

FINAL

REPORT OF HM CHIEF INSPECTOR PRISONS INTO THE BRIXTON ESCAPE ON 7 JULY
STATEMENT BY THE HOME SECRETARY

On 7 July an extremely serious breach of security took place at Brixton Prison, when two Category A high risk remand prisoners escaped after having produced a firearm, taken an officer hostage and threatened his life. I immediately asked HM Chief Inspector of Prisons, His Honour Judge Stephen Tumim, to carry out a full inquiry. I have received and considered his report. I am grateful to him for completing his inquiry so thoroughly and particularly for the quite exceptional speed at which it has been completed.

2 Judge Tumim has advised me that for reasons of security he believes that much of his report cannot be published. He states that to publish it as it stands would endanger the remaining security at Brixton. I concur with this view. I am therefore publishing that part of his report which he considers can be published without a risk to security; the preface; the first chapter on Brixton on the day of the escape; the chapter on conclusions which contains the basic findings of the inquiry; and the chapter on recommendations. I am also publishing a narrative of events which Judge Tumim has provided. In addition, I am publishing the interim report of the security audit of establishments holding Category A prisoners conducted at my request by Mr Ronald Hadfield, Chief Constable of West Midlands, and Mr Gordon Lakes, a former Deputy Director General of the Prison Service. I am most grateful to them for the work they have done.

3 Judge Tumim's report draws attention to a number of weaknesses and failures. There were weaknesses in security at Brixton, particularly the access to the works yard. There were also too many loopholes through which items could enter the prison illicitly. Precise procedures existed at Brixton but were not always followed, and communications did not function effectively. Finally, there was a failure by the Prison Department and the prison to use available information to the full. In February 1991, information became available from the police that these prisoners were seeking to escape. In particular they had identified the Sunday Chapel Service as an opportunity and they were seeking to acquire a firearm. In the light of this information certain precautions were taken, but clearly other steps should have been taken both at the prison and in the Prison Department. They were not. The information was not made properly available to those responsible for the management of Category A prisoners generally or to certain key staff in the prison.

4 As Judge Tumim concludes, "there were a number of causes, of acts or omissions, without all of which the escape would not have taken place. They are not necessarily direct causes". He lists these in his conclusions. He

also concludes that "the errors of judgement which resulted in the opportunity for escape were indeed operational failures and not failures of policy. They are not to be remedied by elaborate changes of policy but by ensuring a more alert attitude by those responsible of Brixton and by making better physical provision and ensuring it is used".

5 I have accepted all the recommendations made by Judge Tumim. I set out below the action I am taking in response to each of them.

Recommendations concerning Brixton and other prisons

That Category A high risk prisoners be not held in HMP Brixton until and unless the security provisions recommended in this report are fully implemented (4)

That in so far as Category A high risk prisoners are held at Brixton, they are held on the Wing and not permitted to attend Chapel or leave the Wing save under the specific directions of the Governor (10).

6 When Judge Tumim reported on Brixton last year, we accepted that Belmarsh should take over its role of holding unconvicted high risk Category A prisoners. When Belmarsh opened in April of this year, the first priority was to open ordinary accommodation and establish essential services, such as reception, visiting, catering and regimes. It would not have been right to make the first task of a new establishment its most difficult role. Staff must first familiarise themselves thoroughly with new facilities, security systems have to be thoroughly tested, and any defects corrected.

7 As I announced on 8 July, I have brought forward the opening of the new high security unit at Belmarsh to this month. Certain additional improvements are being installed. The transfer of high risk Category A prisoners from Brixton will begin next week August and build up progressively, with the aim of completing the transfer by mid-September. It is the intention that all Category A high risk prisoners who have to be held in London will be in Belmarsh.

8 Pending the completion of these transfers the movement of Category A prisoners within Brixton has been further restricted, and religious observance is now available to them on the Wings only.

That the gateway through the perimeter of Brixton into the works yard be secured or blocked so that no further escape may take place through it (5).

9 The gate to the works compound which proved insecure has been replaced by a sterile area protected by double gates, both manned, and each protected

by separate locks not shared with any other part of the prison. Certain other locking procedures have been modified so as to limit progress that could be made by an inmate in possession of an officer's keys.

That searching and checking baggage at Brixton be reorganised and in particular:

- (a) X-ray examinations be made of all parcels and baggage coming into the prison by mail or otherwise;
- (b) all visitors and staff be subjected to random searching and to an archway or similar metal detector;
- (c) all such machinery for searching be regularly tested and the manner of using it checked (9).

10 I have concluded that this recommendation is so significant that we should both extend it to other relevant establishments and expand its scope. To have the ability to scrutinise one area with particular care while leaving others without similar protection would not be satisfactory. 23 establishments currently hold Category A prisoners, either constantly or frequently. I have decided that these should all have facilities for examining mail and parcels to inmates, visitors' and staff baggage, and stores delivered to the prison. Up to three X-ray machines per prison may be required for this purpose depending on local lay-out and associated procedures. In addition metal detector portals will be provided at these establishments where they are not already installed to supplement the use of hand held metal detectors.

11 Based on experience of equipment in Northern Ireland prisons and the advice of the Home Office Police Scientific Development Branch five X-ray machines, all of this type that were immediately available, have been purchased. They will be delivered to Brixton and Belmarsh for installation within the next few days. Action is in hand to obtain the rest of the requirement as quickly as possible.

12 In parallel with this action we are urgently assessing the procedural and staffing implications of introducing this new equipment so that it can be used to greatest effect.

That there should be a review of the operation of the emergency control room at Brixton and arrangements made for regular and frequent training and testing both of equipment and of practice (6)

That the Area Manager should urgently inquire into the adequacy of the provision of dogs and the manner in which they are used (9)

That a standard performance test be applied to the CCTV system at Brixton at and an Operational requirement be defined (11)

13 The Area Manager has already been instructed to review the operation of the Emergency Control Room at Brixton. He will be assisted by staff from the Prison Service College with experience in training staff in ECR procedures and specialists in physical security as necessary. He will also review the adequacy of the provision and use of dogs in the establishment. The closed circuit television system at Brixton will be examined by tests carried out jointly by the Directorate of Telecommunications and the Police Scientific Development Branch. I have asked for reports on all these matters by the end of next month.

During normal working hours the Duty Governor should be available throughout the establishment and within reach at all times by the UHF radio (7)

14 It is already the case that in Category A prisons the Duty Governor is available throughout the establishment during normal working hours. That requirement has now been reaffirmed, and in future the Duty Governor in every Category A prison will be in reach at all times by UHF radio.

That the Director General should produce or cause to be produced contingency plans for duties by staff when a gun or other weapon is found in a prison, and a training scheme accordingly (3)

That procedures between Brixton prison and the Police should be regularly tested and checked (12)

15 Along with all other prisons, Brixton has been instructed to examine its contingency plans and to make contact with local police commanders in relation to plans for incidents involving firearms or explosives. Particular priority is to be given to ensuring that incidents are reported immediately to the police and in the form most convenient to them. Meanwhile arrangements are being made for the Prison Service to discuss the position nationally with representatives of the Association of Chief Police Officers, so any arrangements can be accepted and understood by both the police and prison services, and guidelines prepared if necessary and appropriate.

16 Brixton has liaison arrangements with the local police, with agreed procedures and direct communications. These have been and will continue to be regularly tested and checked.

The Hadfield/Lakes Interim Report

17 The interim report of the security audit conducted by Chief Constable Hadfield and Mr Lakes does not at this stage recommend any changes in policy, but it advises me of three areas which require urgent attention.

18 They recommend that Governors should review their contingency plans in consultation with their local police forces, and they also recommend the use of X-ray machines in establishments holding Category A prisoners. I have already set out the action I am taking on both of these recommendations.

19 The audit also found that the current instructions on telephone calls by Category A prisoners are not always fully complied with. Governors have been reminded of their responsibilities for ensuring that the current established procedures are fully carried out.

20 Mr Hadfield and Mr Lakes have advised individual Governors of the security related matters in the course of their visits. They have reported to me that my instructions to the Prison Service following the Brixton escape to review security for Category A prisoners have been effective in focusing Governors' attention on these matters.

21 Judge Tumim's recommendations concerning the Prison Department

That the Director General should hold urgently an inquiry into the working of DOC1, in particular as to analysis of information received, internal communications with the Category A Unit and otherwise, and communications and responsibility between DOC1, Governors and Area Managers (1)

22 Directorate of Custody 1 (DOC1) is the headquarters division which deals with contingency planning, emergency planning, security, liaison with the Police and the management of the Category A population. Mr Hadfield and Mr Lakes will be looking at many of these matters in their further audit work. They bring a unique blend of security, intelligence and prison experience to the task. For these reasons I have asked them to address this recommendation in Judge Tumim's report.

That the Director General should review the current policy of not classifying remand prisoners as exceptional risk which would require them to be held in a Special Secure Unit, and also review the practice of treating high risk and standard risk prisoners the same (2)

23 This review will need to take account of any comments made by Mr Hadfield and Mr Lakes. I am asking the Director General to report to me on this issue by the end of October.

Disciplinary issues

24 In his inquiry into the escape on 7 July, Judge Tumim necessarily examined the actions and conduct of many members of staff, but it was not part of his terms of reference to consider whether any such actions or conduct might be such as to form the basis of a disciplinary charge against any member of staff. This question now needs to be considered. The Permanent Under Secretary of State has asked Mr Ralph Shuffrey CB, a former Principal Establishment Officer at the Home Office assisted by Mr John Richardson OBE, a former Governor I, to consider the findings of Judge Tumim's inquiry, to make such further inquiries as seem necessary, and on that basis to advise the Principal Establishment Officer of the Home Office and the Director General of the Prison Service on whether there are any grounds for taking disciplinary action against any member of staff, whether in the Prison Department or in Brixton.

Organisational issues

The management of Brixton and the Prison Service

25 In the light of this report, the Governor of Brixton, Mr Withers, who is due to retire in October has been asked to take pre-retirement leave immediately. The new Governor Dr Coyle whom I met this morning will assume responsibility for Brixton as from today. The Head of DOC1, Mr Bubbear, who is on sick leave will not return to his duties in the Prison Department and will be replaced as soon as possible.

26 Judge Tumim's report reveals weaknesses in the management and administration of the Prison Department and its relationship with Governors in the prisons. Mr Hadfield and Mr Lakes will be reporting on one aspect of this in the light of Judge Tumim's first recommendation. However, in addition I intend to invite a prominent figure from the private sector to examine the running of the Prison Service and to report to me on measures necessary to strengthen the management of the Service both in the Department and in the prisons. Mr Train, the Director General of the Prison Service, retires at the end of this month. Mr Pilling, the newly appointed Director General, will assume full responsibility for the Prison Service as from next week.

Penalties for escapes

27 If a prisoner escapes and is recaptured it is usual for this to be dealt with as a disciplinary matter by the Governor. He can impose a forfeit of loss of 28 days remission and the Board of Visitors one of 120 days. These

penalties are often totally inadequate. It would be more appropriate to deal with escapes under the criminal law. The offence of escape is a common law offence and the penalty is unlimited. The maximum penalty for aiding and abetting a prison escape is five years, and this will be increased for to years. I hope that an early opportunity can be found to enact this along with our proposals for the new offence of prison mutiny.

Conclusion

27 In the preface to his report, Judge Tumim said how conscious he had been of the risk that the reaction to a spectacular prison escape can led to a tightening of security and a deterioration in general prison conditions. Mr Hadfield and Mr Lakes have also commented that absolute security is difficult to reconcile with the humane treatment of prisoners, and the Board of Visitors at Brixton have recently lent support to these points. The secure custody of those whom the courts have committed to prison is the first responsibility of the Prison Service. At the same time I am committed to sustaining the pace of positive prison reform. That can only be done, as the Chief Inspector has said, by ensuring more alert attitudes and by making better physical provision for security and ensuring it is used. I believe that the programme I have announced today will help to secure these aims.

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