

insideinformation – fact sheet

Categorisation

Information courtesy of Yasmin Aslam of Levys Solicitors Manchester

The relevant Prison Service Order for a Category A Prisoner is Prison Service Order 1010 which goes just through views of security category (implemented December 2004)

The relevant Prison Service Order for Determinative Sentence Prisoners is Prison Service Order 0900 which discusses categorisation and allocation (last updated on 24th July 2000)

Categorisation of Remand Prisoners. Remand Prisoners may be classified as provisional Category A on reception into prison if charged with any serious offence (PS all 1010, paragraph 3.1) Prison staff must obtain details of the Prisoner and the offence from the Police, such details are to include the officers assessment of the Prisoner's dangerousness and escape potential with reference to details about the charge, whether the victim is known to the Prisoner, motive and use of weapons, drugs and alcohol consumption and any information known about the Prisoner's mental state. Prison staff are required to report to the Operations Unit of the Directorate of High Security (DHS) Any Prisoner charged with a relevant offence which meets any of the following criteria:

- Serious offences or violence, including serious sexual offences, that are serial in nature or represent an escalating pattern of offending;
- An offence involving a particularly high level of violence (especially if frenzied or sadistic in nature) and committed to a victim not related to, or closely connected to, the Prisoner;
- Serious sexual offence randomly committed including life threatening levels of violence and very serious injury in addition to the sexual element of the assault;
- An attempted or actual robbery involving acts of life threatening violence to the public or the Police;
- An offence including a loaded fire arm being discharged at people;
- Serious drug importation or production offences committed by a senior member of a well researched criminal gang who are prepared to use firearms in an escape attempt who would finally resist any attempt at arrest putting the Police and public at serious risk;
- An offence of violence and a history of fire raising endangering the lives of strangers
- Terrorist and official secrets and Secret Acts Offences (PS all 1010, paragraph 3.2) All Prisoners on remand awaiting trial or convicted and awaiting sentence, other than those provisionally classified as Category A are placed in Category U (Unclassified) (all 0900, paragraph 1.4.1) Most remand Prisoners can expect to serve their remand time in a Category B establishment. Prisoners remain in Category U regardless of their current location until they have been given a definite category, following which they may be re-allocated and within a few weeks of sentence, categorisation allocation decisions will be made, sentence planning will have begun and for Determinate Prisoners for Sentence will have been calculated. Categorisation decisions are of critical importance and they determine entitlement, parole decisions and the relevant prison regime. Categorisation will usually take place within 2 days of reception. The decision should focus on security, often takes into account the nature of the offence and the length of sentence. Rule 7 (1) Prison Rules 1999 states "Prisons should be classified, in accordance with any directions of the Secretary of State, having regards their age, temperament, record and with a view to maintaining good order and training and, in the case of convicted prisoners, furthering the purpose of their training and treatment"

Categorisation

PRIMARY CRITERIA FOR CATEGORISATION

Category A	Prisoners who escape would be highly dangerous to the public, the Police or the security of the State, no matter how unlikely that escape might be;
Category B	Prisoners for whom the very highest conditions of security are not necessary but for whom escape must be made very difficult
Category C	Prisoners who cannot be trusted in open conditions but who do not have the resources or will to make a determined escape attempts
Category D	Prisoners who can reasonably be trusted in open conditions

First Review

All provisional Category A Prisoners must have their security category reviewed by the Director of High Security as soon as practicable after conviction and sentence. The review will be initiated by the Category A Review Team and then referred to the head of the team who, having considered the available information will then make an initial recommendation. If the recommendation is for the Prisoner to remain in Category A disclosure will be prepared by the Review Team. The Prisoner will be given a copy of the disclosure and be invited to make representation. The initial recommendation should be reviewed in light of any representation. If the recommendation remains the same the matter will be referred to the Category A Review Committee who must provide written reasons if it decides to maintain the Category A status.

Reviews of the Escape Risk Sub-Category (Standard High & Exceptional) are always considered by the Category A Team without reference to the Committee, even though there is a clear nexus between the escape risk sub-category and Category A categorisation itself.

The purpose of these reviews is to enable the Director to decide whether initial categorisation of the Category A Prisoners should be confirmed. At these reviews, the establishments must provide a copy of the Crown Court Warrant, the Indictment and the 5089.

To avoid details, Governors must ensure that these reports are faxed to the DHS Operations Unit not later than 5 days after the Prisoner is sentenced.

First Annual Review of Security Category

The first annual review of the Security Category will take place two years after completion of the first formal review on conviction and sentence. The exceptions to this will be where:

- The Director High Security decides that, at the first formal review, the case should be reviewed within a shorter timescale, or
- The governing Governor of the Holding Establishment makes a recommendation for an earlier review on the basis of evidence of diminished risks.

A recommendation for an early review must be supported by evidence of reduced risk eg offending behaviour programs, reports and/or psychological assessments which show a significant reduction in the likelihood of re-offending in similar ways if unlawfully at large.

These cases must be submitted once the case has been considered by the Local Advisory Panel. The recommendation from the governing Governor should include reasons why the case has been referred exceptionally for an earlier review.

IMPORTANT NOTICE

Information is given on a strictly 'without-liability' basis, and should be considered for use as guidance only. If you propose taking further action based upon this information you are strongly advised to take further and more specific legal advice before doing so.

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