



A disabled person guilty of committing a crime should be subject to the same degree of retribution as anyone else. But, as **Annie Makoff** discovers, some disabled prisoners may be getting twice the punishment

Prisons are there for the denial of liberty. At best, they serve as a punishment, whilst taking steps towards prisoner rehabilitation.

But for many disabled prisoners, the punishment may contain an unintended double whammy. Whereas a non-disabled inmate may have lost their liberty, they can still retain a degree of independence and control over their lives: it is up to them to attend courses, to help out in the gardens or in the kitchen, or visit the prison library.

But those who have been placed in prisons unsuitable for their access or other disability related needs or requirements may not have these opportunities: they might find themselves reliant on others for survival inside.

Disability Now has uncovered evidence which suggests that the treatment which some disabled prisoners receive inside is tantamount to neglect, discrimination and in some cases, abuse. In effect, these prisoners are being punished twice.

But aren't such people merely receiving what are their just desserts.

Francesca Cooney of the Prison Reform Trust (PRT) does not agree.

"The punishment is supposed to be a loss of liberty. Yet, for disabled prisoners this is compounded by the loss of dignity, the loss of support and the loss of being able to get around →

Double time

Stories from behind bars

and cope with daily living. Prisons were created for young, able-bodied men, so anybody outside of that category may find that they are doubly disadvantaged."

According to research carried out by Francesca and the PRT in 2010, 15 per cent of prisoners self-declared themselves as being disabled, although it is believed that this represents severe underreporting of the actual situation: many do not disclose their disability due to the stigma that can be associated with it.

But Abdullah Baybasin claims that his experience was not merely being stigmatised, but amounted to blatant discrimination and neglect. Turkish-speaking Abdullah who is paralysed from the waist down and uses a wheelchair, told *Disability Now* that he was denied care assistants and he was put in a non-adapted cell in an inaccessible prison. Talking through an interpreter, he recalls: "For the first few months I was given no help or support, there was no support for my toilet or bathing needs and my exercise time was either cut short or I wasn't able to go out at all. I was told that it needed two officers to take me down to the exercise yard and they didn't want to do it. I also wasn't able to get into the bath, and using the shower was extremely difficult for me. I relied on other prisoners to assist me in the bath, and sometimes I'd be waiting for over an hour for some of the prison staff to help. At one time, a prison staff member came to help me and said, 'you should be grateful you're even getting this help!'"

Abdullah reports that he was often left waiting on the toilet and again, relied on other prisoners to help, which he found "very embarrassing." He told *Disability Now* that he had to share a "filthy and disgusting" toilet in another



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cell used by several other inmates because his own one wasn't accessible.

Due to the prison's physical inaccessibility, Abdullah was unable to attend prison workshops and he was refused kitchen jobs which were otherwise suitable for him. He was also refused education and maintains that he received three months worth of lessons in seven years. Even his mattress was not suitable: it was so thin it gave him severe hip problems.

More worryingly, Abdullah claims that he was denied proper healthcare and despite what he describes as a "serious infection which led to a serious illness", he says he was not taken to hospital for four years.

"The prison staff did not know how to deal with a disabled person. They had no knowledge. When I had to take

my clothes off during a strip-search, I needed help because I couldn't do it on my own but they always refused. They thought I was messing around."

Abdullah Baybasin believes he was not alone in the discrimination he experienced. Through his interpreter he told *Disability Now* that he saw "many disabled people being beaten by guards."

"Disabled prisoners find it difficult to stand up for themselves because the guards are strict and harsh. Disabled people are not treated as human beings inside prison."

47-year-old Mark also says he has experienced discrimination at the hands of the prison system. Currently serving time, Mark, who has a hearing impairment found that his condition worsened due to the restrictive and inflexible attitudes of custodial staff.

In a series of letters written between *Disability Now*, his solicitor and Mark himself, he says: "Until my imprisonment I never thought of myself as having hearing problems. I became increasingly aware that it was difficult to hear what fellow inmates and prison officers were saying."



Mark found that he was unable to have conversations, interact in social settings and hear alarms or bells within the prison. Yet, despite being diagnosed with severe hearing problems, he claims it became an up-hill struggle to get things he needed. At one time, Mark's hearing aid needed fixing and was sent off for repairs, yet he says it was eight months of numerous complaints until he was provided with a replacement. Prison authorities later admitted they had lost it and had cancelled a hospital appointment without telling him.

He was provided with a vibrating alarm clock but when the batteries ran out, he says he was refused replacements on numerous occasions. As a result, Mark was sacked from his prison job due to continued lateness in the mornings.

Mark also claims that he was stopped from attending counselling and education courses because his hearing difficulties "disrupted the other prisoners". He says social visits from family and friends have stopped all together.

"I lead a very lonely and isolated existence. I avoid contact with

prisoners and prison staff as much as possible as I find it difficult and tiring to hear what they are saying," Mark says. "I am the subject of bullying and teasing by prisoners and prison staff and I am unable to hear the various alarms, bells and instructions in prison. I no longer receive social visits or attend education and counselling courses. I am also concerned about my safety in the event of a fire."

During his imprisonment, Mark has been an inmate at over 14 different prisons, each time having to start from scratch, fighting for the adaptations he needed to cope on a daily basis. With the exception of just one prison who addressed his needs adequately, the issues he experienced in each institution were the same: induction loops frequently broke down without being replaced, prisoners and staff would purposely talk to him with their hands over the mouths so he could not even lip-read, and there were no procedures in place in the event of fire.

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"I consider that the failure of the prison and prison healthcare systems to adequately assess and address my disability needs, particularly during the eight months without a hearing aid, has had an adverse effect on the quality of my life and my ability to participate in prison life."

Mark's solicitor, Sean Humber, partner at Leigh Day & Co believes that the discriminatory issues have arisen due to the lack of clear accountability.

"Who is responsible for assessing and

addressing social care needs," he asks. "There is often a genuine confusion as to who is responsible for assessing these social care needs. It's like 'pass the parcel' between the prison service, the NHS trust and the local authority. No one wants to accept responsibility, so nothing gets done at all."

Of Mark's case he says: "It was concerning that nothing was done to help Mark even after he complained on numerous occasions. Before we stepped in, he had to cope for years struggling on his own."

Former Chief Inspector of Prisons Anne Owers, speaking previously to *Disability Now*, described the treatment of disabled prisoners as "patchy and inconsistent". In her 2007 annual report, Owers said: "The response to the needs of prisoners with disabilities remains reactive, rather than proactive...there is little monitoring of regimes to ensure equal access for prisoners with disabilities; reasonable adjustments, or thoughtful adaptations, are rarely in place."

Disturbingly, Abdullah Baybasin alleges that during his seven years' inside, "six inmates died due to improper care."

Francesca Cooney of the PRT says: "Prisons are working very hard to support people with disabilities but there is no national strategy around provision for disabled prisoners. Prison officers don't necessarily have any additional training nor do they have enough time to do the role they are supposed to be doing. Until this changes and a national strategy is developed, things are unlikely to change."

On the current situation within prisons, she is crystal clear: "Discrimination is not acceptable in our society and it should not be acceptable in prison." ■

• Some names have been changed.