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# STATES OF JERSEY



## PRISON BOARD OF VISITORS: ANNUAL REPORT 2010

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Presented to the States on 31st May 2011  
by the Minister for Home Affairs

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STATES GREFFE

## **REPORT**

In accordance with Article 6 of the Prison (Jersey) Law 1957, the following Jurats were appointed by the Superior Number of the Royal Court on 7th December 2009 to constitute the Prison Board of Visitors for 2010 –

Jurat J.C. Tibbo (Chairman)  
Jurat J.L. Le Breton (Vice-Chairman)  
Jurat Mrs. S.C.A. Le Brocq, O.B.E.  
Jurat Mrs. J.M. Clapham  
Jurat Mrs. L.J. King, M.B.E.  
Jurat J.R.P.F. Liddiard  
Jurat R.J. Kerley

Jurat Mrs. Le Brocq retired in January 2010 and was replaced on the Board by Jurat Mrs. Marett-Crosby.

### **Applications to see the Board**

During the year there were 36 applications to see the Board at the monthly meetings held at La Moye (12 held in 2010) and a further 29 when the members of the Board visited individually on another 10 occasions. Although the quorum for a meeting of the Board is 3, on average, 5 members attended each monthly meeting. As has always been the practice, all meetings of the Board and meetings with prisoners are minuted and a note recorded of the subsequent actions taken.

As usual the requests for assistance covered a wide range of topics, from problems in locating personal possessions, legal concerns and family issues, to health and medical problems.

Although the Deputy Governor and Senior Unit Managers made a number of adjudications for breaches of the Prison rules, none of their decisions was subject to appeal to the Board.

### **Liaison with Home Affairs**

For some years, regular meetings have been held with the Minister for Home Affairs, and we are pleased to record that 4 such meetings took place in 2010 and were attended by the Minister, Assistant Minister and Chief Officer, as well as the Prison Governor. There can be no doubt that these meetings are mutually beneficial as they provide a forum for discussing the current problems facing all those involved with the welfare of prisoners.

### **Operational**

The highest number of prisoners locked up on any day was 199 in November, and the daily average throughout the year was 178, generally slightly lower than in recent years. These figures include the prisoners who required greater vigilance due to being considered in danger of self-harm.

Following the opening of the new prisoner accommodation and sports hall in December 2009, additional educational and sports facilities have been made available

to prisoners to develop their various skills. In particular, it is pleasing to note the increasing co-operation between the P.E. Department and Health Care, as prisoners can take advantage of more programmes tailored to meet their personal/specific needs.

It is also gratifying to all concerned that, throughout the year, all but a few prisoners took advantage of the Sentence Planning Programme.

The recruitment programme for Officers and Support Staff continued, albeit on a phased basis in order to keep within budget, and at the end of the year the establishment was 7 below the agreed complement. It is important that these vacancies be filled without undue delay, not only to ensure that no additional stress falls on the working officers and staff, but also to keep overtime payments at reasonable levels.

An ongoing issue has been that of the pay agreement. The Governor has worked throughout the year in an attempt to find a solution, culminating in the suggestion of a new pay spine combined with a review of certain grades. At the close of 2010, no formal agreement had been reached, but the signs were positive that it could be reached in 2011, subject to the agreement of the SEB.

### **Budgets**

The application for capital funding for Phase 4 of the building programme was agreed in June 2010 and the contract for construction of the new visits room and staff facilities went out to tender in November. These facilities are much needed and should come into use in June 2012.

Following the Comprehensive Spending Review that all States Departments have had to follow, the Governor confirmed that the 2% saving for 2010 would be achieved through restructuring of staffing after the departure of the Senior Unit Manager, along with reductions in various other items of expenditure on a prioritised basis. The Prison will also be obliged to effect further savings of 3% in 2011 and 5% in 2012. This will not be easy to achieve without affecting the day-to-day operation and, not least, compromising the security at La Moye.

### **Art Exhibition**

A second Arts and Crafts Exhibition of prisoners' paintings and carpentry work was held at the Harbour Gallery, St. Aubin, in March, and 28 pieces were sold on the opening evening. This is becoming an annual event and is undoubtedly encouraging prisoners to take advantage of the art appreciation facilities at La Moye.

### **Torture Committee Report**

As reported in last year's report, on Wednesday 17th March, members of the Board of Visitors met with members of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment and discussed issues relevant to La Moye and the role of the Board of Visitors. Although verbal feedback at the time was positive, the members of the Board were disappointed that the written report which followed contained a number of inaccuracies and was indeed unfairly critical of the Prison. An appropriate response by the Board was sent to the Chief Executive of the States, but we consider the production of a report without first checking the facts to be wholly unprofessional.

There were nevertheless valid comments made in the report; in particular the reference to young offenders being housed at La Moye. This is a matter which has been raised on a number of occasions in our previous reports.

### **Role of Board of Visitors**

Although the role of the Board was already described in the document given to each prisoner on induction, the Board has taken steps to produce a more detailed explanation of the issues with which they can provide assistance and guidance. A notice has also been placed on each Wing referring to the help available through the Board, as well as a box to receive the prisoners' applications to see the Board or visiting member.

### **Remand times concerns**

The period of time some individuals are held on remand continued to be an area attracting the attention of the Board, and communication with the Solicitor General is thus continuing. In the meantime, no specific areas of concern were highlighted by the Prison during the year under review.

### **Juvenile Offenders**

We have regularly referred to the unsatisfactory position whereby young offenders are housed at La Moye alongside adult inmates; and we were not surprised that, as already mentioned, the report from the members of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment highlighted this as a particular area of concern. However, we are pleased to record that the Governor of the Prison, together with the Minister for Home Affairs, is involved in discussions with the other relevant parties in the States, regarding the possible use of Greenfields as a young offenders centre, and although no formal decision was reached by the end of the year under review, positive steps are now being taken to address this long outstanding issue.

### **Offenders suffering from mental health issues**

This has also been a long outstanding area of concern for the Board of Visitors. In recent years a number of prisoners suffering from mental health problems have been housed at La Moye following conviction, but then transferred to secure accommodation in the U.K. which is better equipped to deal with their needs. In 2010, an issue arose of a prisoner being transferred back and forth between La Moye and St. Saviour, this as a result of disagreements over which institute was appropriate for the prisoner. This was resolved early in 2011, and the prisoner was signed over to St. Saviour. However, this has again highlighted the issue of inconsistencies between La Moye and St. Saviour, and independent assessors when it comes to making decisions about the most appropriate place to keep such prisoners; bearing in mind that Prison Officers are not trained to deal with mental health issues. We are glad that progress in this area has been made.

## **Property**

Whilst we have been pleased to note the continuation of the capital expenditure programme, it was disappointing that it took virtually the whole year to resolve the problems encountered with the laying of the new gym floor. Obviously this resulted in the gym not being useable, and this despite the completion of the building works at the end of 2009. The same applies to the showers in L Wing, where prisoners have been restricted to the use of 6 showers for 80 prisoners. This highlights the need for the members of the States with responsibility for signing-off contracts to ensure that the work is up to standard and, where necessary, remedial works are carried out promptly without argument between contractors as to where the responsibility lies.

## **Repatriation of Prisoners**

Most countries in the E.U. have signed up to Repatriation Agreements which result in prisoners serving their sentence in their 'home' country. U.K. prisoners who have committed crimes in Jersey can currently request to serve their sentence in a U.K. prison to allow regular visits from their families, but they still do so under the Jersey regime. If a repatriation agreement were to be entered into, this situation might have to change and Jersey may need to align its regime with those in the U.K. and E.U. in order to ensure that sentences given to co-defendants are also served under the same terms, regardless of the country in which that sentence was being served. Significant steps were taken in 2010 towards the formalisation of this legislation, and it is anticipated that it will be passed by the States in 2011, as the benefits of transferring a number of prisoners to their countries of origin outweigh the foreseen disadvantages.

## **Succession of Governor and Deputy Governor**

This issue is a matter of considerable interest to the Board, as the Deputy Governor of the Prison could be retiring within a relatively short time of the Governor's contract being due to expire. The Board of Visitors is keen that a smooth transition takes place and the matter has been kept on the agenda for the meetings with the Minister for Home Affairs.

## **Summary**

The improvements scheduled since the last 2 unsatisfactory inspection reports continue to progress, and the facilities now available to prisoners are impressive. The rehabilitation programmes through education, drug counselling and work schemes are all available to those prisoners who wish to participate, as indeed is the assistance provided by the Probation Service. However, there is no room for complacency and it is important that investment continues to be made, both in terms of buildings and facilities, as well as in people.

We would again urge those members of the States who have not visited in recent years to do so, not only in recognition of the excellent work carried out by the Governor and the hardworking staff, but also to acquaint themselves with the facilities provided at La Moye, as well as with those that are still required.

**Chairman, Prison Board of Visitors, April 2011**