

# Prison Governors Association

Representing: The Prison Governors of the United Kingdom since 1987



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## PRESS RELEASE

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### THE USE OF POLICE CELLS

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In response to Government's announcement that it intends to use police cells and resources to extend the capacity of the prison estate, the Prison Governors' Association makes the following comments:

Previous Governments have used public sector prisons as a cash cow for savings: either through savage and deep budget cuts, or through the sustained lack of capital investment in the prison estate. We are seeing the consequences of these political decisions now with the announcement that the formal use of police cells will be used to extend the capacity of the prison estate.

The term 'Safeguard' is used to describe the process where police forces are required to provide cellular spaces to accommodate prisoners who would normally be held in the custody of the Prison Service; 'Safeguard' also requires the relevant police force to staff and supervise the people held in their custody.

The use of police cells under these conditions is an exceptional measure and, in our view, should be reserved for unforeseen circumstances where no other options exist. We do not believe the circumstances that sees this announcement are unforeseen and we believe there are other options open to Government.

The use of police cells will place additional stress and pressures on an already fragile police service, and it will inevitably reduce the available numbers of police personnel to attend their core, front line duties. The use of police cells increases the risk to prisoners who would normally be in prison custody, and whilst we accept that additional measures will be put in place to mitigate some of these risks, a police custody suite should never be considered an alternative to prison.

The use of police cells under 'Safeguard' has previously taken place during the early and mid-2000s. On 9 October 2006, the then Home Secretary John Reid announced the implementation of 'Safeguard' as the prison population had reached 79,843, leaving only 125 spaces. Today, the latest figures show nearly 83,000 people in prison custody.

The reasons for the increase in demand on the prison estate's capacity are complex but have been created by successive Governments' attempts to be tough on crime – various Acts of Parliament since 1998 has

seen the steady increase in the recalled prison population to over 9,000 in 2020: IPP prisoners remain locked into the prison system, creating additional capacity demands. The system did not have the resilience prior to COVID, and it certainly does not have the capability to safely manage this unprecedented pressure on capacity. The remand population, due to similar failing to invest within the wider judiciary, has increased to excess of 14,000. Looking ahead, the latest models by the Ministry of Justice suggest that by 2024 the backlog will be somewhere between 17 and 27 percent higher than pre-pandemic levels – our issues are not unique and are not all down to the pandemic.

The lack of investment in the workforce has resulted in vacancy rates as high as they have ever been, this was the case prior to and after the pandemic. Government austerity measures resulted in a workforce strategy which devalued front line prison officers' pay, which also resulted in over 7,000 prison officers exiting prisons.

We welcomed the partial acceptance by Government of the Prison Service Pay Review Body's (PSPRB) recent recommendations to increase the pay of prison officers, and we hope that this may help arrest the decline in available and experienced prison officers. However, it must be noted that Government devalued prison officer pay in the first place - they also made the decision to ignore previous recommendations of the PSPRB to increase prison officer pay.

Even if HMPPS had the available space, it would not have the resilience within its prison officer groups to respond to the additional pressure. Prisons are struggling to provide the most basic of regime now, let alone if faced with additional crowding. Government not only provided the ingredients for this staffing crisis, but they also provided the recipe.

The prison estate is already overcrowded and contains a mix of modern buildings and some dating back to the Napoleonic War, with everything in between. Buildings which were once seen as marvels of Victorian ingenuity and reformation are now crumbling behemoths of a bygone era, in which our members strive to make the best of the overcrowded and often dilapidated conditions.

Investment in prison maintenance has restarted; recent capital investment is for the first time in decades allowing statutory and essential maintenance to take place. It has been reported that investment of over £500 million per year, over a 10-year period, is needed to resolve the current maintenance backlog. Over recent years, Government has allocated as little as £2million per year for prison maintenance. If sustained investment in prison maintenance had not been sacrificed by Government, more capacity would now be available, similarly with investment in its workforce.

Government have provided too little, too late – their gamble has not paid off, which has resulted in this extreme measure to use police cells taking place. We estimate that over 2,000 spaces are currently lost to major refurbishment works, to life critical infrastructure repairs or other essential building works, while welcomed the investment for these projects has come too late, as is the Government's investment in its workforce.

Recovery from the pandemic must not be seen as cause of the current capacity issue: On the contrary, we believe the pandemic was a lost opportunity for Government to reset the public's expectations about what imprisonment is for. We saw significant reductions in the prison population during the pandemic, with little or no outcry from most of the country that prisons were not full. As an organisation, we have been predicting that prisons would become full and that we would run out of space. We have been publicly saying this for over 12 months, and that urgent action needs to be taken by Government before we run out of space. The use of police cells is ill-thought through and is typical of a government who is unwilling to do the brave thing.

We do not see this as a positive measure – it increases so many additional risks and pressures to an already overloaded system. We have seen this coming for months and planning for something more sustainable should have taken place – i.e., an early release scheme. Whilst this Government has wallowed during the summer from leadership campaigns and challenges, no one has been at the helm to make the difficult, political decisions. Rather than placing additional pressures on an already stressed police service, we call upon Government to reduce demands on the prison system, not to further increase them.

What we see today is a government in panic. They have had sufficient time and warning to realise spaces were running out, and a more sensible approach would have seen the following being announced:

- An extension to the current release at the 50% mark for all sentenced prisoners to release at the 40% point of sentence.
- A review of those convicted - yet unsentenced - cohort of prisoners. To identify and release those who will not be sentenced to additional time in custody.
- Greater use of non-custodial sentences and bail conditions.

Instead, we see an unsophisticated approach being taken, which will cost the taxpayer more, and put additional pressures on an already stressed criminal justice system. Government is clear that it is facing significant financial pressures. We are clear that prisons are full, that we do not have enough staff, and at what point will Government be brave enough to limit the use of prison solely for those who present the greatest risk to the public?

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Note for editors:

The Prison Governors Association was founded in October 1987 to represent the higher operational managers in the Prison Service in England and Wales. The PGA was placed on the register of Trade Unions on 6 November 1987 (No. 639T). On 28 July 1988 the Certification Officer under the Trade Union and Labour Relations Act 1974 issued the Prison Governors Association with a Certificate of Independence. The status of the Prison Governors Association is that of an independent registered Trade Union. For more information contact Andrea Albutt, PGA President on 07966 114773 or James Bryant, PGA Office Manager, 07846 021597.

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