
STATUTORY INSTRUMENTS

2000 No. 3371

The Young Offender Institution Rules 2000

PART II

INMATES

Discipline and Control

Maintenance of order and discipline

44.—(1) Order and discipline shall be maintained, but with no more restriction than is required in the interests of security and well-ordered community life.

(2) Notwithstanding paragraph (1), regimes may be established at young offender institutions under which stricter order and discipline are maintained and which emphasise strict standards of dress, appearance and conduct; provided that no inmate shall be required to participate in such a regime unless he has been first assessed as being suitable for it and no inmate shall be required to continue with such a regime if at any time it appears that he is no longer suitable for it.

(3) For the purposes of paragraph (2), whether an inmate is suitable for a stricter regime is to be assessed by reference to whether he is sufficiently fit in mind and body to undertake it and whether, in the opinion of the Secretary of State, experience of the regime will further his rehabilitation.

(4) In the control of inmates, officers shall seek to influence them through their own example and leadership, and to enlist their willing co-operation.

Custody outside a young offender institution

45.—(1) A person being taken to or from a young offender institution in custody shall be exposed as little as possible to public observation and proper care shall be taken to protect him from curiosity and insult.

(2) An inmate required to be taken in custody anywhere outside a young offender institution shall be kept in the custody of an officer appointed under section 3 of the Prison Act 1952 or of a police officer.

(3) An inmate required to be taken in custody to any court shall, when he appears before the court, wear his own clothing or ordinary civilian clothing provided by the governor.

Search

46.—(1) Every inmate shall be searched when taken into custody by an officer, on his reception into a young offender institution and subsequently as the governor thinks necessary or as the Secretary of State may direct.

(2) An inmate shall be searched in as seemly a manner as is consistent with discovering anything concealed.

(3) No inmate shall be stripped and searched in the sight of another inmate or in the sight of a person of the opposite sex.

Record and photograph

47.—(1) A personal record of each inmate shall be prepared and maintained in such manner as the Secretary of State may direct, but no part of the record shall be disclosed to any person not authorised to receive it.

(2) Every inmate may be photographed on reception and subsequently, but no copy of the photograph shall be given to any person not authorised to receive it.

Inmates' property

48.—(1) Anything, other than cash, which an inmate has at a young offender institution and which he is not allowed to retain for his own use shall be taken into the governor's custody.

(2) Any case which an inmate has at a young offender institution shall be paid into an account under the control of the governor and the inmate shall be credited with the amount in the books of the institution.

(3) Any article belonging to an inmate which remains unclaimed for a period of more than three years after he is released, or dies, may be sold or otherwise disposed of; and the net proceeds of any sale shall be paid to the National Association for the Care and Resettlement of Offenders, for its general purposes.

(4) The governor may confiscate any unauthorised article found in the possession of an inmate after his reception into a young offender institution, or concealed or deposited within a young offender institution.

Removal from association

49.—(1) Where it appears desirable, for the maintenance of good order or discipline or in his own interests, that an inmate should not associate with other inmates, either generally or for particular purposes, the governor may arrange for the inmate's removal from association accordingly.

(2) An inmate shall not be removed under this rule for a period of more than three days without the authority of a member of the board of visitors or of the Secretary of State. An authority given under this paragraph shall in the case of a female inmate aged 21 years or over, be for a period not exceeding one month and, in the case of any other inmate, be for a period not exceeding 14 days, but may be renewed from time to time for a like period.

(3) The governor may arrange at his discretion for such an inmate to resume association with other inmates, and shall do so if in any case the medical officer or a medical practitioner such as is mentioned in rule 27(3) so advises on medical grounds.

Use of force

50.—(1) An officer in dealing with an inmate shall not use force unnecessarily and, when the application of force to an inmate is necessary, no more force than is necessary shall be used.

(2) No officer shall act deliberately in a manner calculated to provoke an inmate.

Temporary confinement

51.—(1) The governor may order an inmate who is refractory or violent to be confined temporarily in a special cell or room, but an inmate shall not be so confined as a punishment, or after he has ceased to be refractory or violent.

(2) A cell or room shall not be used for the purpose of this rule unless it has been certified by an officer of the Secretary of State (not being an officer of a young offender institution) that it is suitable for the purpose, that its size, lighting, heating, ventilation and fittings are adequate for health, and that it allows the inmate to communicate at any time with an officer.

(3) In relation to any young offender institution, section 14(6) of the Prison Act 1952 shall have effect so as to enable the provision of special rooms instead of special cells for the temporary confinement of refractory or violent inmates.

(4) An inmate shall not be confined under this rule for longer than 24 hours without a direction in writing given by a member of a board of visitors or by an officer of the Secretary of State not being an officer of the young offender institution.

Restraints

52.—(1) The governor may order an inmate to be put under restraint where this is necessary to prevent the inmate from injuring himself or others, damaging property or creating a disturbance.

(2) The governor may not order an inmate aged under 17 to be put under restraint, except that he may order such an inmate be placed in handcuffs where this is necessary to prevent the inmate from injuring himself or others, damaging property or creating a disturbance.

(3) Notice of such an order shall be given without delay to a member of the board of visitors and to the medical officer or a medical practitioner such as is mentioned in rule 27(3).

(4) On receipt of the notice, the medical officer, or the medical practitioner referred to in paragraph (3), shall inform the governor whether there are any reasons why the inmate should not be put under restraint. The governor shall give effect to any recommendation which may be made under this paragraph.

(5) An inmate shall not be kept under restraint longer than necessary, nor shall he be so kept for longer than 24 hours without a direction in writing given by a member of the board of visitors or by an officer of the Secretary of State (not being an officer of a young offender institution). Such a direction shall state the grounds for the restraint and the time during which it may continue.

(6) Particulars of every case of restraint under the foregoing provisions of this rule shall be forthwith recorded.

(7) Except as provided by this rule no inmate shall be put under restraint otherwise than for safe custody during removal, or on medical grounds by direction of the medical officer or a medical practitioner such as is mentioned in rule 27(3). No inmate shall be put under restraint as a punishment.

(8) Any means of restraint shall be of a pattern authorised by the Secretary of State, and shall be used in such manner and under such conditions as the Secretary of State may direct.

Compulsory Testing for controlled drugs

53.—(1) This rule applies where an officer, acting under the powers conferred by section 16A of the Prison Act 1952 (power to test inmates for drugs)(1), requires an inmate to provide a sample for the purposes of ascertaining whether he has any controlled drug in his body.

(2) In this rule “sample” means a sample of urine or any other description of sample specified in the authorisation by the governor for the purposes of section 16A.

(3) When requiring an inmate to provide a sample, an officer shall, so far as is reasonably practicable, inform the inmate:

- (a) that he is being required to provide a sample in accordance with section 16A of the Prison Act 1952; and

(1) Section 16A was inserted by section 151(1) of the Criminal Justice and Public Order Act 1994 (c. 33).

- (b) that a refusal to provide a sample may lead to disciplinary proceedings being brought against him.
- (4) An officer shall require an inmate to provide a fresh sample, free from any adulteration.
- (5) An officer requiring a sample shall make such arrangements and give the inmate such instructions for its provision as may be reasonably necessary in order to prevent or detect its adulteration or falsification.
- (6) An inmate who is required to provide a sample may be kept apart from other inmates for a period not exceeding one hour to enable arrangements to be made for the provision of the sample.
- (7) An inmate who is unable to provide a sample of urine when required to do so may be kept apart from other inmates until he has provided the required sample, save that an inmate may not be kept apart under this paragraph for a period of more than five hours.
- (8) An inmate required to provide a sample of urine shall be afforded such degree of privacy for the purposes of providing the sample as may be compatible with the need to prevent or detect any adulteration or falsification of the sample; in particular an inmate shall not be required to provide such a sample in the sight of a person of the opposite sex.

Supervision of inmates by means of an overt closed circuit television system

54.—(1) Without prejudice to his powers to make arrangements for the supervision of inmates in his custody, the governor may make arrangements for any inmate to be placed under constant supervision by means of an overt closed circuit television system placed in a cell, dormitory or other place in the young offender institution if he considers that—

- (a) such supervision is necessary for—
 - (i) the health and safety of the inmate or any other person;
 - (ii) the prevention, detection or prosecution of crime; or
 - (iii) securing or maintaining security or good order and discipline in the young offender institution; and
- (b) it is proportionate to what is sought to be achieved.

(2) If an overt closed circuit television system is used for the purposes of this rule, the provisions of rules 13 and 14 shall apply to any material obtained.

Offences against discipline

55. An inmate is guilty of an offence against discipline if he—

- (1) commits any assault;
- (2) commits any racially aggravated assault;
- (3) detains any person against his will;
- (4) denies access to any part of the young offender institution to any officer or any person (other than an inmate) who is at the young offender institution for the purpose of working there;
- (5) fights with any person;
- (6) intentionally endangers the health or personal safety of others or, by his conduct, is reckless whether such health or personal safety is endangered;
- (7) intentionally obstructs an officer in the execution of his duty, or any person (other than an inmate) who is at the young offender institution for the purpose of working there, in the performance of his work;
- (8) escapes or absconds from a young offender institution or from legal custody;

(9) fails to comply with any condition upon which he was temporarily released under rule 5 of these rules;

(10) administers a controlled drug to himself or fails to prevent the administration of a controlled drug to him by another person (but subject to rule 56 below);

(11) is intoxicated as a consequence of knowingly consuming any alcoholic beverage;

(12) knowingly consumes any alcoholic beverage, other than any provided to him pursuant to a written order of the medical officer under rule 21(1);

(13) has in his possession—

(a) any unauthorised article, or

(b) a greater quantity of any article than he is authorised to have;

(14) sells or delivers to any person any unauthorised article;

(15) sells or, without permission, delivers to any person any article which he is allowed to have only for his own use;

(16) takes improperly any article belonging to another person or to a young offender institution;

(17) intentionally or recklessly sets fire to any part of a young offender institution or any other property, whether or not his own;

(18) destroys or damages any part of a young offender institution or any other property other than his own;

(19) causes racially aggravated damage to, or destruction of, any part of a young offender institution or any other property, other than his own;

(20) absents himself from any place where he is required to be or is present at any place where he is not authorised to be;

(21) is disrespectful to any officer, or any person (other than an inmate) who is at the young offender institution for the purpose of working there, or any person visiting a young offender institution;

(22) uses threatening, abusive or insulting words or behaviour;

(23) uses threatening, abusive or insulting racist words or behaviour;

(24) intentionally fails to work properly or, being required to work, refuses to do so;

(25) disobeys any lawful order;

(26) disobeys or fails to comply with any rule or regulation applying to him;

(27) receives any controlled drug or, without the consent of an officer, any other article, during the course of a visit (not being an interview such as is mentioned in rule 16);

(28) displays, attaches or draws on any part of a young offender institution, or on any other property, threatening, abusive, or insulting racist words, drawings, symbols or other material;

(a) (29) (a) attempts to commit,

(b) incites another inmate to commit, or

(c) assists another inmate to commit or to attempt to commit,

any of the foregoing offences.

Defences to rule 55(10)

56. It shall be a defence for an inmate charged with an offence under rule 55(10) to show that—

- (a) the controlled drug had been, prior to its administration, lawfully in his possession for his use or was administered to him in the course of a lawful supply of the drug to him by another person;
- (b) the controlled drug was administered by or to him in circumstances in which he did not know and had no reason to suspect that such a drug was being administered; or
- (c) the controlled drug was administered by or to him under duress or to him without his consent in circumstances where it was not reasonable for him to have resisted.

Interpretation of rule 55

57. For the purposes of rule 55 words, behaviour or material shall be racist if they demonstrate or are motivated (wholly or partly) by hostility to members of a racial group (whether identifiable or not) based on their membership (or presumed membership) of a racial group, and “membership”, “presumed”, “racial group” and “racially aggravated”, shall have the meanings assigned to them by section 28 of the Crime and Disorder Act 1998(2)

Disciplinary charges

58.—(1) Where an inmate is to be charged with an offence against discipline, the charge shall be laid as soon as possible and, save in exceptional circumstances, within 48 hours of the discovery of the offence.

(2) Every charge shall be inquired into by the governor.

(3) Every charge shall be first inquired into not later, save in exceptional circumstances, than the next day, not being a Sunday or public holiday, after it is laid.

(4) An inmate who is to be charged with an offence against discipline may be kept apart from other inmates pending the governor’s first inquiry.

Rights of inmates charged

59.—(1) Where an inmate is charged with an offence against discipline, he shall be informed of the charge as soon as possible and, in any case, before the time when it is inquired into by the governor.

(2) At an inquiry into charge against an inmate he shall be given a opportunity of hearing what is alleged against him and of presenting his own case.

Governor’s punishments

60.—(1) If he finds an inmate guilty of an offence against discipline the governor may, subject to paragraph (3) and rule 64, impose one or more of the following punishments:

- (a) caution;
- (b) forfeiture for a period not exceeding 21 days of any of the privileges under rule 6;
- (c) removal for a period not exceeding 21 days from any particular activity or activities of the young offender institution, other than education, training courses, work and physical education in accordance with rules 37, 38, 39, 40 and 41;
- (d) extra work outside the normal working week for a period not exceeding 21 days and for not more than two hours on any day;
- (e) stoppage of or deduction from earnings for a period not exceeding 42 days of an amount not exceeding 21 days' earnings;

- (f) in the case of an offence against discipline committed by an inmate who was aged 18 or over at the time of commission of the offence, other than an inmate who is serving the period of detention and training under a detention and training order pursuant to section 100 of the Powers of Criminal Courts (Sentencing) Act 2000, confinement to a cell or room for a period not exceeding seven days;
- (g) removal from his wing or living unit for a period not exceeding 21 days;
- (h) in the case of an inmate who is a short-term or long-term prisoner, an award of additional days not exceeding 42 days.

(2) If an inmate is found guilty of more than one charge arising out of an incident punishments under this rule may be ordered to run consecutively, but, in the case of an award of additional days, the total period shall not exceed 42 days and in the case of an award of cellular confinement the total period shall not exceed seven days.

(3) An award of a caution shall not be combined with any other punishment for the same charge.

(4) In imposing a punishment under this rule, the governor shall take into account any guidelines that the Secretary of State may from time to time issue as to the level of punishment that should normally be imposed for a particular offence against discipline.

Confinement to a cell or room

61.—(1) When it is proposed to impose a punishment of confinement in a cell or room, the medical officer, or a medical practitioner such as is mentioned in rule 27(3), shall inform the governor whether there are any medical reasons why the inmate should not be so dealt with. The governor shall give effect to any recommendation which may be made under this paragraph.

(2) No cell or room shall be used as a detention cell or room for the purpose of a punishment of confinement to a cell or room unless it has been certified by an officer of the Secretary of State (not being an officer of a young offender institution) that it is suitable for the purpose; that its size, lighting, heating, ventilation and fittings are adequate for health; and that it allows the inmate to communicate at any time with an officer.

Removal from wing or living unit

62. Following the imposition of a punishment of removal from his wing or living unit, an inmate shall be accommodated in a separate part of the young offender institution under such restrictions of earnings and activities as the Secretary of State may direct.

Suspended punishments

63.—(1) Subject to any directions of the Secretary of State, the power to impose a disciplinary punishment (other than a caution) shall include a power to direct that the punishment is not to take effect unless, during a period specified in the direction (not being more than six months from the date of the direction), the inmate commits another offence against discipline and a direction is given under paragraph (2).

(2) Where an inmate commits an offence against discipline during the period specified in a direction given under paragraph (1), the person dealing with that offence may—

- (a) direct that the suspended punishment shall take effect; or
- (b) reduce the period or amount of the suspended punishment and direct that it shall take effect as so reduced; or
- (c) vary the original direction by substituting for the period specified therein a period expiring not later than six months from the date of variation; or
- (d) give no direction with respect to the suspended punishment.

Remission and mitigation of punishments and quashing of findings of guilt

64.—(1) The Secretary of State may quash any findings of guilt and may remit a disciplinary punishment or mitigate it either by reducing it or by substituting a punishment which is, in his opinion, less severe.

(2) Subject to any directions of the Secretary of State, the governor may remit or mitigate any punishment imposed by a governor.

Adult female inmates: disciplinary punishments

65.—(1) In the case of a female inmate aged 21 years or over, rule 60 shall not apply, but the governor may, if he finds the inmate guilty of an offence against discipline, impose one or more of the following punishments:

- (a) caution;
- (b) forfeiture for a period not exceeding 42 days of any of the privileges under rule 6;
- (c) removal for a period not exceeding 21 days from any particular activity or activities of the young offender institution, other than education, training courses, work and physical education in accordance with rules 37, 38, 39, 40 and 41;
- (d) stoppage of or deduction from earnings for a period not exceeding 84 days of an amount not exceeding 42 days' earnings;
- (e) confinement to a cell or room for a period not exceeding 14 days;
- (f) in the case of an inmate who is a short-term or long-term prisoner, an award of additional days not exceeding 42 days.

(2) If an inmate is found guilty of more than one charge arising out of an incident, punishments under this rule may be ordered to run consecutively, but in the case of an award of additional days, the total period added shall not exceed 42 days.

Forfeiture of remission to be treated as an award of additional days

66.—(1) In this rule, “existing prisoner” and “existing licensee” have the meanings assigned to them by paragraph 8(1) of Schedule 12 to the Criminal Justice Act 1991.

(2) In relation to any existing prisoner or existing licensee who has forfeited any remission of his sentence, the provisions of Part II of the Criminal Justice Act 1991 shall apply as if he had been awarded such number of additional days as equals the number of days of remission which he has forfeited.