Review of prison transfers prior to HMCIP inspection

11 March 2010
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Executive summary

In October 2009, after letters to Her Majesty’s Inspector of Prisons (HMCIP) and subsequent investigation by the National Offender Management Service (NOMS), it was discovered that 11 prisoners were subject to temporary transfers around the time of an HMCIP inspection. Six prisoners were moved from Pentonville to Wandsworth immediately prior to the Pentonville inspection (11–15 May), and five prisoners from Wandsworth to Pentonville immediately prior to the Wandsworth inspection (1–5 June). In ten of these cases, the prisoners were then transferred back after the investigation. The investigation found that the 11 transfers were arranged as deliberate attempts to manipulate the outcomes of the inspections.

Allegations were subsequently made regarding transfers from Brixton prison around the time of an HMCIP inspection. These were also found to be deliberate attempts to manipulate the outcomes of prison inspections. Details of the NOMS investigation into these transfers have been released today.

In October 2009, the Lord Chancellor and Secretary of State for Justice asked the Director of Analytical Services in Ministry of Justice to undertake a statistical analysis of the extent to which this practice could have been occurring in other prisons. This report summarises the results of this analysis. All prisoner transfers between July 2007 and June 2009 (excluding Young Offender Institutes) were analysed. During this time period, there were 67 announced inspections and over 270,000 prisoner transfers – an average of around 2,600 transfers per week. There are a large number of legitimate reasons why prisoners may be transferred between prisons for relatively short periods of time. This made the task of identifying patterns of movement, consistent with the deliberate attempts to manipulate the outcomes of inspections, difficult.

For the purposes of this report transfers from Prison A to Prison B back to Prison A have been defined as “looping” transfers. Analysing these looping transfers over time showed no peaks around the time of inspection. The review also examined the number of loops which took place around unannounced transfers to see if there was a different frequency of looping transfers around unannounced inspections compared to announced inspections. This analysis showed that there were a comparable number of looping transfers around announced inspections as unannounced inspections.

The analysis goes on to focus on identifying patterns of movement which were similar to those at HMPs Pentonville, Wandsworth and Brixton. The defining characteristics of the HMPs Pentonville, Wandsworth and Brixton transfers were:

- The majority (all but one) of the transfers were “looping” transfers;
- The prisoners were transferred out less than two weeks before an inspection and returned in the two weeks following an inspection;
The total duration of the “loop” was less than 14 days;

- Prisoners were transferred in groups of two or more, who were transferred out of the prisons on the same day and returned on the same day;

- Prisoners were transferred to the same prison. For example, the Wandsworth prisoners were all transferred to Pentonville and the Pentonville prisoners were all transferred to Wandsworth.

The analysis found that these specific characteristics were only found in the Wandsworth, Pentonville and Brixton moves. There were no other moves between prisons around the time of an inspection that exhibited exactly this pattern.

The analysis identified seven further cases that warranted further investigation. These were cases where the prisoner had been moved around the time of an inspection but who were subject to a medical or security hold. This revealed:

- One prisoner who had been transferred around the time of inspection who should not have been moved for medical reasons; and

- Six prisons transferred prisoners who should not have been moved for security reasons.

The details of these transfers were passed to the NOMS for further investigation. The investigation showed that there was no evidence that any of these transfers were a deliberate attempt to manipulate HMCIP inspections.

In order to ensure that the investigation was thorough, a broader definition of looping, than that exhibited in the Wandsworth, Pentonville and Brixton transfers, was also adopted. There were 29 looping transfers that occurred either side of an inspection and lasted less than 14 days. Unlike the Wandsworth and Pentonville transfers these did not involve multiple transfers out on the same day, to the same prison and return transfers on the same day. Of these 15 were randomly selected and passed to NOMS for a more detailed investigation. After the investigation it was found that there was no evidence that any of these transfers were a deliberate attempt to manipulate HMCIP inspections.

The analysis does not prove definitively that there were no other movements where the intention was to avoid the inspection process. There are many circumstances where a prisoner leaves one prison before an inspection and does not return and one of the Wandsworth moves fell into this category. However, in order to identify whether these are manipulative or legitimate moves would require individual investigation of many thousands of moves.

Therefore, the Director of Analytical services has concluded that there is no evidence to suggest that the exact practice identified in the transfers between Wandsworth and Pentonville and also at Brixton took place at any other prison during this time period. Nor can we find evidence of any other manipulative moves.
Improvements can be made to the system to prevent such incidents occurring in the future. These are that:

Prisons should be required to submit details of all transfers in the four weeks prior to inspection to HMCIP upon arrival then any movement of prisoners with security or medical reasons for not being transferred would be identified.

The analysis conducted here should be repeated annually to check for any further suspicious patterns.

**Recommendations**

It is recommended that:

- This investigation is repeated on an annual basis;
- Details of all prisoner transfers in the month prior to pre-inspections and inspections should be made available to Her Majesty's Inspector of Prisons upon arrival for inspections.
Background

This analysis was commissioned by the Justice Secretary to examine the extent of prison transfers prior to inspections. In October 2009, after letters to Her Majesty’s Inspector of Prisons (HMCIP) and subsequent investigation by the National Offender Management Service (NOMS), it was discovered that 11 prisoners were subject to temporary transfers around the time of inspection. Six were moved from Pentonville to Wandsworth immediately prior to the Pentonville inspection (11–15 May), and five from Wandsworth to Pentonville immediately prior to the Wandsworth inspection (1–5 June). The investigation found that the 11 transfers had been arranged as deliberate attempts to manipulate the outcomes of the inspections.

The purpose of this analysis is to ascertain whether the temporary transfer of prisoners prior to inspection is more widespread across the prison estate. This analysis was conducted using various data routinely collected by NOMS.
Methodology

This report only includes transfers of adult offenders that occurred between June 2007 and June 2009. Changes in the recording systems mean that comparable data for a more recent period is not available. This period covered the relevant period for the Wandsworth, Pentonville and Brixton move and a significant number of announced and unannounced inspections.

Information about prison transfers is recorded over a variety of data sources, in a range of formats. Three different data sources were linked to provide a dataset that would be able to identify short term transfers around inspections. These were:

- The Local Inmate Data System (LIDS), a system used by the prison estate to manage prisoners. Receptions and discharges from prison are recorded on LIDS. However, the format of this data has made it difficult to analyse routinely;

- The Accommodation and Occupancy database (A&O) is a prison history dataset contains information about prisoner movements. This system provides weekly snapshots of the location of prisoners, rather than daily records;

- The Offender Assessment System (OASys) is a structured assessment tool used in adult prisons. It was developed to assess offending related needs, likelihood of reconviction and risk of serious harm. The data from these assessments was used as a measure of vulnerability.

The datasets were primarily linked by prison number as the format of this field was the same in all the datasets, unlike some of the other referential fields. For example, for the name field, OASys and LIDS contained forename and surname, whereas LIDS contained surname and first initial. With the name fields data, input errors also reduced accuracy and the ability to match the data.

It was possible for a single offender to have multiple prison numbers. Exploratory analysis showed that this was usually due to multiple periods of imprisonment, so would not impact on transfers. In addition, the analysis showed that prison numbers were not routinely re-used. Therefore, the prison number was used as the key identifier used to base movement analysis on.
HMCIP inspections

Her Majesty's Inspectorate of Prisons for England and Wales (HMCIP) is an independent inspectorate which reports on conditions for and treatment of those in prisons, young offender institutions and immigration detention facilities.

Each year HMCIP conducts about thirty full announced inspections. The full inspections run on a five or three year cycle and are based on a mixture of chronology and risk assessment. Announced inspections are listed on the HMCIP website and prisons are informed about them about three months in advance. A full inspection lasts for five days.

For full announced inspections one month prior to the inspection, researchers visit the prison to obtain preliminary information. During this visit they conduct a survey of a representative proportion of the prison population. The survey is confidential and anonymous.

All inspections are conducted against the Inspectorate's published criteria. Sources of evidence include focus groups of prisoners, individual interviews, documentation and observation by inspectors. Prisoners and detainees can speak to inspectors in confidence. A full healthy prison summary is prepared including healthy prison assessments under the headings of safety, respect, purposeful activity, and resettlement.

A list of all full announced inspections in the period June 2007 to June 2009 can be found in Appendix 1.
Prison transfers

Prison transfers are very common and necessary in order to manage prisoners' requirements. Between June 2007 and June 2009 there were over 270,000 prison transfers across the prison estate. That is an average of 2,600 transfers every week. The majority of the transfers occur in local prisons. Local prisons are typically where prisoners remanded in custody are held while their trial is on-going and where prisoners are held immediately after they have been convicted. In these types of prisons movement is more common. A list of local prisons can be found in Appendix 2.

There are several reasons why a prisoner may move from one prison to another, some examples of these are listed below:

- Prisoners serving sentences of over 12 months would have a sentence plan that would mean they would move from a local prison to a training prison in order to prepare them for returning to the community;
- A prisoner’s security category may have changed, as a result of this they would need to move to an appropriate prison;
- A prisoner may be moved so that they can serve the final weeks of their sentence nearer to their home;
- A prisoner's sentence plan requires them to complete a course which is not available at the prison they are in;
- A prisoner is behaving in a disruptive way;
- Category A prisoners are routinely moved from time to time for security reasons;
- A prisoner may be moved for their own safety if they are being bullied;
- If their main visitor has a medical problem making visits impossible;
- If a prisoner is held far away from their family and friends they can accumulate the visits they would have had and be transferred to a prison closer to their home town for a short period of time;
- If a prisoner has a court date, they would be moved to a prison serving the court they need to attend;
- A prison may be over crowded and need to move some prisoners to resolve this;
- A prisoner may be transferred for professional standards issues.

The analysis begun by looking at the number of transfers around the time of an inspection was analysed. However, due to the volume of transfers occurring every week, looking at the number of transfers alone did not help to identify suspicious prisoner movement.
Figure 1 below shows daily movements across the estate.

**Figure 1: Prisoner movements per day across the estate**
Looping transfers

One of the key features of the Wandsworth and Pentonville transfers was that in most cases, the prisoners were returned to original prison after the inspection. So, for example, prisoners moved from Wandsworth to Pentonville back to Wandsworth again; so in general terms from Prison A to Prison B back to Prison A. For the purposes of this report, this will be referred to as a “looping transfer”. There were 33,792 such movements recorded over the two year period we are looking at.

Looping transfers are fairly common and there was no evident increase in this type of transfer around the time of inspection. This can be seen in figure 2 below. It shows the looping transfers at a prison, with outward transfers four weeks prior to the date on the x axis, and return transfers four weeks after. The graph shows there is no peak in looping transfers around the inspection date.

Figure 2: Looping transfers in an example prison

There are many reasons why looping movements may occur, examples of these are given below:

- The prisoner’s sentence plan requires them to complete a course which is not available at the prison they are in. After the duration of the course they may return to their original prison;
- If prisoners are behaving in a disruptive way they may temporarily be transferred to alleviate tensions in the prison and then returned when things have calmed down;
If a prisoner is held far away from their family and friends they can accumulate the visits they would have had. They can be transferred to a prison closer to their home town for a short period of time. After this they would be returned to the original prison;

If a prisoner has a court date, they would be moved to a prison serving the court they need to attend. After this they would return to their original prison;

If a prisoner is transferred whilst in the parole 'window' they will be required to transfer back to have their parole dossier completed;

If prisoners are part of Multi Agency Public Protection Arrangements (MAPPA) or Prolific and other Priority Offender (PPO) programs they will be transferred for local discharge where multi-agency plans for protecting the public are required;

One for one swaps between agreed parties (in accordance with regional population protocols);

Transfers due to professional standards issues;

Prisoners are sometimes moved from trainer prisons to local ones for video-link appearances (usually for Court of Appeal cases);

Prisoners who are convicted in England or Wales who apply to be transferred to Scotland (a separate criminal justice system) are sometimes approved to go on a 'restricted' basis. Restricted applies to any conditions attached to their transfer. If they fail to meet the conditions they are liable to be transferred back to England or Wales;

Where repatriation of foreign national prisoners is agreed they are transferred to Wandsworth prior to repatriation.

Analysing looping transfers over time showed no peaks around the time of inspection. There were no identifiable trends in the data that would be consistent with an increase in looping transfers at the time of inspection.

We also examined the number of loops which took place around unannounced inspections to see if there was a different frequency of looping transfers around unannounced inspections compared to announced inspections. This showed that there were a comparable number of transfers around announced inspections as unannounced inspections.
Looping transfers around inspection

In order to identify whether temporary transfers around the time of inspection were common practice, the key features of the Wandsworth and Pentonville transfers were identified. (Note – only 4 of the five prisoners transferred from Wandsworth to Pentonville were looping transfers, so one case was not picked up by this analysis).

These key features were:

- The transfer was a looping transfer with the prisoner returning to his original prison;
- The prisoners were transferred out less than two weeks before an inspection and returned in the two weeks following an inspection;
- The total duration of the loop was less than 14 days;
- Prisoners were transferred in groups of two or more, who were transferred out of the prisons on the same day and returned on the same day; and
- Prisoners were transferred to the same prison. For example, the Wandsworth prisoners were all transferred to Pentonville and the Pentonville prisoners were all transferred to Wandsworth.

There were only 12 transfers that exhibited these key features. Of the 12 transfers identified, 10 were transfers that had been investigated at Wandsworth and Pentonville. The remaining two, were from Brixton to High Down. Table 1 shows the details of the transfers.
### Table 1: Details of identified transfers

<table>
<thead>
<tr>
<th>Prison</th>
<th>Inspection date</th>
<th>Loop pattern</th>
<th>Loop start</th>
<th>Loop end</th>
<th>Loop length</th>
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<tr>
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<td>Brixton, High Down, Brixton</td>
<td>28/04/08</td>
<td>06/05/08</td>
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<tr>
<td>Brixton</td>
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<td>Brixton, High Down, Brixton</td>
<td>28/04/08</td>
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<td>8</td>
</tr>
<tr>
<td>Pentonville</td>
<td>11/05/09</td>
<td>Pentonville, Wandsworth, Pentonville</td>
<td>11/05/09</td>
<td>18/05/09</td>
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<td>11/05/09</td>
<td>Pentonville, Wandsworth, Pentonville</td>
<td>11/05/09</td>
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<td>Pentonville</td>
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<td>30/05/09</td>
<td>09/06/09</td>
<td>10</td>
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</tbody>
</table>
Medical and security holds

In the Wandsworth transfers, prisoners who were on medical and security holds were transferred around the time of inspection. Medical holds are when a prison doctor has declared someone either unfit to either attend court or be transferred. This is reviewed periodically. Reasons would include illness or an impending medical appointment either at the prison or at a nearby hospital.

Security holds are put on by the Security Department at the prison and might include a hold because the prisoner would be at risk if transferred to another prison or the prisoner might be wanted for questioning by the local police and therefore cannot be transferred too far.

Routinely, prisoners who are on medical or security holds would not be transferred. As part of this investigation it was found that one prison had a looping transfer for prisoner on medical hold, four weeks either side of an inspection. In this instance the prisoner was elderly and had several chronic conditions which required regular treatment. The prison he was originally allocated to did not have any in-patient healthcare facilities. As a result he was transferred to the regional healthcare facility and admitted to the outside hospital for treatment. After his treatment he was returned to his original prison.

The investigation also found that six prisons had a total of 15 looping transfers for prisoners who were on security hold four weeks either side of an inspection. After investigations by NOMS it was found that the majority of these cases were due to court appearances. Nine of the 15 prisoners were transferred because they were either not at the prison serving the court they needed to attend or following the court visit there were no spaces at the prison they left from.

Of the remaining six prisoners who were moved on security hold:

- Two prisoners were transferred as a result of an overcrowding draft. These are issued to manage the prison population;
- One prisoner changed category and was moved to an appropriate prison. However, the prisoner failed at this category and was returned to the original prison;
- One prisoner was transferred so he could receive medical treatment at another prison;
- One prisoner was released on licence, but his licence was revoked and he was held at a local prison before being transferred back to his original prison; and
- One prisoner was transferred as he was required by the police.
Pre-inspection visits

For full announced HMCIP inspections, a pre-inspection report is carried out one month before the full inspection. On this visit they conduct a survey of a representative proportion of the prison population. The survey is confidential and anonymous. As part of this investigation, looping transfers, that had the same criteria as Wandsworth and Pentonville were investigated.

It was found that no prison transfers had the same defining characteristics as the Wandsworth and Pentonville transfers for the pre-inspection visits.
Random selection of looping transfers

In order to ensure that the investigation was thorough, a broader definition of looping, than that exhibited in the Wandsworth, Pentonville and Brixton transfers, was also examined. There were 29 looping transfers that occurred either side of an inspection and lasted less than 14 days. Unlike the Wandsworth and Pentonville transfers these did not involve multiple transfers out on the same day, to the same prison and return transfers on the same day. Of 29 transfers, 15 were randomly selected and passed to NOMS for a more detailed investigation.

Of these 15 transfers, the majority were moved due to court appearances. 12 prisoners were transferred because they were either not at the prison serving the court they needed to attend or, following the court visit, there were no spaces at the prison they left from.

Of the remaining three prisoners:

- Two prisoners had submitted transfer requests. One requested to be returned and the other had a court appearance;
- It is believed that one prisoner was moved due to professional standards issues. In this case the prisoner knew one of the prison staff. However, this is not formally documented.
Conclusions and recommendations

Analysis of looping transfers over time showed no peaks around the time of inspection. We also examined the number of loops which took place around unannounced transfers to see if there was a different frequency of looping transfers around unannounced inspections compared to announced inspections. This showed that there were a comparable number of looping transfers around announced inspections as unannounced inspections.

This investigation focused on identifying patterns of movement which were similar to those at HMPs Pentonville, Wandsworth and Brixton. The defining characteristics of these looping transfers were:

- Transfers were very close to the inspection dates;
- Transfers were short;
- Transfers involved two or more prisoners being transferred out and returning on the same dates;
- Transfers were to the same receiving prison.

By analysing these characteristics around the time of all there was no evidence that the practice identified at Wandsworth, Pentonville and Brixton took place elsewhere in the two years between July 2007 and June 2009.

However, the investigation revealed some cases that warranted further investigation. These were:

- One other prison had transferred a prisoner at the time of inspection who was on medical hold;
- Six prisons transferred prisoners who were on security hold;

These details were passed to the NOMS for further investigation. NOMS investigated the reasons for the transfers. In the majority of cases prisoners were moved due to court appearances. Other reasons included overcrowding drafts, medical treatment and prisoner transfer requests. There was no evidence that any of these transfers were a deliberate attempt to manipulate HMCIP inspections.

In order to ensure that the investigation was thorough, a broader definition of looping, than that exhibited in the Wandsworth, Pentonville and Brixton transfers, was also examined. There were 29 looping transfers that occurred either side of an inspection and lasted less than 14 days. Unlike the Wandsworth and Pentonville transfers these did not involve multiple transfers out on the same day, to the same prison and return transfers on the same day. Of these 15 were randomly selected and passed to NOMS for a more detailed investigation. There was no evidence that any of these transfers were a deliberate attempt to manipulate HMCIP inspections.
The analysis does not prove definitively that there were no other movements where the intention was to avoid the inspection process. There are many circumstances were a prisoner leaves one prison before an inspection and does not return and one of the Wandsworth moves fell into this category. However, in order to identify whether these are manipulative or legitimate moves would require individual investigation of many thousands of moves.

Therefore, the Director of Analytical services has concluded that there is no evidence to suggest that the exact practice identified in the transfers between Wandsworth and Pentonville and also at Brixton took place at any other prison during this time period.

However, improvements can be made to the system to prevent such incidents occurring in the future.

If prisons were required to submit details of all transfers in the four weeks prior to inspection to HMCIP upon arrival then any movement of prisoners with medical or security holds would be identified.

Secondly, the analysis conducted here should be repeated annually to check for any further suspicious patterns.
Appendix 1 – List of full announced HMCIP inspections

June 2007 to June 2009
02/07/2007 Littlehey
02/07/2007 Channings Wood
09/07/2007 Chelmsford
06/08/2007 The Verne
13/08/2007 Canterbury
20/08/2007 Lewes
03/09/2007 Woodhill
03/09/2007 Drake Hall
01/10/2007 Lancaster Castle
08/10/2007 Belmarsh
29/10/2007 Lindholme
12/11/2007 Albany
19/11/2007 Morton Hall
19/11/2007 Full Sutton
03/12/2007 Lincoln
03/12/2007 Bullwood Hall
10/12/2007 Brockhill
07/01/2008 Cardiff
14/01/2008 Bullingdon
04/02/2008 Frankland
11/02/2008 Dartmoor
31/03/2008 Swaleside
31/03/2008 Foston Hall
28/04/2008 Erlestoke
28/04/2008 Brixton
12/05/2008 Downview
<table>
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Appendix 2 – Prison Categories

The Security categories A, B, C, and D relate to categories of adult male prisoner. Female prisoners and young offenders are not categorised in this way.

Prison establishments are designed and built to accommodate prisoners up to a particular security category but may hold prisoners of a lower category to enable the effective management of the estate, particularly where the establishment is fulfilling a number of functions. The tables below provide a breakdown of the prison estate that reflects the predominant function of each establishment.

**High Security prisons**
These prisons hold sentenced and remand prisoners up to cat A
- HMP Frankland
- HMP Full Sutton
- HMP Long Lartin
- HMP Wakefield
- HMP Whitemoor
- HMP Belmarsh
- HMP Manchester
- HMP Woodhill

**Male local prisons**
These prisons hold remand prisoners and sentenced prisoners up to cat B
- HMP Altcourse
- HMP Bedford
- HMP Belmarsh
- HMP Birmingham
- HMP Bristol
- HMP Brixton
- HMP Bullingdon
- HMP Cardiff
- HMP Chelmsford
- HMP Doncaster
- HMP Dorchester
HMP Durham
HMP Elmley
HMP Exeter
HMP Forest Bank
HMP Gloucester
HMP High Down
HMP Holme House
HMP Hull
HMP Leeds
HMP Leicester
HMP Lewes
HMP Lincoln
HMP Liverpool
HMP Manchester
HMP Norwich
HMP Nottingham
HMP Parc
HMP Pentonville
HMP Peterborough (also holds females)
HMP Preston
HMP Shrewsbury
HMP Swansea
HMP Wandsworth
HMP Winchester
HMP Woodhill
HMP Wormwood Scrubs

**Male category B prisons**
These hold sentenced prisoners up to cat B
HMP Albany
HMP Dovegate
G HMP arth
HMP Gartree
HMP Grendon (also holds open prisoners HMP Springhill)
HMP Kingston
HMP Lowdham Grange
HMP Parkhurst
HMP Rye Hill
HMP Swaleside

**Male category C prisons**
These hold sentenced prisoners up to C
HMP Acklington
HMP Ashwell
HMP Blundeston
HMP Buckley Hall
HMP Bullwood Hall
HMP Camp Hill
HMP Canterbury
HMP Channings Wood
HMP Coldingley
HMP Dartmoor
HMP Edmunds Hill
HMP Erlestoke
HMP Everthorpe
HMP Featherstone
HMP Guys Marsh
HMP Haverigg
HMP Highpoint
HMP Kennet
HMP Lancaster
HMP Lindholme
HMP Littlehey
HMP Maidstone
HMP Moorland (also has open unit)
HMP Mount
HMP Onley
HMP Ranby
HMP Risley
HMP Shepton Mallet
HMP Stafford
HMP Stocken
HMP Usk\Prescoed (Prescoed is open prison but classed as one prison)
HMP Verne
HMP Wayland
HMP Wealstun
HMP Wellingborough
HMP Whatton
HMP Wolds
HMP Wymott

**Male open prisons**
These prisons hold cat D prisoners
HMP Ford
HMP Hollesley Bay
HMP Kirkham
HMP Leyhill
HMP North Sea Camp
HMP Standford Hill
HMP Sudbury

**Female local prisons**
These prisons hold remand and sentenced prisoners
HMP Bronzefield
HMP Eastwood Park
HMP Holloway
HMP Low Newton
HMP New Hall
HMP Styal
HMP Foston Hall

**Female closed prisons**
These prisons hold sentenced prisoners
HMP Downview
HMP Send
Review of prison transfers prior to HMCIP inspection

HMP Drake Hall
HMP Morton Hall

**Female open prisons**
- HMP Askham Grange
- HMP East Sutton Park

**Cluster**
This prison fulfils a number of different functions
- HMP Hewell

**Semi open prisons**
- HMP Blantyre House
- HMP Dover (Immigration Removal Centre)
- HMP Haslar (Immigration Removal Centre)
- HMP Kirklevington
- HMP Latchmere House
Alternative format versions of this report are available on request from Chandni.Lakhani@justice.gsi.gov.uk.