

## Categorisation – Male Prisoners

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### *What do the different security categories mean?*

The official definition of prisoner security categories is as follows:

**Cat A** – Prisoners whose escape would be highly dangerous to the public or the police or the security of the state and for whom the aim must be to make escape impossible.

**Cat B** – Prisoners for whom the very highest conditions of security are not necessary, but for whom escape must be made very difficult.

**Cat C** – Prisoners who cannot be trusted in open conditions, but who do not have the resources and will to make a determined escape attempt.

**Cat D** – Prisoners who present a low risk; can be reasonably trusted in open conditions and for whom open conditions are appropriate.

### *What determines my initial security categorisation?*

According to the Prison Service, “*Prisoners must be categorised objectively according to the likelihood that they will seek to escape and the risk that they would pose should they do so.*”

The Prison Service issued **PSI 40/2011** ‘Categorisation and Recategorisation of Adult Male Prisoners’ on 1 September 2011. PSI 40/2011 replaces PSO 0900 and PSIs 35/2002, 26/2007, 7/2008, 16/2008, 31/2008 and 31/2009. PSI 07/2008. PSI 3/2010 still governs the categorisation of Category A prisoners. PSO 0900 (Categorisation and Allocation) previously set out the guidelines for categorisation and it continues to be the

published guidance on the Ministry of Justice website.

According to PSI 40/2011 you will be initially considered as Category B if any one of the following apply:

- Current determinate sentence of 10 years or over
- Indeterminate sentence with tariff of 5 years or over
- Any other indeterminate sentence
- Category A during previous sentence
- Current/previous terrorist offences
- Been potential/provisional Category A whilst on remand

or any two of the following:

- Previous sentence of 10 years or over
- Previous escape from closed prison, police or escort
- Current or previous serious offence involving: violence/threat to life/firearms/sex/arson/drugs/robbery

If none of these but any of the following apply, you will be considered as Category C.

- Previous sentence of 12 months or more for violence, threat of violence, arson, sex offence, drug dealing or importation
- Current sentence of 12 months or more for violence, threat of violence, arson, sex offence, drug dealing or importation
- Abscond, failure to surrender, breach of bail, HDC or ROTL within past 3 years
- Outstanding confiscation order or further charges

If none of these apply, you will be considered suitable for Category D. This initial categorisation is then subject to a risk assessment to determine if a higher or lower category than indicated should be applied.

***How soon after I have been sentenced should I expect a review to consider my recategorisation?***

The first recategorisation review for prisoners serving determinate sentences must take place no later than 12 months after sentence. The only exception to this is Category A prisoners, whose first review takes place 2 years after categorisation.

Category B or C prisoners serving over 12 months but less than 4 years must have their security category reviewed every 6 months.

Category B or C prisoners serving more than 4 years must be considered once a year.

All prisoners in the last 24 months of a determinate sentence must have their categorisation reviewed every 6 months.

***Who will decide on my recategorisation?***

**Category A prisoners** are reviewed first by a Local Advisory Panel in the prison and then by the Cat A Team or Committee at the Directorate of High Security (DHS). Review procedure is set out in PSO 1010 and PSI 3/2010.

Other **determinate sentence prisoners'** categorisation is reviewed in the prison. PSI 40/2011 states that the Governor must appoint a designated manager with overall responsibility for the categorisation system. A recategorisation review may be conducted by a board or a single governor. The decision must be approved by a governor 4 or above (or at least third in charge in smaller prisons), or equivalent grades in privately run prisons.

In the case of **life-sentence prisoners**:

- recategorisation from A to B is done by the Cat A Team/Committee
- recategorisation from B to C is done by lifer managers at the prison following sentence planning review boards
- recategorisation to Category D can only occur following a review by a panel of

the Parole Board. Two years is considered to be the maximum a prisoner should spend in open conditions.

***When will I be eligible for Category D?***

PSI 40/2011 contains criteria for when determinate sentence prisoners can be transferred to open prisons. If you were sentenced under the Criminal Justice Act (CJA) 1991, you cannot generally be moved to Category D if you have more than 2 years left to your parole eligibility date or 5 to your non-parole date. If you are serving a Standard Determinate Sentence under the CJA 2003 you cannot generally be moved to an open prison if you have more than 2 years to your Conditional Release Date.

***Can I appeal if I am not happy with the result after a review of my categorisation?***

Yes. There is no special appeals procedure for categorisation, although some prisons have a local scheme. If you do not believe that you have been placed in the correct category you can appeal via the normal complaints system.

The Prison Service has a duty to give reasons for decisions about categorisation, so to mount your appeal you should request a full explanation of the decision in writing. Cat A prisoners can still use the complaints procedure but your form will be sent to the DHS for response, rather than being answered in the prison. PSI 40/2011 introduced the rule that prisons must keep a record of the number of request/complaints relating to categorisation decisions and the outcome of any review decision.

If you feel your concerns have still not been addressed you can appeal to the Prisons and Probation Ombudsman (Ashley House, 2 Monck Street, London SW1P 2BQ). It is also possible in some circumstances to judicially review categorisation decisions.

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