



HM Prison &
Probation Service

Prison Community Impact Statements

Guidance for Managers

Operational Procedures Security Unit

August 2017

Introduction

The purpose of this document is to advise Governors on best practice in preparing Prison Community Impact Statements (PCIS) which are submitted when a crime in prison has been reported to the police. The guidance has been developed with the police and Crown Prosecution Service (CPS) and explains the purpose of the statement and the key issues to be addressed.

There have been many examples of the police or CPS not pursuing prosecutions of prison crimes because the impact of a crime in the unique prison environment is not always understood. The courts may also fail to take into account the seriousness and impact on prisons, particularly of violent crime, when sentencing.

Purpose of a PCIS

The purpose of a PCIS is to provide the police and the CPS (and through the CPS, the court) details of the impact and harm that a crime committed within prison has had on the establishment.

Offences committed within a prison can have significant implications for safety, control and order, which has a different dynamic in the prison environment compared to the wider community. The provision of a PCIS is an important opportunity for the prison to describe the particular impact an offence or offending may have had within the context of the prison setting/community. It also ensures that this is properly understood and taken into account in considerations for investigating, prosecuting and sentencing.

Production of a PCIS

The prison is responsible for producing a PCIS. The aim should be to complete the PCIS at the earliest opportunity, where possible with the initial crime report, but in any event before the case is submitted by the police to the CPS for a charging decision. Providing the statement in advance of a CPS charging decision means that the full seriousness of the case can be taken into account when determining the public interest test and the nature of the charges brought.

The PCIS must, where possible, provide substantive information about the alleged perpetrator(s), and the specific impact the alleged crime has had on the establishment. It should include the short term impacts felt immediately after the incident as well as the longer term impacts on the prison. If further information comes to light after the PCIS is provided, it may be useful to provide a further report with any relevant updates.

Every reported crime must have a PCIS tailored to the specific circumstances of the incident.

To assist with preparing the PCIS, prisons can develop generic material about the impact of specific crimes, such generic material must be produced in collaboration with a range of staff, trade unions and local police. This should be regularly reviewed to ensure that it is accurate.

The PCIS will be provided to the accused and their legal advisers and, if the case is prosecuted, read out in court. It must therefore be evidence based and free from jargon, acronyms and assumed knowledge. The PCIS is produced on a witness form, templates of which are available from local police, who should also be consulted when drafting the statement.

Victim Issues

Individual victim issues must not be addressed in the PCIS. Victims will separately be given the opportunity to make their own Victim Personal Statements (VPS) by the police who will lead on the production of these. The PCIS should reflect how the alleged offence has had an impact on the establishment and the prison community as a whole. For example, if the offence involves a serious assault on a prisoner, the victim will themselves be able to submit a VPS about the effect the offence has had. The prison however, could reflect the impact which violence has on feelings of safety and well-being within the wider establishment and, if appropriate, the disruption to the general regime in dealing with the incident.

Further guidance and limited examples are provided below on key issues. This guidance should be used to develop a library of local statements, which should regularly be reviewed for accuracy and relevance. The statements should also be adapted as necessary in the light of any feedback received.

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Introductory paragraphs

The opening paragraph should set out the witness's name and occupation. Followed by a description of the prison community, including details of the population size and type, basic explanation of the regime offered, and any specific reception criteria or function of the prison.

Incident management and regime

Describing the impact of action taken to manage an incident on the regime will be particularly relevant where serious disruption to the regime has occurred. Discussion of longer term impacts, where a restricted regime has been implemented as a consequence of the incident or pattern of similar incidents, is important. The following issues may be relevant, dependent on the nature of the incident.

- Disruption to the regime, both during the incident and longer term, and the impact this has had on other prisoners. For example restricting time spent in purposeful activity, on visits or in offending behaviour programmes.
- If mutual aid was necessary, the impact on the regime of prisons supplying additional staff.
- Impact on staffing, for example if staff were required to work later, or were called in. An explanation should be provided of any long term impacts of staff absence.
- Explain how prisoners react to the regime changes and the impact this can have on the security, safety and stability of the prison.
- Explain the impact a change in regime has on all prisoners, for example the inability to participate in activities, as well as the impact on more vulnerable prisoners, such as those at risk of suicide or self-harm or those less able to cope with prison and the potential for increased self-isolation or fearfulness.
- Where damage occurs and has taken accommodation out of use or necessitated internal or external moves of other prisoners, explain the additional resource required and the disruption this has caused. It may also be appropriate to consider the financial impact if this has not been covered in other witness statements.
- For serious incidents where a significant amount of accommodation has been taken out of use, the impact on other parts of the prison estate and the ability to manage the prison population.

Sample wording

In order to assist with the management of the incident, a number of additional staff were called from duties across the prison which led to a suspension of the normal prison regime for several hours after the initial incident. Immediately following the incident, significant work was required to document and analyse the incident and ensure that all evidence was appropriately preserved. The staff and prisoners involved were debriefed, supported and where necessary seen by prison healthcare staff. The time involved took staff away from their routine duties, as a result of which the normal regime was suspended and prisoners remained in their cells rather than attending educational and vocational activities, scheduled visits and offending behaviour courses. Due to the suspension of the regime, a number of staff members who were scheduled to leave the prison at the end of their shift remained on duty to ensure that a safe and secure regime was re-established. As a result of the incident, one prisoner was hospitalised for 2 days. This required the prison providing a 2 officer hospital escort and 24 hour bed-watch for the duration of the prisoner's hospitalisation. This absence of officers from the prison depleted staff available for duty in the establishment impacting on the ability to deliver a full regime.

Regime disruptions have serious impacts. Offenders become frustrated by the lack of a consistent regime which impacts on the time available to them to perform tasks such as showering, cell cleaning and access to telephones. Many offenders have poor coping skills which can sometimes result in tendency towards violence in response to frustrations. Combined with resentment towards prison authorities, an unstable environment can result with increased risk of violence and disorder. Prisoners with poor coping skills can be significantly impacted by the absence of support from peers, staff and family members via telephone contact and are less likely to manage unexpected and short notice changes to the regime. Regime disruption also reduces the opportunity to deliver educational and vocational classes and offending behaviour programmes, all of which help offenders progress through the prison system, prepare for release and reduce the likelihood of continued criminal behaviour on release.

Violence

Describe the importance of providing a safe and secure environment for prisoners, staff and visitors and the negative impact of instances of violence. This will vary between establishments but may be demonstrated by rates of self-isolation. It is appropriate to reflect the feelings of prisoners and staff voiced in local forums. Care must be taken not to detail personal harm as this will be articulated in the VPS. Where violence is directed against staff, the statement should explain the importance of the continued authority of staff to maintain an orderly and safe prison. Where the case involved violence on prisoners from staff, a PCIS detailing this impact should also be provided.

- Explain how violence towards staff is not just an attack on an individual officer, but also the authority of the prison and the impact this has on safety and security and the rule of law in the prison.
- Explain the impact violence on staff has on the relationships necessary to deliver an effective regime, highlighting the enforced and continued contact and relationship between known assaulters of staff and both the victim and wider staff group.

- Explain the impact of violence towards prisoners on feelings of safety.
- The psychological and emotional harm caused by violence, including the effect on staff morale. This will be particularly relevant for “potting” incidents and staff who have witnessed and intervened in serious assaults.
- It is appropriate to mention how violent incidents effect staff retention and sick absence by causing anxiety and stress.
- If there has been an increase in violence, it may be relevant to explain the context of the incident and provide details of the level of violence and the impact these increased levels have had.
- Explain the impact on the delivery of offending behaviour and education courses, including refusal to attend due to safety concerns and the consequent reduced progression during sentence and rehabilitation on release.

Sample wording

These examples provide some idea of the general impacts of violence which can be tailored to specific incidents.

A violent incident is any incident in which a person is assaulted, abused or threatened. This includes an explicit or implicit challenge to their safety, well-being or health, and the resulting harm may be physical, emotional or psychological. HMPPS makes every effort to understand and tackle the underlying causes and triggers for violence, to reduce instances of violence and improve the response to violent incidents so that harm is minimised and the rule of law upheld. Violence against staff is not only an attack against an individual officer/staff member, but also an assault against the authority of the prison.

All persons in a prison have the right to be safe and free from the fear of violence, regardless of whether they are serving a sentence, working or visiting. Any violence or fear of violence damages the perception of safety in the prison and has the potential to cause distress and anxiety. Prisoners’ responses to an environment in which violence (including serious violence) occurs can be complex. Some develop deep feelings of fear and distress leading to increased risk of self-harm, while others may choose to make weapons for personal safety which have the potential to cause harm to both prisoners and staff and can escalate the level of injury caused when violence does occur. The willingness to participate in the regime may also be reduced by fear of violence, leading to withdrawal from educational and rehabilitative programmes reducing the potential for prisoners to be diverted from offending.

Seeing an incident of serious violence and risking personal safety to intervene and prevent further harm can have a deep psychological and emotional impact on staff, particularly when the victim is a colleague. After such an incident, staff are expected to continue with their normal duties and deliver a safe and secure regime, however they may increasingly fear spontaneous violence and feel unsafe at work. Some may develop complex feelings of guilt, including concerns they did not do enough to prevent the incident or injury. The psychological impact of

sustained and serious violence can increase work related stress felt by staff, with the impact extending to wider relationships with family and ultimately some will find this pressure intolerable and leave the Service.

Violent incidents, through stress or fear, can undermine the confidence of staff, which can impact their efficiency and ability to maintain stability and order resulting in an increase in incidents. Confident staff make positive role models for prisoners and instil confidence that the wider staff group can deliver a safe and stable regime.

Weapons

In addition to the above example guidance on violence, if the offence is regarding weapons, the serious consequences of weapons should be included in the impact statement as it is an aggravating factor. This should also be considered for weapon offences in isolation.

- Explain the danger of weapons to both prisoners, staff and visitors and the impact weapons have on the feeling of safety within the prison.
- Explain the type of weapon, for example is it a knife, razor, a blunt object.
- In the description of the offender, consider if this is an example of offence paralleling behaviour, i.e. is this similar to the index offence or previous offending.
- Are the weapons an escalating pattern of behaviour?
- Explain if the prison has operated Weapons Amnesties and communicated with prisoners about holding and creating weapons being an offence in prison. Explain that the prisoners are made aware of the Law and the opportunities to give up weapons but have intentionally chosen to disregard it.

Sample wording

All persons in a prison have the right to be safe and free from the fear of violence, regardless of whether they are serving a sentence, working or visiting. The use of weapons can cause serious injuries to prisoners, staff or visitors. They also damage the perception of safety in the prison and has the potential to cause distress and anxiety.

The use of weapons can cause stress or fear in both prisoners and staff. It can also undermine the confidence of staff, which can impact their efficiency and ability to maintain stability and order resulting in an increase in incidents. Confident staff make positive role models for prisoners and instil confidence that the wider staff group can deliver a safe and stable regime.

Mobile phones and social media

Mobiles phones and access to social media have become an integral part of everyday life in the community. The impact of access to phones and social media in prison needs to be explained.

- Explain the implications of possessing of a mobile phone in prison, both on the establishment and those in the community. This might include continuing criminality from prison, threatening witnesses, harassment, accessing pornographic or extremist websites or organising the importation into the establishment of drugs.
- Explain the type of mobile phone and its worth within the prison in comparison to the cost of the same mobile phone in the community.
- Explain numerous prisoners can access that one mobile phone device by switching the SIM card.
- It may be appropriate to describe the impact of bullying, debt and the illicit economy where this can be evidenced to be related to mobile phones in the prison. It may also present a risk to family and friends placed under duress to traffic phones into prison.
- If the phone has been used to access social media, the impact of the content uploaded should be described, including the impact on public confidence in the prison system.
- There are an increasing number of cases where videos have been uploaded in which others are bullied, harassed, intimidated or assaulted, Equally, there are growing number of repeat offenders and the Digital Investigation Unit (DIU) spoc@noms.gsi.gov.uk in the Security, Order and Counter-Terrorism Directorate will provide information to you in order to tailor your statement.
- Crimes may be committed by a prisoner to get back into custody in order to bring mobile phones in, if this is suspected to be the case, this should be explained.

Sample wording

Mobile phones are used for a variety of criminal purposes within prisons, including commissioning serious violence, organised crime, harassing victims and gang activity. This side steps safeguarding measures that HMPPS has put in place. The use of mobile phones can undermine good order and discipline, undermine rehabilitation and support ongoing criminality both within the prison and external to the prison. Access to mobile phones is also strongly associated with drug supply, violence and bullying. HMPPS takes the risks that mobile phones present to security and to the safety of the public very seriously, and operate an approach designed to minimise the number of mobile phones entering prisons, to find phones that do get in and to disrupt mobile phones that cannot be found.

Possession of a mobile phone and/or component part allows prisoners to continue to facilitate and arrange criminality from within the prison, including drug supply and other criminal conspiracies. Access to these mobile phones can (and has) led to threats and harm to members

of the public by serving prisoners. Possession of an unauthorised mobile phone and/or component part permits a prisoner to by-pass the safeguards offered to victims by the prison's own PIN telephone system. The prisons PIN phone system is both reactively and proactively monitored by the prison's Security Unit to prevent calls to vulnerable groups, including prosecution witnesses to crimes and victims of crime, including hate crime and domestic abuse. A prisoner's avoidance of the monitored prison PIN phone system therefore can significantly increase the risk to witness and victim safety and wellbeing, as well as deter continuing and future cooperation with the criminal justice system.

The prison PIN phone system is also regularly monitored by the prison in support of law enforcement dealing with serious and organised crime, either by way of progressing investigations (including the identification of the location of murder victims, stolen property, ongoing drug supply or firearms). Where prisoners have unauthorised access to mobile phones and/or component parts, the effectiveness and efficiency of proactive and reactive PIN phone monitoring is undermined and, as a consequence, important intelligence and evidence opportunities can be lost.

The availability of mobile phones and component parts can also pose problems for other prisoners. As a consequence of the penalty for possession, some of the more vulnerable prisoners can be intimidated and forced to 'hold' unauthorised items on behalf of monitored prisoners, including organised crime and other high risk prisoners subject to the MAPPA arrangements. Family members can be threatened and put in fear of their life and forced to try to convey items through visits which will also impact upon children and wider family members. The trafficking of prohibited items undermines the good order and discipline, offender rehabilitation and supports on-going criminality both within the prison and external to the prison.

A safe society and safe custody requires the cycle of reoffending to be broken either through effective interventions, meaningful and productive rehabilitation or timely identification of emerging risks. The possession of mobile phones and their competent parts can undermine rehabilitation. It can increase the supply of prohibited drugs into the prison, prisoners succumb to their availability, drug addiction efforts are undermined and new addicts emerge; general health and mental wellbeing deteriorates and the prison community is more vulnerable to contagious disease. The access to mobile phones can also mean prisoners maintain contact with criminal associates, which also may have a detrimental effect on rehabilitation and future reoffending reduction strategies.

Social Media

Advances in technology mean that mobile phones not only permit direct verbal communication, they can also provide other functions. This can give prisoners access to the internet and social media sites (SMS). These sites can be used to post threats and undermine community, witness and victim confidence in the prison establishment and wider criminal justice system. Access to the internet can allow money laundering and concealment, assist with the planning of escapes and support ongoing criminality both within the prison and the community.

Increasingly, videos are being uploaded or live streamed which show the humiliation, intimidation, harassment, and assault of vulnerable or weaker individuals. The uploading of such videos

perpetuates the cycle of violence in prisons and undermines safety and control both in the prison in which it was filmed and more widely. Such incidents can impact the emotional wellbeing of prisoners and can be directly linked to acts of self-harm. Whilst there remains an unchecked market for such videos, prisoners will continue to be at risk. This also damages the reputation of Prisons with Minister, the Public and Prisoners alike.

Drugs

When describing the impact of drugs in custody, it is useful to consider the wider issues, and where links can be evidenced with violence, disorder and corruption, these should be described.

- Describe the impact of building and maintaining an illicit market in the prison, particularly creating new addicts, debt related violence / bullying, self-harm and the links to criminality and corruption as appropriate.
- Describe the difference in drug value within the prison against the street value.
- Particularly for psychoactive substances, where the effects can vary according to each derivative, describe how the seized drug has affected behaviour and the impact this has on the person taking the drug. Also describe the effect this has on the prison in managing incidents, in particular the demands on healthcare staff, associated violence and unpredictability.
- Consider if there is an impact on local ambulance and primary care trusts where drugs have necessitated hospital attendance.
- It may be useful to explain the impact on rehabilitation and re-offending of continued use of drugs whilst in custody.
- Explain the impact on providing not only a safe and secure environment, but also in providing purposeful activity and rehabilitation for the wider community.

Sample wording

A safe society and safe custody requires the cycle of reoffending to be broken either through effective interventions and meaningful and productive rehabilitation. The presence of drugs can undermine rehabilitation; prisoners succumb to their availability, drug addiction efforts are undermined, new addicts emerge and existing drug users develop new additions, often to more destructive drugs. The trade in these substances can lead to bullying and debt and increasing violence.

HMPPS works hard to keep drugs out of prisons. The presence and high price achievable for drugs creates and sustains a new and profitable market for some of the actively criminal prisoners and their associates. This can contribute to a gang culture within the prison and can also have an impact externally, contributing to gang and organised crime tensions and commodity wars. There are significant numbers of National Crime Agency (NCA) nominals and

mapped organised crime nominals within the prison system and at any one time these are represented within this prison. This in turn prolongs and reinforces a culture of criminality, bullying, intimidation, violence and insecurity. This culture can extend beyond the prison walls as family members may be forced to take on the financial burden.

The presence of drugs creates and sustains an ever growing profitable and accessible Illicit Economy for some of the actively criminal prisoners and their associates. This can contribute to a gang culture within the prison and can also have an impact externally, contributing to gang and organised crime tensions and commodity wars.

HMPPS has significant concerns about the use of all drugs, however those formed of synthetic variations such as psychoactive substances can often be more dangerous and potent. The individuals taking these drugs are often unaware of what they are taking or the consequences for themselves and others. The effects suffered as a result of consumption can place additional strain on prison staff who have to deal with erratic and aggressive behaviour. Such drugs can also lead to both psychological and physical harm as well as mental health problems. This not only increases the demand placed on health services but can also impact on the stability of a prison environment.

Tobacco

The following issues may be relevant when describing the impact of tobacco in prison.

- Describe the impact of large quantities of illicit tobacco could raise issues connected to bullying, intimidation, extortion and debt.

Describe that conveying tobacco has a detrimental impact on the project to roll out smoke free prisons introduced to improve the quality of life for all in prisons and reduce the impact of passive smoking

- Describe that it could undermine the efforts being made by prisoners who are engaging with cessation services.

Sample wording

The presence of tobacco sustains a profitable and accessible market for some of the actively criminal prisoners and their associates. This reinforces a culture of criminality, bullying, intimidation, extortion and debt. Conveying tobacco can have a detrimental impact on HMPPS project to roll out smoke free prisons.

Historic trends and price of contraband

It may also be useful to provide details of the number and trends of similar offences. Where necessary, the statements may include statistical information, for example presenting trends in violence or the number of seizures.

Statements for offences involving contraband should include the national price. This should be obtained directly from the National Intelligence Analysis Unit by contacting their functional mailbox IntelligenceAnalysisUnit@noms.gsi.gov.uk, rather than using any figures derived from local intelligence.

Explanation of the adjudication system

An overview of the adjudication system should be included to explain why the adjudication process is not suitable for this offence and that referral for prosecution is not taken lightly. The statement may detail the positive impacts of criminal prosecution to staff and the prison community.

- Explain the general limitations of the adjudication system, for example the maximum award is 42 added days up to the prisoner's sentence expiry date, and any added days may later be remitted.
- Explain that adjudications are not convictions; they would not appear on a criminal record and they are not disclosable to an employer. Any pattern, change or escalation of criminal behaviour is therefore not reflected in conviction records.
- Describe the reason the adjudication process is not appropriate in this specific case, for example, why the prisoner cannot be awarded added days for the offence; the prisoner has a significant period of custody left in which added days may be remitted; the harm and impact of the incident was so serious that referral to the police is deemed appropriate; the prisoner has persisted with criminal behaviour, or that behaviour has escalated to become more serious despite previously being dealt with by adjudication or the victim has requested that the case is referred.
- Where the prisoner is serving an indeterminate sentence, the PCIS should explain the impact a criminal prosecution will have on progression through the prison system, for example on security categorisation, activity and release on temporary licence risk assessments and subsequent parole hearings, including allocation to open conditions.

Sample wording

The prison has to determine the most effective method of managing breaches of prison rules. Cases are often managed within the prison adjudication system where the offender, if found guilty, could lose some privileges or be confined to his cell. More serious cases may be referred to the Independent Adjudicator. The case is heard independently of the prison and the Independent Adjudicator can make an award of up to 42 added days in prison. This is not an additional sentence, but a deferral of the offenders release date. The imposition of 42 added days can be seen as being equivalent to an 84 day determinate consecutive sentence as unlike

determinate sentences imposed by the courts, the prisoner will serve the total number of days given.

While the prison adjudication process offers the opportunity for effective and efficient justice, a finding of guilt is not afforded the same gravity as in a criminal court. Any prisoner demonstrating sustained period of good behaviour may apply for, and receive, remission of the added days. Unlike a criminal conviction, any finding of guilt at adjudication does not form part of a criminal record and is not disclosable to employers or in any subsequent court appearance.

In some cases, the prison adjudicator will determine that the cases are so serious that neither the adjudication process nor referral to an Independent Adjudicator is sufficient. In such cases, the matter is referred to the police for a criminal investigation.

Overview of the Prisoner Details

It may also be useful to provide an overview of the prisoner and his / her institutional behaviour, being careful to avoid jargon especially when referring to previous adjudications. Key details to include are:

- Current offence and sentence length.
- A summary of previous convictions, with specific mention of any offences occurring in prison or of a similar nature.
- Relevant adjudication history, particularly where the offence is part of a continued pattern of offending whilst in prison and prison discipline has already been used and exhausted.
- Any aggravating factors, e.g. pre-existing civil order (gang injunction order or serious crime prevention order etc.), targeted victim, current incident mirroring index offence or previous offending or persistence of behaviour despite previous punishment.

For further information on this guidance, please contact crimeinprison@noms.gsi.gov.uk