, and additional night staff should be deployed when there are technical problems with the night sanitation system to ensure that prisoners can access toilets without undue delay.

2.11 Prisoners should have better access to hot and cold water. *P22 Unannounced Inspection 2007*

**Coldingley:** There had been no improvement to the antiquated automatic night sanitation system, which caused some prisoners to resort to the degrading use of pots and bottles. *P5 Unannounced Inspection 2008*

The antiquated night sanitation system remained the major area of concern in the residential units. The showers were being refurbished and the overall standard of cleanliness on the units was reasonable. However, some toilet recesses were messy and unpleasant and in need of more frequent cleaning and oversight. *P11 HP13 Unannounced Inspection 2008*

### **All prisoners should have genuine 24-hour access to toilet facilities. (HP40) Not achieved.**

There were periods in the morning and at lunchtime when prisoners were locked up and the Night sanitation system was switched off. Some prisoners therefore still had no choice but to use bottles and other containers both at these times and at night when they could not wait for their turn in the queue. Records showed that most prisoners waited between five and 15 minutes for their turn, although this could be much longer at busy times. **We repeat the recommendation.** *P15 2.4 Unannounced Inspection 2008*

**Gloucester:** We also observed that cell bells were not always answered quickly enough. Conditions on C wing were poor. Flooring in communal areas was cracked and toilet and shower facilities, linked to the night sanitation arrangement (as there were no in-cell toilets), were run down and dirty. Cells on C wing were generally clean but poorly ventilated. Plans to refurbish C wing had yet to be implemented. *P17 HP20 Announced Inspection 2007.*

Conditions on C wing were generally poor. Flooring in communal areas was cracked and broken. Communal showers and toilets on all landings were run down and dirty, and many did not work. The communal dining room and association room were generally clean, although flooring was grubby and poorly maintained. Cells on C wing lacked integral sanitation. The night sanitation system was inadequate and did not ensure that prisoners had unrestricted access to toilets at all times. Prisoners had to ring a bell in their cell to have their doors unlocked electronically from a central control area staffed by a prison officer, and had eight minutes to use the communal toilets. As only one prisoner per spur was permitted to use the toilet at a time, prisoners could sometimes wait up to an hour to use the toilet. Many prisoners took chamber pots into their cells at night and emptied them the following morning. *P23,24 para 26 -27 Announced Inspection 2007.*

**Grendon:** Overall, the living environment was of a reasonable quality, clean and well kept, despite its age and some obvious inadequacies. Prisoners were able to decorate their own cells, which provided a good personal environment. C and D wings had recently been refurbished, but toilet and shower facilities in non-refurbished areas were run down and some were in a poor state. The night sanitation system was a problem and broke down frequently and some 'parcels' of excrement were thrown out of windows. Prisoners on landings where there were more cells were particularly affected and this was exacerbated by longer periods of lock up than previously. *P11 HP12 Announced Inspection 2009.*

The lack of in-cell sanitation meant prisoners had to rely on a computer-operated night sanitation system. This was unreliable and had broken down 31 times in the previous six months. Many prisoners said they had to wait a long time to use the toilet and this was particularly the case among those on the first level landings, where access was especially difficult as there were more cells. Prisoner access was further limited when the system was periodically switched off to check the roll. Some prisoners resorted to throwing parcels of excrement out of cells windows. These landed on flat roofs, causing a sanitary hazard. Many prisoners complained that the parcels were not cleared up frequently. A clean-up had taken place the weekend before the inspection, but this had been planned for some time. *P21 para 2.5 Announced Inspection 2009 Hewell (Brockhill):*

Although cells were generally clean, most had no integral sanitation and prisoners were allocated a short time at night to access a toilet, under night sanitation arrangements. *P13 HP18 Announced Inspection 2009*

Although cells were generally very clean, as at the last inspection, most had no integral sanitation. After evening lock up, access to toilets operated on an electronically controlled night sanitation system. This allowed only one prisoner at a time on each spur out of his cell for a permitted nine minutes. When he returned, he had to enter a code into the system in his cell, which registered his return, locked his cell and allowed the next prisoner to leave his cell. Prisoners could have four such periods a night. Prisoners who stayed out of their cells beyond this period could be restricted from using the night sanitation.

2.11 When night staff visited the spurs during the night, they had to interrupt the cycle of queuing to gain access, although the system retained the queue order. We were told that prisoners used the system to access showers, hot water or speak to other prisoners on the spur. Consequently, prisoners in the queue could wait up to an hour to access the toilets. Prisoners were provided with a pot to use in case of delays or breakdowns in the system. *P26 para 1.10,2.11 Announced Inspection 2009*

**Isle of Wight (Albany):** Five of the wings at Albany had no integral sanitation. If the night sanitation system worked, prisoners had very limited access to toilets during periods of lock-up (which could be 14 hours at a time); if the system broke down, they had none. All prisoners were therefore issued with buckets. This is unacceptable in a 21st century prison. *P5 Announced Inspection 2007*

The five original (A–E) wings operated a limited computer-controlled access system to sanitation arrangements at night. This meant that there were only three opportunities to visit the toilet over a 14-hour period each night at weekends. In an emergency or if the system broke down, prisoners were provided with a bucket. *P11 HP16 Announced Inspection 2007*

On A–E wings, after evening lock-up and at midday, an electronically controlled night sanitation system (known as ‘nightsan’) operated on each spur. This allowed one man on the spur out of his cell at a time and permitted a timed period out of cell. When the prisoner returned to his cell, he had to enter a coded number sequence into a keypad to register his return, and then lock his cell; this allowed the next prisoner in turn to be able to leave his cell. Each period out of cell was timed at nine minutes, and prisoners could have three such periods each night. In case of system breakdown, or too lengthy periods between opportunities, a lidded bucket was provided. Although the oldest prisoners and those with the most significant mobility problems were allocated to F or G wings, for many prisoners access to the toilet was very limited, and prisoners told us that they sometimes had to use the bucket.

2.10 When the night patrol officer visited the spurs during the night, (s)he had to interrupt the cycle of those queuing to gain access to nightsan, and after (s)he left the spur, the system retained no memory of who had been next in turn to leave their cell. This could add significantly to waiting times to use the toilet. On occasions, the entire system broke down, and when this happened staff were detailed to open cells individually, although prisoners were told to use their buckets, sometimes for protracted periods. *P20 paras 2.9,2.10 Announced Inspection 2007*

**Long Lartin:** Living conditions on A, B, C and D wings were generally poor. Landings were run down, narrow and dark. Staff supervision was difficult because of the poor design, despite the introduction of CCTV on the upper floors. Cells were too small and had no integral sanitation. The night sanitation arrangements limited prisoner access to toilets, which was unacceptable. They had to resort to defecating in bags in their cells, which many then threw out of the windows. *P12 HP16 Announced Inspection 2008*

Living conditions for prisoners varied between the older and newer units. A, B, C and D wings were generally in poor condition. Landings were dark and grubby, with cracked flooring that needed repair. Many cells were grubby, all were very small and none had integral sanitation. There had been no changes to the night sanitation arrangements we found at the last inspection. The system allowed only seven prisoners per landing to join the queue during evening/night unlock to use the toilets, and remained a source of major dissatisfaction for prisoners. Consequently, some resorted to the degrading practice of defecating into plastic bags in their cells (which had no handwashing facilities) and throwing these out of their windows. *P23 para 2.3 announced Inspection 2008.*

## The Prisoner Experience

The following are extracts from letters received from those who know the consequences of the system best: the prisoners. Only a limited number of the letters received are quoted as they all describe the same situation.

*Names have been changed and locations are not given to protect identity.*

**Prisoner A:** During hours of the core working day the electronic night sanitation is switched off and non-operational. However, it is during these day time hours, when the night sanitation is non-operational, that the unemployed prisoners (I am unemployed Monday-Friday afternoons) are locked up in their cells with nothing other than a plastic bucket to use for a toilet.

I have found myself in the unfortunate position of having to use my bucket to defecate into on numerous occasions. All of the occasions referred to have occurred during working week hours when the electronic night sanitation is switched off and non-operational.

Furthermore, my cell does not have the benefit of any privacy screen, meaning that when I have had to do my 'business' during these working hours in my cell. I have done so exposed to any person minded to look in to my cell at the time.

If this situation was not degrading enough, I have then had to wait until general unlock (ie 4.pm) in order to wash my hands. This treatment is therefore not only inhuman and degrading but also a risk to my general health and hygiene.

**Prisoner B:** As we have neither toilets or sinks we can get out of your cells up to 3 times during the night. Each trip can last no longer than nine minutes. Should you be out of your cell for even one second beyond this time, you are restricted, and cannot get out of your cell again for the duration of the night!

..... As you will be aware Fridays, Saturdays and Sundays we are locked up from 17.00pm until 09.00am next morning. That means in a 16 hour period we can go to the toilet no more than 3 times, then we are forced to use buckets, retain the waste in our cells, and not wash after, and to add insult to injury are forced to (slop-out) empty the contents of our buckets next morning, only a few feet from people brushing there (*sic*) teeth and carrying out ablutions etc. By the way there is only the one recess and sink where we empty our buckets. Also it is open plan with no door on the recess, the smell of the recess is the same as that of the landing and some of the cells close to the recess.

**Prisoner C:** My point is, that bang up day means slop out at 8.00m, then meals or exercise or a shower. Then bang up at 9.00am until controlled unlock at 11.30ish. NO NIGHTSAN. Bang-up from 12.00 lunch until 4.30ish. NO NIGHTSAN. Bells to use the toilet are blatantly ignored or you are verbally refused through your door. You must use your bucket and live with it for the duration. Or, as many have been doing, throw it out into the garden/yard. With the recent outbreak of NOROVIRUS here this could have contributed to the airborne spread.

**Prisoner D:** The week following lockdown, [I] was escorted to hospital for a long awaited operation to remove a ..... and was given ointment to apply to the wound. On the following Monday (5<sup>th</sup>) [we] were again "banged up" from approximately 2pm until 4.30pm. Having been locked up in these unhygienic circumstances and needing to apply the ointment, [I] asked the officer if [I] could be allowed to go along the landing for a couple of minutes in order to wash [my] hands first. The request was refused and [I] was told to wait until [we] were unlocked. Needless to say, [I] did not apply the ointment until some time later.

**Prisoner E:** This is the second day of 24 hour 'lockdown' and the second day of degradation and humiliation for myself and all prisoners on the VP wings. The mainstream wings have in-cell toilets and running water and being locked down does not inflict additional hardship or punishment. The VP wings, which contain half of the prison population, are forced to use a bucket when in need of bladder or bowel relief. There are no hand washing facilities for basic hygiene when finished with bucket. Add to this the disgusting practice of having to accept food handed to you in your cell by officers who refuse to allow you to get access to running water ..... I am refusing my food because of this. I can do nothing about being treated like a caged animal but I will never be made to behave like one. When eventually allowed out to use the communal recess, there is constant harassment from the officers to get us back in the cells in the quickest possible time. We are being allowed 3 minutes maximum to use the toilet, brush teeth, wash hands and fill flask. It is like a prisoner of war film, words like "schnell, schnell" are replaced by "chop, chop" and foul mouthed diatribe. ....

*Monitoring fairness and respect for people in custody*

Another day of lockdown. I have calculated that over 48 hours of Monday and Tuesday, I was out of my cell (including night san) six times. Total time out of cell in 48 hours was 42 minutes, in this 42 minutes I “slopped out” showered during night san (15 minutes approx), brushed teeth, went to the toilet, filled flask. ....

One officer in particular takes great delight in shouting “slop out, slop out” when he opens our door.

**Prisoner F:** HMP..... holds approximately 600 prisoners within 7 wings. There is a separate C Cat building which has in-cell sanitation, however, the remaining B Cat wings have no water or toilet facilities. Each wing houses 96 prisoners divided over 4 landings. Each landing therefore has 24 cells which share a NightSan System.

During the hours of unlock there are 2 toilet cubicles, a urinal, a sluice and 7 sinks available to each landing. Unlock should be between the hours of 0745hrs – 1200hrs and 1345hrs – 1700hrs and 1815hrs – 1900hrs Monday to Thursday. On Friday, Saturday and Sunday evenings all bang up at 1700hrs and don't reopen until 0845hrs. During the hours of bang up, prisoners have no access to hot or cold drinking water, washing or toilet facilities. Kettles are forbidden in HMP..... and prisoners have to buy their own flasks to fill at a central boiler.

Like most NightSan Systems you press a button and wait in a queue until it is your turn to be electronically unlocked. Prisoners may use the system 3 times a night for up to 9 minutes at a time. However, should you go even a second over time, a prisoner will be automatically “locked in” for the rest of the night and a report sent to the wing office in the morning. .... Clearly there are periods of congestion in which the majority of men want to use the toilet or fetch water. This can lead to delays of up to an hour and a half before it's that prisoner's turn in the queue. ....in April 2010 the NovoVirus swept through HMP .... with symptoms of simultaneous sickness and diarrhoea. .... On a number of occasions I had to utilise a plastic bucket for the diarrhoea whilst vomiting in my bin. ...

....NightSan is turned off daily at 0615hrs which means that at weekends there are no morning toilet facilities for almost 3 hours until unlock.

**Prisoner G:** The prison service argues that the practice ('sloping out') does not occur at HMP .... as prisoners have access to a communal landing recess via the use of an automatic cell-door-release (Night Sanitation) system. ....However, there are various problems with this system; which include:

- Use of the facility is limited to 3 occurrences (*sic*) per night.
- Each use is limited in time, varying between 7 and 9 minutes.
- Only 1 prisoner (per landing of 24 prisoners) can access the facility at any one time.
- Regular delays are caused due to the above which can be greater than 1 hour at times.
- The system is only available for a limited time over the nighttime period.
- The system is turned off at 06:14:59 each morning (1½ - 2½ hours before scheduled morning unlock)
- The system is subject to frequent failure
- Accidentally overrunning the time limit incurs an IEP punishment, without due process or appeal.
- The system is not available during the daytime lockups

*[This particular letter includes a handwritten schedule of day-time lockdown additional to the scheduled unavailability over a 6 month period and shows 48 incidents]*

**Prisoner H:** Here at HMP ..... A,B,C and D wings have slop-out buckets, including disabled prisoners. So if slopping out ended as official Prison Service Practice on 12 April 1996, .....why currently (12 April 2010) I have a foul smelling bucket in my cell?

**Prisoner I:** If prisoners there have stomach problems they have to do their business in the slop bucket and then have it in the cell with them all night. They are not able to wash their hands, also not good if they have to be sick after going to the loo and getting the splash back all over

themselves. They have electronic bells to have cells opened 3 times in the night (if it is in use, not used if a prisoner requires a listener during the night), yet not a lot of good if you have upset stomachs and need to go all through the night.

In the morning there is the added indignity of 'slopping out'; not nice for the other prisoners or officers if the bucket reeks and not easy if, like my brother, they are on crutches. If however they 'misbehave' and get put into solitary they get the benefit of toilets and wash facilities in the cell. Hardly fair to prisoners who keep out of trouble?

## CONCLUSION

It is difficult to come to any conclusion other than that all is not as it should be. Given that in 1996 there were 2000 cells which were too small for proper toilet and washing facilities to be installed, the solution accepted by Judge Tumin as a method of ending 'slopping out' seems reasonable.

The reality described in this report – sometimes graphically, sometimes with an understatement which is as powerful as the graphic – tells us that the current 'solution' to the places where in-cell sanitation cannot be provided only works in part. It certainly doesn't work everywhere all of the time; what is more, there are occasions where it doesn't work any of the time..

Economic reality tells us that 'quick fixes' are impossible; nor are they likely to be a proper, long-term solution. Humanity, however, demands that the problem is not ignored. It was considered too expensive to rebuild 2000 cells in 1996; it has somehow been possible to build many thousands of additional cells since then, but the 2000 remain.

In her valedictory address, the former Chief Inspector of Prisons, Dame Anne Owers said:

“I have frequently talked about the virtual prison, or the virtual prison system – the one that runs in the governor's office, or reaches the Minister's red box, through a series of charcoal filters that have removed any impurities – and of the important role of the inspectorate in revealing and reporting the actual, rather than the virtual.”<sup>12</sup>

This is also the role of Independent Monitoring Boards. This report - which in reality (apart from the very real prisoner voice) is merely drawing on existing submissions - has been written in order to describe the actual prison rather than the one we wish existed, and to press governments and others with the power to do so to bring about one of the most basic requirements of humane treatment.

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<sup>12</sup> Anne Owers valedictory lecture – Westminster Central Hall, 13 July 2010