

# REMAND PRISONERS

## Who is on remand?

There are different types of remand custody. Until a prisoner is sentenced, the treatment they receive in custody reflects the fundamental principle that an individual is innocent until proven guilty. The majority of those who are in custody on remand are remanded in custody awaiting trial and have not been convicted of a criminal offence. A prisoner who is held on Judges Remand has been convicted and is waiting to be sentenced. As a rule once on Judges Remand a prisoner will follow the same regime as a convicted and sentenced prisoner.



## Why does the court remand an individual in custody?

The Bail Act 1976 intends that, unless there are strong reasons to the contrary an individual will be remanded on bail with appropriate conditions attached. There is no presumption in favour of bail where an individual has been charged with murder, attempted murder, manslaughter, rape or attempted rape.

## The following are reasons for bail being refused:

- The individual has been accused of committing a particularly serious offence
- The individual has previous convictions for similar offences
- There is reason to believe that the individual may disappear before their trial
- The individual may interfere with witnesses
- It is likely that the individual will commit further offences before their trial If an individual did not obey the terms of a previous community sentence, then custodial remand rather than bail may be imposed

## What are Bail Schemes?

Bail information schemes exist to help a prisoner to argue that they are safe to be released on bail by supplying further information about himself. The National Probation Service runs a scheme. A further scheme is prison based and normally operated by HM Prison Service.

## How does the HM Prison Bail Scheme work?

After arrival in prison, an individual's custody status should be reviewed on a weekly basis. In certain serious cases, an individual held on remand awaiting trial has the right to appeal directly to a judge.

Each prison that holds prisoners on remand must provide a Bail Information Scheme (Prison Service Regulations PSO 6101). Here the role of a Bail Information Officer is to gather evidence to demonstrate that the accused can safely be released on bail pending trial. Those held in custody on charges of murder, attempted murder, manslaughter, rape or attempted rape are not allowed access to a Bail Information Service.

### **Are remand prisoners awaiting trial categorised?**

Prisoners held on remand awaiting trial are not normally categorised but would generally be treated as category B. However, if the Prisoner is assessed as a category A prisoner, they will be held in this way.

### **Can a Prisoner on remand awaiting trial be transferred?**

A prisoner on remand is not usually transferred. They are usually held in the local prison nearest the court they will appear. In some cases though women maybe transferred from HMP Holloway to HMP Bronzefield.

### **What are the differences in how a remand prisoner awaiting trial is treated and a convicted prisoner?**

An individual held in custody awaiting trial is presumed to be innocent. The regime and entitlements for remand prisoners awaiting trial are different to those of convicted prisoners. Although these prisoners should be held separately from sentenced prisoners often a individual on remand awaiting trial will have to share a cell with a convicted prisoner.

### **What special rights does an individual on remand awaiting trial have?**

Remand Prisoners have the following rights:

- Access to reasonable facilities to seek release on bail and to prepare for trial.
- The right to preserve their home and job i.e. to make arrangements in case they should be convicted.
- The right to maintain contact with family and friends.

### **How can you stay in touch with a prisoner on remand awaiting trial?**

It is a very difficult time for an individual when they are taken into custody, staying in touch with relatives and friends can make the time more bearable. There are special rules for un-convicted prisoners as regards letters, telephone calls and visits. Before travelling to visit a prisoner, telephone the prison to check any information is still up to date.

### **Do visitors need a visiting order to visit someone on remand?**

Un-convicted prisoners do not need to send family / friends a visiting order. However visitors will still need to call the prison to book a visit. The line is likely to be busy and it maybe necessary to call several times to get through.

### **What about prohibited items?**

Visitors will need to bring identification with them. Visitors are not allowed to take prohibited items into the prison or pass prohibited items to prisoners. Mobile phones are not allowed. If a visitor refuses to be searched they will not be allowed to visit.

Ask the prison for a list of property that is permitted to be handed in / out.

As an un-convicted prisoner, more items may be allowed than if the individual is a convicted prisoner. Authorised articles should be handed to the officer in charge of visits / visitor's centre. Sometimes it is possible to send items in if they are not allowed to be handed in i.e. books, CD's. If a prisoner wants to hand out an item it is necessary to ask permission.

### **How long is allowed for a visit?**

The minimum visiting allowance for an individual on remand awaiting trial is 90 mins every week. Longer time maybe allowed depending on the specific prison. It may also be possible to get privilege visits on the Incentive / Earned Privilege Scheme, again this depends on the particular prison. It is the Prison Governor who decides for how long and when visiting will take place. It may be 15mins every day or longer visits every few days. At a minimum visits should be possible on 3 days a week and a visit should be possible on Saturday / Sunday once a fortnight. If short visits are not convenient, perhaps a visitor is disabled or lives a long way from the prison, try asking the landing officer if more time less often maybe allowed.

### **Who can visit?**

Up to 3 people can visit at the same time on each visit. A child is counted once they are 10 years or over.

### **What about the costs of visiting?**

If eligible it maybe possible to get help towards the cost of visiting an un-convicted prisoner held on remand if the visiting relative / partner receives Income Support / Job Seeker's Allowance / Working Families Tax Credit / Disabled Person's Tax Credit. Ask at the Prison, Visitor's Centre, Benefits Agency, Assisted Prison Visits Unit (APVU).

### **Can money be sent into prison?**

Yes. Cheques and Postal Orders can be sent in and should be made payable to the Governor with the prisoner's full name and prison number written underneath. On the back of the cheque you must write the name and address of the sender. The envelope containing the money should be addressed to the prisoner. It can take up to 10 days before the money is cleared into the prisoner's account.

### **How many letters can a prisoner on remand awaiting trial send?**

Two letters can be sent free every week. There is no limit on the number that may be sent at the prisoner's own expense. Letters will be opened to check that they do not contain prohibited items but not normally read. Normally there is no limit on the number of letters that can be received.

### **What about telephone calls?**

It is normal to need to get phone numbers approved. A prisoner will be given a PIN number to use the phone (not phone cards) on a credit basis. Calls to lawyers are not monitored. Other calls maybe monitored by prison officers.

### **What can you do if you are worried about a prisoner on remand?**

If you are worried that a prisoner maybe in danger of self-harm or may have suicidal feelings, please let someone at the Prison know of your concerns. Contact the Visitor's Centre at the prison. They are

there to support you and can talk directly to Prison staff and Duty Governor. The prison will then correctly support and monitor the prisoner.

**What help is available in prison?**

Each prisoner has a Personal Officer assigned to them. The prison may have Listeners. These are prisoners who have been trained and are supported by the Samaritans. Listeners will listen in confidence and are available 24 hours a day.

Instead a prisoner can ask to speak to the Prison Chaplain or a member of the Independent Monitoring Board. The prison may also have a direct confidential telephone link to the Samaritans that can be used at any time.

**Comparison between Remand Prisoners and Convicted Prisoners**

This table compares the rights of remand prisoners and convicted prisoners:

<b>Differences in the regime</b>	<b>Remand Prisoner Awaiting Trial</b>	<b>Convicted Prisoners</b>
<b>Clothing</b>	Allowed to wear own clothes	Must wear prison clothing, unless specific prison permits own clothes.
<b>Voting</b>	Entitled to Vote	Not entitled to vote
<b>Income</b>	Can retain extra private cash	Access to private cash strictly limited
<b>Business</b>	Can undertake reasonable activity to maintain business interests	No provision to maintain any business interests.
<b>Health</b>	Can be treated by own doctor and dentist (although this rarely happens in practise)	Treated by prison medical staff.
<b>Education and Work</b>	Do not have to work or attend education	Must work and attend education as directed or be penalized via the Incentives and Earned Privileges Scheme.
<b>Visits</b>	Entitled to a minimum of 90 minutes visiting per week.	Entitled to a minimum of 60 minutes visiting per month.
<b>Benefits</b>	Retain entitlement to state benefits such as Incapacity Benefit and Retirement Pension, which are payable in arrears unless a defendant receives a custodial sentence.	No entitlement to Income Support. Not entitled to any state benefits, except Housing Benefit.
<b>Housing</b>	Retain entitlement to state assistance and help with mortgage interest.	Entitled to claim Housing Benefit where the time in



## JIGSAW CHARITY USEFUL GUIDES

Entitled to claim Housing Benefit for up to 52 weeks.      prison (including time spent on remand) is expected to be less than 13 weeks.

(For more information see [www.innocentuntilproven guilty.com](http://www.innocentuntilproven guilty.com))