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From: Richard Tilt
Director General
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cc Timothy Kirkhope
Sir Richard Wilson
Executive Committee
Bill Abbott
Arthur de Frisching
Nigel Newcomen
Jim Heavens
Mike Granatt
Audrey Nelson
Tony Thorne
Clare Checksfield, JCU

14 February 1997

Home Secretary
Ann Widdecombe

ROISIN McALISKEY: HOLLOWAY PRISONIssue

To advise Ministers about our plans for handling the security and medical arrangements for Ms McAliskey while she is in English custody.

Timing

2. Routine.

Recommendation

3. That Ministers note the position.

Consideration

4. Roisin McAliskey is a high risk Category A prisoner held in Holloway prison pending a request for extradition from Germany. She is a suspect in the Osnabruck bombing. She has appeared before Bow Street Magistrates Court on a number of occasions, last on 13 February, in connection with the extradition. She is next due in court on 13 March. Her predicament is the subject of high profile campaigning. A recent example is an Amnesty Urgent



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Action bulletin which led to an unsuccessful Early Day Motion on 11 February (see Annex A).

5. Roisin McAliskey is nearly six months pregnant and her expected delivery date is 21 May. The likely date of extradition is several months away and she will have her baby in Prison Service custody unless the courts release her on bail. Her supporters make much of her pregnant condition and her health, which they say is deteriorating and exacerbated by her stay in prison and the security procedures which are applied to her. The major issues facing us are:

- (i) to ensure that security procedures applied to Ms McAliskey are right and defensible given her pregnancy and her state of health (paragraphs 6-17);
- (ii) to ensure that security is adequate in outside hospital (paragraph 18 and 19);
- (iii) once her child is delivered, to decide whether she should keep it in prison either in a Mother and Baby Unit or elsewhere (paragraph 20).
- (iv) handling issues (paragraph 22).

Security procedures

6. As a high risk Category A prisoner Ms McAliskey was initially sent to Belmarsh. Subsequently she was sent to Holloway to ensure the best ante-natal care. But Holloway does not have the facilities to hold high risk prisoners and its perimeter, which is of Category C standard, is vulnerable to a determined escape attack. Holloway lacks x-ray facilities (so her visitors' baggage cannot be x-rayed) and full CCTV. In compensation, dogs have been brought in to patrol outside the prison. Holloway has also applied a number of high risk Category A procedures to Ms McAliskey and her visitors. She is searched regularly (as detailed below), is shadowed by an officer (including 1:1 supervision during visits) and her every movement is recorded on the Category A book. Her visitors are rub-down searched, metal scanned and their belongings retained at the gate.

7. The procedure giving most concern to Ms McAliskey's supporters has been strip searching. It is alleged that she is being strip searched twice a day

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mornings and evenings as well as before and after closed visits, and that this amounts to cruel and degrading treatment. It has also been widely trailed that she is to be handcuffed during her birth (Independent report 13 February - attached Annex B).

8. These claims are very wide of the mark. She is strip searched as follows:
- before and after high risk open visits with those on the approved visitors scheme
 - before closed visits (see paragraph 9 below);
 - before and after escort to court (previously on weekly remand, now four weekly);
 - during a cell search (once every 28 days);
 - when she moves cells (once every two months - she is due for one about now).

9. Strip searching before and after visits is justified under section 40 of the Security Manual. Strip searching on closed visits is not normal procedure. Until very recently she was strip searched both before and after closed visits but this has now been changed so that she is only strip searched before closed visits (a background note on strip searching is at Annex C). Her main visitor is Sean McCotter who is the father of her expected child. He was allowed discretionary closed visits while he was being approved under the Category A Visits scheme. He has served a 12 year sentence for terrorist offences, and his brother is Liam McCotter a Whitemoor escapee, who is an exceptional risk prisoner in Belmarsh. Sean McCotter has recently been approved as a visitor, following the usual basic identification and background checks designed to establish whether the visitor poses a threat to security and control and is now allowed to visit Ms McAliskey under open conditions.

Regime Activities

10. Because perimeter security is not up to category A standard, it is not possible for Ms McAliskey to share in the activities outside her residential unit - where she spends most of her time. She is locked in her cell only during mealtimes and during the night. She is able to associate with other prisoners during time out of her cell and is regularly seen by a member of the Board of Visitors, and a member of the prison chaplaincy team. She also has the opportunity to take exercise. She cannot, for security reasons, exercise in the

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main yard, but has been offered a small yard which is enclosed, which is on a low roof. She has refused the opportunity to exercise.

Medical contra-indications to the need for security arrangements (Prison Rule 18 (1))

11. Rule 18 (1) states (my italics):

"The medical officer shall report to the governor on the case of any prisoner whose health is likely to be injuriously affected by continued imprisonment *or any conditions of imprisonment*. The governor shall send the report to the Secretary of State without delay, together with his own recommendations."

12. This means that if any of our normal procedures are likely to injure the health of a particular prisoner it may be decided to discontinue the procedure for that prisoner.

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16. If the medical officer were to cite strip searching as a special cause of stress, it would appear reasonable to try to reduce the level of searching. One obvious and relatively safe way would be to end strip searching before closed visits; another would be to conduct her cell search when she changes cells, thus reducing the searches in a cell-change month by one; and another would be to search her cell while she is at court, doing one strip search to cover the escort and the cell search. While that would reduce security by making the cell search

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predictable, the risk would in my view be fairly small, and could be justified by reference to her pregnant state, and our response to medical concerns.

17. Ms McAliskey is seen daily by one of the doctors at Holloway. She has weekly check-ups with a gynaecologist, an obstetrician, and a midwife. Urgent medical attention can be provided immediately. I will to keep the situation under constant review.

Security in outside hospital

18. On handcuffing, the arrangements announced in Parliament on 18 January 1996 apply to Category A prisoners. When she goes to hospital to deliver her baby, she will not be restrained while in the hospital. Other arrangements will need to be made to maintain security. The governor and Area Manager have agreed provisional risk assessments and contingency plans to cover the level of supervision, police guard, and the need for restraints. Restraints may be required on the way to outside hospital to give birth, when she returns from the hospital, and at all other times she receives outside medical attention. It is not proposed to disclose to the prisoner which outside hospital she will be attending, or the times if she is attending for ante-natal care.

19. Ms McAliskey has today, 14 February, asked to be accompanied at the birth by Sean McCotter and her mother. This request will be considered in the light of operational and security requirements.

Mother and Baby Unit

20. Whether Ms McAliskey is allowed to keep her baby in English custody is still under consideration. She has today, 14 February, made an application to be located on the Mother and Baby Unit at Holloway after the birth. These requests will receive careful attention. However, present policy has been that Category A prisoners have not been allowed onto the unit because of the security requirements that would be imposed on a child-centred regime shared by other mothers and babies, and concern for the future development of the child. A further submission on this will follow shortly.

21. Whether she is allowed to take the baby to Germany is a matter for the German authorities.

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RESTRICTED-SECURITY**Handling**

22. Handling issues are sensitive. We are walking a fine line between our need to ensure that we keep Ms McAliskey in safe custody, and demonstrating that we are doing all we can to meet the health needs of her and her child. Q and A material was provided by Tony Pearson in his note of 13 February.

Richard J. Tilt
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