

**Written evidence from Independent Advisory Panel on Deaths in Custody:
The role of adult custodial remand in the criminal justice system (April 2022)**

Summary

- **People in prison held on remand are a particularly vulnerable group. The remand population is increasing, as is the length of time that people are held on remand. Even short periods in custody can drastically impact family relationships, employment and housing.**
- **People on remand have the highest rate of self-inflicted deaths in prisons. Increased time spent on remand and uncertainty about hearings increase this risk.**
- **Induction and early days are elevated times of risk. Prisons should draw from best practice and ensure that people on remand are supported during this critical period, particularly through the provision of clear and accurate information and by providing access to loved ones and legal representation.**
- **Prison should never be used as a so-called ‘place of safety’ or for a person’s own protection, and alternatives must be found in community sentencing or in the provision of secure health beds. Independent investigatory bodies, such as the Prisons and Probation Ombudsman, could highlight inappropriate use of remand in their investigation reports or thematic analysis.**

Introduction

1. The role of the Independent Advisory Panel on Deaths in Custody (IAPDC) is to advise Ministers and officials on how they can meet their human rights obligations, prevent deaths and keep those under the care of the state safe.¹
2. The IAPDC welcomes the opportunity to submit evidence to the Committee on the role of custodial remand in the criminal justice system. For our response we have provided answers relevant to our single purpose of preventing all deaths, natural and self-inflicted, in custody.

Background

3. People on remand are at greater risk of suicide than other prisoners. Prisoners on remand have the highest rate of self-inflicted deaths in prisons. Of the 86 such deaths in 2021, 37% were people on remand. This is an increase from 28% in 2020². A systematic review published by panel member Professor Seena Fazel found that remand status was the highest criminological risk factor involved in self-inflicted deaths in prison – greater than serving a sentence, including a life sentence.³

¹ Independent Advisory Panel on Deaths in Custody, About the IAPDC. Available at: <https://www.iapondeathsincustody.org/about-us-1>

² Ministry of Justice. Safety in Custody Statistics, England and Wales: January 2022. [Safety in Custody Statistics, England and Wales: Deaths in Prison Custody to December 2021, Assaults and Self-harm to September 2021 - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/statistics/safety-in-custody-statistics-england-and-wales-deaths-in-prison-custody-to-december-2021-assaults-and-self-harm-to-september-2021)

³ Seena Fazel et al. *Risk factors for suicide in prisons: a systematic review and meta-analysis*, The

4. The remand population, and the length of time people are held on remand, is increasing. Court backlogs during COVID-19 have resulted in a 6% increase in people awaiting trial between 31 December 2020 and 31 December 2021. As at 31 December 2021, the remand population was 12,780. This is the second highest quarterly figure since September 2011 and the highest December figure since 2008. This was due to a 16% increase in the convicted unsentenced population from 31 December 2020 whilst the untried population increased by 1% over the same period⁴. Lengthened time spent on remand and uncertainty about hearings have increased suicide risk for this cohort. Many people have now spent more than a year on remand.
5. COVID-19 has also exacerbated the challenges faced by those on remand. Throughout the pandemic, people have been held in confined, poorly ventilated spaces, with restricted regimes and reduced staffing limiting the support available to all people in prison. People on remand have not had the ability to participate in work or meaningful activity and often had little contact with family. Distinct recognition of innocent until proven guilty status has been eroded during this time.
6. To keep people safe, prisons – especially local reception prisons where those on remand are mostly held – must make a greater effort to provide comprehensive early days support, identify early signs of risk, and increase available information for those facing extreme uncertainty. Resolving and reducing court delays can help to save lives.⁵

Q: What are the implications of people being held for long periods on remand?

7. People on remand are at greater risk of self-inflicted death than other people in prison. The rate of self-inflicted deaths per 1,000 prisoners in 2021 was 2.5 for prisoners on remand (an increase from 1.7 in 2020) and 0.8 for sentenced prisoners (an increase from 0.7 in 2020)⁶. We understand that local prisons, the most pressured and understaffed, are often where ‘clusters’ of self-inflicted deaths occur.
8. Hopelessness is considered to be one of the most prominent cognitive factors associated with suicidality.⁷ In custody, this is true of people held in immigration detention⁸ and is also an issue faced by people held on remand. People on remand face waiting for trials for months and sometimes years in the most extreme of environments.⁹

Lancet. March 2021. [Risk factors for suicide in prisons: a systematic review and meta-analysis - ScienceDirect](#)

⁴ Offender Management Statistics Bulletin, England and Wales Quarterly. January 2022. [OMSQ_Q3_2021.pdf \(publishing.service.gov.uk\)](#)

⁵ Connie Dimsdale, Thomas Saunders. “*Delay and uncertainty is killing people*”. I News. January 2022. ‘[Delay and uncertainty is killing people’ as remand inmates account for 40 per cent of suicides in prison \(inews.co.uk\)](#).

⁶ Ministry of Justice. Safety in Custody Statistics, England and Wales. January 2022. [Safety in Custody Statistics, England and Wales: Deaths in Prison Custody to December 2021, Assaults and Self-harm to September 2021 - GOV.UK \(www.gov.uk\)](#)

⁷ Helen Christensen, Phillip Batterham, Andrea Soubelet, Andrew Mackinnon. ‘*A test of the interpersonal theory of suicide in a large community-based cohort*’. Journal of Affective Disorders (2013) 144(3). [A test of the Interpersonal Theory of Suicide in a large community-based cohort | Request PDF \(researchgate.net\)](#)

⁸ IAPDC. *Priorities for a prevention of deaths strategy in Immigration Removal Centres*. October 2020. [IAPDC+-+IRC+priorities+for+a+prevention+of+death+strategy+-+final.pdf \(squarespace.com\)](#)

9. A Prisons and Probation Ombudsman (PPO) study¹⁰ into a sample of self-inflicted deaths in 2014 found half of remand prisoners were in prison for the first time. They were also more likely to have substance misuse and mental health problems when compared to their sentenced counterparts. The PPO raised the issue of self-presentation in relation to self-inflicted deaths for remand prisoners, stating that 80% of the remand prisoners who killed themselves were thought, in the last few days before their deaths, to pose no or a low risk of suicide.
10. Remand prisoners face heightened risks due to:
 - uncertainty and transition, where concerns about relationship breakdown and separation from family are often present.
 - heightened vulnerability in terms of trauma, history of abuse, substance misuse and mental health.
 - early days staff having access to less information on people on remand compared to sentenced prisoners, making risk identification and the establishment of good, professional relationships more difficult.
11. The use of remand has significant impact on personal circumstances. As summarised by the Prison Reform Trust:

*“Time on remand is a punishment with harmful effects that go beyond the loss of liberty. Even a relatively short period in custody can result in homelessness, increased debt, family breakdown, loss of employment, and social stigma. The uncertainty of their status and the deprivations they experience also cause emotional distress, as indicated by the disproportionate numbers of remanded prisoners in incidents of self-inflicted deaths in custody.”*¹¹
12. Contact with family and friends is vital to reducing risk of self-harm and suicide, meaning the provision of regular social visits is important. Recent and ongoing pressures on local prison capacity mean that family contact has been undermined by population management measures, which result in people on remand being relocated far from their local areas and family support base.
13. As well as having implications on court delays and regime, COVID-19 has also impacted family contact. Although people on remand should receive more visits than the sentenced population, this has been curtailed by recent and ongoing COVID-19 measures.
14. Inspectorates, scrutiny bodies and academics have commented on the use of remand for people with severe mental illness. With people on remand already at greater risk of self-inflicted death, the use of remand to imprison people who are mentally ill is dangerous and has led to a number of particularly tragic deaths.¹² Prison should never be used as a

⁹Connie Dimsdale, Thomas Saunders. “*Delay and uncertainty is killing people*”. I News. January 2022. [‘Delay and uncertainty is killing people’ as remand inmates account for 40 per cent of suicides in prison \(inews.co.uk\)](https://www.inews.co.uk/news/delay-and-uncertainty-is-killing-people-as-remand-inmates-account-for-40-per-cent-of-suicides-in-prison/).

¹⁰ Prisons and Probation Ombudsman. *Learning from PPO investigations: Risk Factors in self-inflicted deaths in prisons*. April 2014. [Risk thematic final web.pdf](#)

¹¹ Prison Reform Trust. *Innocent until proven guilty: Tackling the overuse of custodial remand*. October 2011.

www.prisonreformtrust.org.uk/Portals/0/Documents/Remand%20Briefing%20FINAL.PDF

¹² Philippa Tomczak. *Highlighting “Risky Remands” Through Prisoner Death Investigations*. Frontiers

so-called ‘place of safety’ or for a person’s own protection, and alternatives must be found through community sentencing or in the provision of secure health beds.

15. The marked reduction in the provision of pre-sentence reports and mental health assessments for judges and magistrates to consider is likely to have led to inappropriate use of custodial remand. This is now being rectified by the probation service and should be accelerated.

Q: What data on remand should be collected and published that isn’t already?

16. While data on deaths of those held on remand is published in the HMPPS Safety in Custody statistics, the Ministry of Justice should also routinely collect and publish data on the average length of time spent on remand.
17. In reporting on deaths in custody, the PPO could make informed comment on whether, in the view of the Ombudsman, remand status was a relevant factor contributing to the death of an individual.

Q: What effect does the increasing remand population have on the prison population?

18. The increase in the remand population over the past 12 months reflects the impact of partial court recovery following COVID-19 restrictions, resulting in an increase in the number of convicted prisoners awaiting sentence.¹³
19. The prison system as a whole has been overcrowded in every year since 1994¹⁴. The majority of prisons in England and Wales are overcrowded and the system holds more than a fifth of the prison population in overcrowded accommodation. This continues to be a significant issue particularly in local prisons, where remand prisoners are mostly held. The Government projects that the prison population will rise by more than 20,000 in the next five years—placing further pressure on places.

Q: What support is available for remand prisoners?

20. Support for people on remand is often no different to the sentenced population, despite the unique challenges faced by this group. Indeed, some of the interventions to support sentenced prisoners are often ill-suited to people on remand. This makes the identification and dissemination of local good practice particularly important.
21. Induction and early days are particularly critical. Many people on remand will not have expected to end up in custody nor will have been to prison before. Good practice should be drawn on to ensure those on remand are supported when they arrive into prison. For example, we are aware of a pilot project at HMP Low Newton which arranged for an early days’ worker to be attached to courts who then knew the women coming in on

in Psychiatry. April 2022. [Frontiers | Highlighting “Risky Remands” Through Prisoner Death Investigations: People With Very Severe Mental Illness Transitioning From Police and Court Custody Into Prison on Remand | Psychiatry \(frontiersin.org\)](https://www.frontiersin.org/articles/10.3389/fpsyt.2022.884441/full)

¹³ Ministry of Justice. Offender Management Statistics Bulletin, England and Wales Quarterly. January 2022. [OMSQ_Q3_2021.pdf \(publishing.service.gov.uk\)](https://www.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/103444/omsq-q3-2021.pdf)

¹⁴ Prison Reform Trust. Bromley Briefings: *Prison Factfile Winter 2022*. January 2022 [Winter 2022 Factfile.pdf \(prisonreformtrust.org.uk\)](https://www.prisonreformtrust.org.uk/~/media/Prison-Reform-Trust/2022-01-20-Prison-Factfile-Winter-2022.pdf)

remand. This individual was not part of the prison staff and treated her role as advocating for the women to help with arrangements, such as by ensuring rent would be paid. Elsewhere, the Butler Trust has recognised the 'Room Ready' scheme at HMP Risley, where prisoners ensured cells for new arrivals were always decent and had a safe space on their first night.

22. Prisoners on remand are in particular need of regular information. This spans from information about the prison, including guidance on eligibility for work or education, to updates on an individual's case and release planning. Facilitation of communication with lawyers, and support for those who may have received adverse news or delays, is crucial.
23. People on remand are put at risk by concerns faced by the wider prison population. They require support from staff, purposeful activity and effective risk management. Understanding of risk factors and risk management processes remains patchy across the estate. For example, a recent coroner report into the death of Saul Thomas, who was remanded into custody to HMP Birmingham in 2019, identified issues with ACCT documentation and a lack of training (one officer had received no ACCT training since 2014).¹⁵ COVID-19 has impacted the provision of staff training and this must be restored as a priority.
24. Peer support, especially that provided by the Samaritan Listener programme, provides an important source of support to those at risk, though there is evidence that staff awareness and support for the Listener Scheme has dwindled during COVID. This is particularly urgent in local prisons, where populations are fluid and prisons often find it difficult to prevent Samaritan trained Listeners, including those on remand, from being transferred.
25. A postvention pilot, run in conjunction between Samaritans and HMPPS, has been trialled in several prisons. It has produced a toolkit providing guidance for both prisoners and staff on sharing news of a death and how to talk about suicide safely. This should benefit the remand population, who are often held in local prisons where 'clusters' of such deaths can take place.

Q: Whether there are differences in the use of remand in custody between men and women?

26. In 2019, a third of women remanded into prison by the magistrates' courts and 40% remanded by the Crown Court did not go on to receive a custodial sentence.¹⁶ Women continue to be remanded 'for their own protection' under the Bail Act 1976. Prison is a damaging and unsafe environment for people in crisis and should never be considered a place of safety. For those convicted but awaiting sentence, the increased provision of community sentences would provide an alternative to short prison sentences for vulnerable offenders.¹⁷

¹⁵ Report to Prevent Future Deaths: Saul Thomas. December 2021. https://www.judiciary.uk/wp-content/uploads/2021/12/Saul-Thomas-Prevention-of-future-deaths-report-2021-0423_Published.pdf

¹⁶ Prison Reform Trust. *Why focus on reducing women's imprisonment?* July 2021. [Why women 2021 briefing FINAL.pdf \(prisonreformtrust.org.uk\)](https://www.prisonreformtrust.org.uk/why-women-2021-briefing-final.pdf)

¹⁷ IAPDC website. IAPDC and Beverley Higgs to HM Treasury: *support for increased provision and availability of CSTRs in order to reduce crime, improve health and save lives*. August 2021. [Date \(squarespace.com\)](https://www.iapdc.org.uk/wp-content/uploads/2021/08/Support-for-increased-provision-and-availability-of-CSTRs-in-order-to-reduce-crime-improve-health-and-save-lives.pdf)

27. The mother of Baby A, who died at HMP Bronzefield on 27 September 2019, was on remand for robbery.¹⁸ A 2020 Howard League report highlighted issues faced by women being held on remand, arguing that its use is a particularly devastating and punitive experience for women, and is damaging to any children who depend on them.¹⁹ They argue that the vast majority of women awaiting trial or sentence could safely be released on bail.

Q: Some people who are held in custody on remand, will at trial be found not guilty and immediately released. What support is available for this category of people, upon their release from prison?

28. Meaningful sentence progression is important for those at risk of self-harm and suicide among the sentenced population, though support for those on remand is often absent in its entirety. Both cohorts will face the same issues on release including those of lost jobs and income and accommodation and family issues – yet there is a disparity in support.
29. The Howard League’s *Rethinking Remand for Women* report²⁰ outlined that women who have been remanded but go on to be acquitted or sentenced to a community order do not receive compensation. Nor do they receive a discharge grant or travel warrant to support them to return home safely on release.
30. **The IAPDC would welcome the opportunity to provide further information or oral evidence if required by the Committee.**

¹⁸ PPO. *Independent investigation into the death of Baby A at HMP Bronzefield on 27 September 2019*. September 2021. [F4055-19-Death-of-Baby-A-Bronzefield-26-09-2019-NC-Under-18-0.pdf](#)

¹⁹ Howard League for Penal Reform, *Rethinking Remand for Women*. July 2020. [Rethinking-remand-for-women.pdf \(howardleague.org\)](#)

²⁰ *Ibid.*