

REVISED COMPACT INFORMATION BOOKLET – MAY 2006

INTRODUCTION

On 8 September 2003 the Government accepted the Steele Review recommendation that Republican and Loyalist prisoners with paramilitary affiliations should be accommodated separately from each other, and from the rest of the prison population, on a voluntary basis within Maghaberry Prison.

As a result the Northern Ireland Prison Service (NIPS), in February 2004, introduced a prisoner Compact and Information Booklet which outlined the routine and facilities available to separated prisoners and what would be required of them in return.

In the summer of 2005, NIPS began a Review of the separated regime at Maghaberry. The Review examined a wide range of areas including the original Compact, security and searching, controlled movement, the regime, constructive activity, sport and recreation, programmes, earnings and privileges, and staffing.

During the course of the Review, wide consultation took place with both internal and external stakeholders. Separated prisoners were also invited to submit their comments. In addition, representatives of prisoner interest groups in the community were given the opportunity to make representations.

The report of the review team was published on 31 January 2006. It contained 22 recommendations, two of which were the subject of a four week consultation period.

The prisoner Compact and Information Booklet have now been revised to take account of the changes to the regime. This new Information Booklet outlines the revised Compact and gives information on a range of matters including who can go into separated conditions, the routine and regime, the level of privileges available to separated prisoners as well as the arrangements for cell checks and searching.

The service recognises, in particular, the engagement of Article 2 and Article 8 rights. In relation to Article 8 rights, the service is mindful of the limited basis upon which interference with those rights is permitted and of the need to act proportionately in relation to any such interference.

The Information Booklet is written to provide information to prisoners applying for admission to the separated regime.

The Booklet (and potentially the Compact) will be updated from time to time to take account of any further developments in the arrangements.

THIS INFORMATION BOOKLET AND COMPACT WILL ONLY APPLY TO SEPARATED MALE PRISONERS AT MAGHABERRY PRISON

1. INTRODUCTION

- 1.1 You have asked to be held in separated conditions. Soon you will be seen by a member of staff who will discuss your application with you. You are asked to read this booklet before that discussion takes place. This will help you get the most out of the discussion and you should think of the questions that you want to ask before the discussion takes place.
- 1.2 All prisoners committed to Maghaberry Prison are required to complete an appropriate induction period. This includes prisoners transferring from other establishments.
- 1.3 This booklet explains what separated conditions are and what is expected of you. It is not a legal contract but a way of describing what the Northern Ireland Prison Service will try to provide you with and what you must do if you are living in separated conditions.
- 1.4 The content of this booklet will be explained to you by a member of staff who will try to answer any questions you have. When it has been explained, you will be asked to sign a copy of the Compact for Separated Prisoners to say that you have seen a copy of this booklet and that the Compact has been explained to you. If you choose not to sign, the member of staff will record the fact that the Information Booklet has been given to you and that you refused to sign the accompanying Compact.
- 1.5 During the interview you will also be asked some questions. These will be aimed at finding out whether you meet the entry criteria for the separated regime and specifically
 - why you feel unsafe in integrated conditions and if in your individual case there is a better alternative;
 - if you understand what living in separated conditions means; and
 - if you understand what the separated regime means for you.
- 1.6 You may withdraw your application at any time before a decision is made on your application, if you decide that living in separated conditions will not be right for you.

2. WHY ARE THERE SEPARATED CONDITIONS FOR SOME PRISONERS?

- 2.1 Normally prisoners in Northern Ireland are expected to live in integrated conditions. This means that the house in which you live and all activities are shared with others from all parts of the community. The Prison Service believes this is the best way to run prisons as it normally provides the greatest safety because staff and prisoners interact and prisoners are treated as individuals.
- 2.2 We believe that prisoners, including remand prisoners, should have access to a range of activities offered by the prison. Opportunities to learn new skills and address offending behaviour are very important especially for those who are serving long sentences. Prisoners who remain in integrated conditions will continue to have access to the full range of opportunities.
- 2.3 Some prisoners think that they would be safer in separated conditions. This means living with others from similar community and cultural backgrounds but, for safety reasons, it means that activities are mostly limited to what can be provided in the House where you are held.
- 2.4 If your application is approved for separation we will continue to strive to provide the same opportunities to you. However, because it is your perception that you feel unsafe, and because it will become clear to other prisoners that you are from a particular community and/or political viewpoint by your allocation to a residential house, specific care will be taken to carry out a risk assessment before you attend specific programmes. At present it is not possible to provide access to workshops etc. We will keep under review what is made available on a case by case basis, particularly where specific resettlement needs have been identified.

3. WHO CAN GO INTO SEPARATED CONDITIONS?

- 3.1 In accepting the Steele recommendations, the Government committed to providing separate accommodation for paramilitary prisoners who, on the grounds of safety, wished to be held apart from prisoners belonging to other paramilitary groups and from prisoners who belonged to no such groups. That separate accommodation has been provided at Maghaberry Prison within Bush House for Loyalist prisoners and Roe House for Republican prisoners.
- 3.2 Decisions on who can be admitted to separated conditions are made by the Secretary of State.
- 3.3 A prisoner will be entitled to be admitted to separated conditions in Bush or Roe House at Maghaberry Prison only if the Secretary of State is satisfied that:
 - (a) he wishes to be admitted to separated conditions;

- (b) he is of male gender;
- (c) he has attained the age of 18 years;
- (d) he is a member or supporter of a proscribed organisation connected with the affairs of Northern Ireland;
- (e) admitting him to separated conditions would not be likely to prejudice his safety;
- (f) admitting him to separated conditions would not be likely to prejudice the safety of others; and
- (g) admitting him to separated conditions would not be likely to prejudice the maintenance of security or good order in prison.

In reaching his decision in any particular case, the Secretary of State shall have regard to such material as he considers relevant and credible.

4. CAN I LEAVE SEPARATED CONDITIONS?

- 4.1 If you are admitted to separated conditions and decide it is not for you, you must bring this to the attention of prison staff without delay. Your prompt removal from these conditions will be arranged. If you then find you want to go back to separated conditions you must make a fresh application.
- 4.2 If at any time information suggests you are at specific risk you will be interviewed and a decision taken as to your future location.

5. ROUTINE AND REGIME

- 5.1 As a separated prisoner you will be unlocked for set periods each morning, afternoon, and evening, except Sunday evening when all prisoners in Maghaberry are locked in their cells.
- 5.2 During the periods of unlock some or all of the following facilities may be available:
 - the exercise yard (the yard is to be extended as a result of the Review);
 - the recreation room, where you will be able to use the fitness equipment, games tables and television; as a result of the Review showers are also to be installed;
 - laundry/ironing appliances;

- the landing kitchens;
- showers;
- in-cell association;
- education;
- prisoner programmes/activities;
- visits (domestic, legal, video link);
- the separated gymnasium;
- healthcare;
- telephones;
- astro-turf pitches.

5.3 Prisoners will move to and from the above facilities under the control of prison officers.

5.4 Probation staff will offer their usual welfare services to separated prisoners.

6. DAILY ROUTINE

6.1 The typical daily routine is described below. The timings are approximate and may vary from day to day and are dependent on prisoners co-operating with the controlled movement arrangements in place. In addition you should be aware that a half-day a month will be set aside to allow the opportunity for staff briefings and the exchange of information. During this time prisoners will remain locked.

MONDAY – SATURDAY

07.30 Prisoners for court are called by staff.

08.00 Numbers checked and prisoners for court served breakfast.

08.20 Court movement begins.

08.30 Prisoner requests taken at cell doors.

08.45-

09.15 Prisoners unlocked to collect breakfast and return to cell.

09.15 Prisoners on landings can access exercise in the recreation room and/or exercise yard. Any prisoners not wishing to exercise will have access to showering, laundry, telephone etc. (Prisoners on landings not designated for exercise will be offered in-cell association and the use of other facilities.)

11.45 Prisoners from exercise yard/recreation room and other facilities will be locked and numbers checked.

12.00-

- 12.40 Prisoners unlocked to collect lunch and return to cell.
- 12.45-
14.00 Staff handover and lunch period.
- 14.00-
14.30 Numbers checked and prisoners on landings designated for exercise will be offered recreation room and/or exercise yard. Any prisoners remaining on the landing may be unlocked to facilitate showering, laundry, access to telephone etc. Prisoners on landings not designated for exercise will be offered in-cell association and the use of other facilities.
- 15.45 Prisoners from exercise yard/recreation room and other facilities will be locked and numbers checked.
- 16.00-
16.30 Prisoners unlocked to collect tea and return to cell.
- 16.30-
17.30 Staff handover and meal break.
- 17.30 Routine as at 09.15 and 14.00. The landing which had exercise/ recreation room association in the morning is offered the same facility in the evening. Supper meal available.
- Prisoners on landings not designated for use of the recreation room will have access to hot water and telephones.
- 20.15 Prisoners from exercise yard/recreation room and other facilities will be locked and numbers checked.

SUNDAY

As Monday – Saturday except exercise/recreation room will not be available until Church services are complete.

No association on Sunday evening. All prisoners locked at 16.30.

NOTE There will be no inter-wing association, (although exceptionally arrangements can be made for close family relatives to have monthly inter-wing visits under the current criteria).
All movement will be controlled by staff.

7. PRIVILEGES

7.1 The level of privileges available, provided you keep the rules, for separated prisoners are listed below. All separated prisoners:

- will have access to the gym (subject to operational constraints) if you wish;
- may receive a maximum of £50 per week from your family or friends left in at Visitors Reception and will be able to spend a maximum of £50 per week;
- may purchase from the tuckshop a TV, VCR and DVD player;
- may purchase up to a maximum of 62.5 grams of tobacco or 60 cigarettes or 15 small cigars per week;
- may be allowed a maximum of 10 cassette tapes and 10 CDs including games in your cell at any time; and
- may purchase a games console from the prison tuckshop.

7.2 Following the Review it is intended that a two-tier regime will operate in separated conditions from later in 2006 – standard regime and upper regime. Prisoners will continue to be eligible for the privileges outlined in paragraph 7.1 and this will remain the norm for the standard regime.

7.3 To reach the upper tier you must –

- be free of any disciplinary awards for a rolling 3 month period;
- demonstrate that you are drug free; and
- sign up to, and demonstrate, that you are actively taking part in developmental activities, including education and other classes to help prepare for your release, through your attendance. Assessment of this will be managed over a period of a month during which you will be required to attend a minimum level of timetabled activities, which will be set at 70%. Domestic visits would not be counted as being absent.

7.4 You will remain on the standard regime if you –

- fail a drugs test;
- fail to enrol for education and other classes, activities or programmes on offer; and
- fail to attend as required at least 70% of the time without acceptable reasons.

7.5 The privileges available for the upper tier will be published when available. Further work is in hand within the Prison Service to introduce monitoring systems and to have procedures in place to manage the two tier regime.

8. EDUCATION

8.1 Education will be provided within the separated accommodation on the same basis as in the rest of the prison. Two classrooms are shortly to be available in each of the separated houses (when construction work is completed). A wide variety of courses is on offer although it may not be possible to deliver a particular course if there is insufficient uptake or resources available. A library facility is also available in each of the separated houses and prisoners will have access to it once a fortnight.

9. CELL CRAFTS

9.1 Cell crafts will be allowed for all separated prisoners but the materials permitted will be restricted to those that do not present a danger to the safety of staff or prisoners or the security of the prison.

9.2 The handicraft items currently available to prisoners are set out below:

Handkerchiefs	Glue (250 mls)
Jigsaws (500) & (1000)	Lollipop sticks
Matchmaker kits	Matchstick cutter
Matchsticks (2000)	Paintbrushes (various sizes)
Painting by numbers (small & reg) sizes	Paints Acrylic (large) & 12 ml
Varnish	Rotering Rapidoliner Pens & Refills
Sandpaper (fine, medium & coarse)	

10. RELIGIOUS OBSERVANCE

10.1 You will be entitled to practise your own religion. Services will take place in your house.

11. HEALTHCARE

11.1 Healthcare services and treatments will normally be given in your house. Separated conditions do not exist in the Healthcare Centre. If you need to go there for treatment, you must tell a member of staff if you are worried about your safety and say why.

12. CELL SHARING

12.1 We will try to provide a single cell for each prisoner but the amount of room for prisoners in separated conditions is limited, just as the total available accommodation in the whole prison is limited. This means you may be required to share a cell. If you think your cellmate is a threat to your safety you must tell a member of staff, giving your reasons.

13. CELL CHECKS AND SEARCHING

13.1 You will be required to co-operate with all searches, including full searches. This will include your property and your cell at any time. Staff will check your cell every day for security reasons. This is known as a fabric check. You may only put pictures or other displays on the pinboard provided. Nothing is allowed on other parts of the walls and you are not allowed to paint your walls. As well as the fabric check your cell will be routinely searched and any unauthorised article will be removed and any excess quantities of authorised articles will be removed. Other parts of the House will also be searched. This is for security and safety reasons.

13.2 You will be searched and go through a metal detection system whenever you enter or leave the wing.

14. WHAT HAPPENS IF YOU BREAK THE RULES

14.1 One of the purposes of the Explanatory booklet is to make you aware of the separated regime. In addition, Prison Rules set out offences against discipline for which you can be charged. The Explanatory booklet does not list all the rules and if you are in any doubt about what you can or cannot do you must ask a member of staff. If there is evidence that you have breached Prison Rules you may be charged and subject to a disciplinary hearing. A copy of the Rules is available from the wing officer.

15. COURTS

15.1 You will be required to be dressed and be ready to move on time to attend Court/video linking/legal visits.

16. VISITS

16.1 It is recognised that visits are important to prisoners in order to maintain contact with family and friends. Separated prisoners will:

- if sentenced, be allowed up to three privilege visits plus one visit pursuant to Prison Rules every 28 days. Visits will last at least 30 minutes up to a maximum of 60 minutes; and
- if on remand, be allowed up to two visits per week. Visits will last at least 30 minutes up to a maximum of 60 minutes.

Additional visits may be permitted in the upper tier and will be published in due course.

16.2 All visitors are required to undergo a rub down search on arrival and will be screened by a passive drug dog. If the passive drug dog indicates on a visitor, he/she will be offered a closed visit. Any visitor not wishing to take up this offer will be allowed to leave the prison, and the remainder of the party will be offered a closed visit.

17. HOME LEAVE

17.1 The arrangements for pre-release and resettlement leave for separated prisoners (and those in integrated conditions) are set out in the Prison Service Instruction to Governors.

COMPACT FOR SEPARATED PRISONERS

I,(insert name), have received a copy of this Compact for Separated Prisoners and the Information Booklet which have been explained to me. I have also received a copy of the Prison Service Instruction to Governors 'Pre-Release and Resettlement Leave'. I wish to apply to live in separated accommodation and understand that if successful I will:

- be accommodated separately from Loyalist/Republican* paramilitary prisoners and from other integrated prisoners;
- be allowed to return to the ordinary integrated accommodation on request;
- have the range of privileges currently outlined in Section 7 of the Information Booklet (subject to revision);
- be provided, so far as resources allow, with education on the wing;
- be provided with my own cell except where cell sharing is required;
- be housed with both sentenced and remand prisoners;
- be provided with resettlement services, consistent with consideration of any safety issue;
- have to comply with all lawful instructions given to me by staff; and
- have to conform with the law, the terms of the Compact and with Prison Rules.

Signed:

Date

* Delete as appropriate.

NOTES