

STATES OF JERSEY

Education and Home Affairs Scrutiny Panel Prison Board of Visitors Review Sub-Panel

THURSDAY, 2nd APRIL 2009

Panel:

Deputy M. Tadier of St. Brelade (Chairman)
Deputy T.M. Pitman of St. Helier (Vice-Chairman)
Connétable J.L.S. Gallichan of Trinity
Miss. S. Power (Scrutiny Officer)

Witnesses:

Jurat J. Tibbo (Chairman, Prison Board of Visitors)
Jurat Mrs. J Clapham (Prison Board of Visitors)
Jurat J. Le Breton (Prison Board of Visitors)
Ms. A. Le Brocq-Davis (Secretary, Prison Board of Visitors)

Deputy M. Tadier of St. Brelade (Chairman):

We will just introduce all of ourselves. We will start off on the left here and then maybe we can go round the table.

Connétable J.L.S. Gallichan of Trinity :

John Gallichan, Connétable of Trinity.

Deputy T.M. Pitman of St. Helier:

Deputy Trevor Pitman, St. Helier No. 1.

Deputy M. Tadier:

Deputy Montfort Tadier from St. Brelade No. 2.

Ms. S. Power (Scrutiny Officer):

Sam Power, Scrutiny Officer.

Ms. A. Le Brocq-Davis (Secretary, Prison Board of Visitors):

Alison Le Brocq-Davis, Prison Board of Visitors Secretary.

Jurat Mrs. J. Clapham (Prison Board of Visitors):

Jurat Jill Clapham, member of the Prison Board of Visitors.

Jurat J. Tibbo (Chairman, Prison Board of Visitors):

Jurat John Tibbo, Chairman of the Prison Board of Visitors.

Jurat J. Le Breton (Prison Board of Visitors):

Jurat John Le Breton, Board of Visitors.

Deputy M. Tadier:

Thank you. We know you came along last time as guests to listen. I think that would have probably been helpful and it maybe gives you an idea of where we are coming from. We will just start off with the first question we have got down here.

Jurat J. Tibbo:

I wonder, Chairman - sorry, to interrupt - if we could follow the same format as you did with Mr. Pittman.

Deputy M. Tadier:

Yes, absolutely. I have got no problem with that.

Jurat J. Tibbo:

That may save you quite a lot of time.

Deputy M. Tadier:

Okay, I am happy to do that.

Jurat J. Tibbo:

You are happy to do that?

Deputy M. Tadier:

Yes.

Jurat J. Tibbo:

Good. First of all, let me say that while I will be presenting what we do, and mention to you what we do, I will also be trying to correct some of the points that Mr. Pittman made erroneously, and we will cover those as we go along. The first one I mention just for the record. When we arrived last week, reference was made to us as being “the enemy”. It was in fact Mr. Pittman who said this; not Deputy Pitman, Mr. Pittman.

Deputy T.M. Pitman:

No relation.

Jurat J. Tibbo:

While he might well have said it in a semi-jocular fashion, I will say from the outset we are not the enemy, we are not at war, and we have got no vested interest, none whatsoever. I will wait for ... I will start again.

Female Speaker:

Sorry, I was told 2.30 p.m.

Jurat J. Tibbo:

We have just started.

Female Speaker:

Thank you.

Jurat J. Tibbo:

I was just saying we are not an enemy; we are not at war. We as Jurats do not have a vested interest because you will be aware that in fact it is the Prison Board of Visitors Regulations that require the Board of Visitors to consist of at least 7 Jurats. It is not the Jurats who are seeking the position. The regulations go on to state that the board shall co-operate with the Minister and with the Governor in promoting the efficiency of the prison and that before granting any permissions which it has power to grant under the regulations or under prison rules, the board shall satisfy itself by consultation with the Governor that they can be granted without interfering with the security, good order and proper government of the prison and of the prisoners therein. So, from that it is quite obvious that the management of the prison lies in the hands of the Governor and his senior officers, although ultimate responsibility obviously lies with the Minister for Home Affairs. We discharge our duties, we believe, as required under the Prison Board Regulations, diligently. I have to refute the suggestion that was made last week by Mr. Pittman that we do so with complacency. You heard from him what an Independent Monitoring Board does in the U.K. (United Kingdom) and the inference was that the Jersey Board of Visitors does not carry out its duties as efficiently. Interestingly, last year the board heard a total of 115 applications, which compares with a figure of 99 which we were told were dealt with annually at a prison in the U.K. which houses 220 prisoners. La Moye at maximum has been 198 or 200; the exact figure I have not got. However, the figures I have just mentioned would suggest that the prisoners at La Moye are not only not reluctant to approach the board but they are also fully aware of the members' visits. The regulations stipulate that we only need to visit 8 times a year. We visit 12 times a year and in between that a Jurat or a member of the board visits in between those regular visits. The prisoners at La Moye, when they arrive at La Moye, are given an induction pack which contains a description of the role of the Board of Visitors. Also on all the wings there is a notice board and you

would find the dates of the regular meetings are there for the whole year. As far as the individual visits are concerned, the prisoners are advised when a visiting member makes arrangements and often that is at very short notice. It could be an hour, half an hour. Not always, I am not suggesting that, but often it is. The Governor does not normally accompany either the board or the individual member but an officer does, although prisoners are given the opportunity to discuss any matter without the officer being present. Often that accompanying officer is able to help with a query or the concern being expressed by the prisoner and, thus, quite often issues are resolved on the spot. I would also add that to suggest there is no danger for anyone walking around the prison on his or her own is hardly correct, as evidenced recently when a fully trained officer was attacked by a female prisoner who is now on an attempted murder charge. She just missed severing the officer's jugular by a matter of centimetres. In addition to these visits when members may and often do visit any part of the prison ... we were there this week and we went to see the new block to see how that is progressing, which we had done previously but obviously it is improving as time goes by. We go to the kitchens. But in addition to all that, members will respond to any request of any prisoner. Only recently one of the board members went out of his way to try to collect the belongings at a prisoner's former flat when he was arrested without prior notice. Similarly, a few months back, in dealing with concerns being expressed by a Polish prisoner, I attended at 8.00 a.m., accompanied by his lawyer who I had spoken to the day before who had cancelled appointments as a result of my approaching him, because at 8.00 a.m. there was going to be an officer who does speak Polish. I am not sure if you are aware but there is no Polish consul on the Island at the moment. That officer was coming off duty at 8.00 a.m. so I felt it would be most useful to ask him to stay on for a few minutes and to interpret. I wonder how many other people would be able to get a lawyer out at 8.00 a.m. The members of the board also support the Governor and his team at special events, such as the presentation of awards to prisoners, the passing out of new officers. Only about 10 days ago members attended the exhibition of prisoners' art at St. Aubin. That exhibition had been suggested by the Governor's wife, not the prison Governor but by Mrs. Ridgeway when she visited the prison only last year. It enabled us in fact when seeing a particular prisoner to congratulate him on his works because they were on the wall, some of which had been sold. All meetings with prisoners are documented, no different to the logs referred to in connection with the Independent Monitoring Board.

However, something which is different, which was not mentioned, is that at the board's instigation for the last few years we have been meeting regularly on a quarterly basis with the Home Affairs Minister, the Chief Officer of Home Affairs and the Governor. Last year I invited the Chief Minister to attend and he was going to. Unfortunately, though, he was called away at the last moment. That followed some correspondence which I had with him concerning the funding for the prison. Funding has been and indeed, as you will be only too well aware, continues to be a major issue for the prison, hence reference to it in our reports. But as we were criticised by Mr. Pittman for referring to it, it would seem appropriate now to refer to these reports. Firstly, he suggested that there was a gap in their production. There never has been a gap in their production. What there might have been is a gap in the presentation to the States by the President or Minister for Home Affairs. I do not know but there has certainly never been a gap in the production of the reports. As to the content of those reports, obviously it is a matter of subjectivity as to the issues which were referred to and the extent to which they are referred. But interestingly, to the best of our knowledge at no time has any Member of the States raised any matters, either through the Home Affairs Department or directly with the board, relating to those reports. No one has queried the content. The fact that a board does not follow the format adopted by a particular Independent Monitoring Board in the U.K. is surely, therefore, irrelevant and the members of the board are entitled to believe that the reports have been acceptable. Furthermore, it must be remembered that reference to other reports ... if you remember Mr. Pittman referred to the fact that I had mentioned the *Shaw Report* but had not gone into any detail. It is in the context that all those reports are in the public domain and there is no point in repeating what is already known, no point as we see it. I stated at the beginning of the session that the board does not have a vested interest to protect and I make no apology for repeating it. As I read your terms of reference they include a review as to whether the current arrangements with regard to the Board of Visitors are acceptable. They are also required to consider the position in other jurisdictions which we presume does not merely mean the U.K. and this can only be healthy. It does not follow that because a system exists in the U.K., however, it must be slavishly followed in Jersey. H.M.P. (Her Majesty's Prison) La Moye is unique insofar, as we understand it, it houses all categories of prisoners including those on remand, male and female convicted, as well as young offenders and vulnerable prisoners. No other prison in the U.K. does so but you might find

prisons in other jurisdictions might. A number of other issues which were raised which I believe need closer analysis. It was suggested that a broader group of people was required to form the board yet Jurats are from different backgrounds, a broad cross-section of the community. In their positions as Jurats they have always been considered to be independent, a factor which is recognised by the courts. There is no reason to believe - or I have no reason to believe - that any one of those Jurats changes when they act as members of the Board of Visitors. It was suggested that Jurats gave legal advice. That is not so either, other than in the most simple form when dealing with trial procedures and with the help of a Greffier, who is in fact the Secretary of the Board, who deals with these matters in the course of her work. Obviously if we can call upon experience then we do so and will guide a prisoner, but in most cases the members of the board will emphasise the prisoner must discuss legal issues, such as sentencing - we never discuss sentencing - with their lawyers. But we do help to establish contact with their lawyers and we get things done fairly quickly as a result. That does not mean to say that every concern or complaint of prisoners can have the outcome the individual would wish. No board is ever going to achieve that because if you go and speak to the prisoners - and I know you have done - in the capacity in which we do so, they will tell us things which half an hour later prove to be completely incorrect. They have got nothing else to do.

Jurat Mrs. J. Clapham:

Sometimes.

Jurat J. Tibbo:

Sometimes; not always obviously. We do resolve a lot of issues but they are not always telling us the truth. Reference was made to adjudications by the board. This practice was discontinued a few years ago but the board remains an appeal body to which prisoners can refer any adjudication made by the Governor. As it happens, we have had not had one since that facility was set up but it is there, it exists. Neither the current board nor its predecessors has ever had any budget for whatever purpose. I understand that one of the reasons why the Independent Monitoring Board was established in the U.K. is the result of some serious allegations of bullying of prisoners by officers. That is something which has

not applied in Jersey and in the last 2 inspection reports, praise was recorded for the excellent relationship between officers and prisoners. Furthermore, neither of these reports levied any criticism of the Prison Board of Visitors. Surely if they felt that we were not acting correctly they would have referred to it. They are independent inspectors and, although we met with them, they never levied any criticism of us. My recollection as far as this is concerned of Mr. Pittman's quote from the reply he received from Mrs. Owers stated there should exist a robust board; not that one did not exist. I believe the sub-panel visited the prison recently. What you saw now up at La Moye is a very different prison to what existed there only a few years ago. For our part we are delighted to have played a part in supporting the Governor and his team in bringing about the change. However, as I previously stated, there is still a long way to go and further funding and resources are needed before the whole prison can be considered to be of the appropriate standard. As a board we are certainly not complacent in this respect but the answer does not lie in our hands, gentlemen, it lies much more in yours because cash and resources will continue to be required. I also close now by repeating that no politician, other than those involved in the Home Affairs Ministry and the previous review undertaken only less than 3 years ago, has ever asked to meet with the board or its members or even to attend one of its meetings. The same, I have to say, applies to Mr. Pittman. Mr. Pittman has never ever asked the board to meet with him. While we have seen his letters in the *Evening Post* from time to time, I do not think the press is the medium for conducting any discussion if he wished to engage with us. If I may, I will pass over on the same basis to Jurat Clapham and Jurat Le Breton and they will fill in what I have not covered.

Deputy M. Tadier:

That is fine. Can we just ask the rest of the panel if anyone does want to interject before we do.

Jurat J. Tibbo:

No, by all means.

Deputy M. Tadier:

Do you mind if I ask some questions directly and then we can move on to your ...

Jurat J. Tibbo:

No, not at all.

Deputy M. Tadier:

I think it is more continuous that way. First of all I would just like to make it clear from the board's point of view that we are here ... obviously if you were called the enemy I do not remember that part but I am sure it is true and it may well have been tongue in cheek.

Male Speaker:

We have not come to that conclusion.

Deputy M. Tadier:

But also we are not here to speak for Mr. Pittman either. The first part, just for a point of information, you mentioned an incident at which a prison officer was attacked by a female prisoner. Was that in Jersey?

Jurat J. Tibbo:

Absolutely, at La Moye.

Deputy M. Tadier:

Was that recently?

Jurat J. Tibbo:

About November-December.

Deputy M. Tadier:

Okay, just for information.

Jurat J. Tibbo:

The officer is back at work. In fact I saw her on Monday.

Jurat Mrs. J. Clapham:

A very disturbed prisoner and I have to say she is somebody that we always inquire about, we always check how things are going with her. She is a very pathetic and disturbed girl who made the attack. Certainly I have spent time in the cell with her with an officer and obviously she is a very dangerous girl because she can just go like that, as this officer very unfortunately found out, but fortunately ... I mean she could have been dead and she was not. That is the sort of people you have got, the mixture.

Deputy M. Tadier:

What precautions are there that the board will take when you are visiting?

Jurat J. Tibbo:

We usually have got an officer with us and we are careful where we go and we are looking over our shoulder.

Jurat Mrs. J. Clapham:

When we see a prisoner on his own, which often we do, an officer will be outside. But frequently the prisoners do not mind the officer being there. They will say: "Oh, you can come in."

Jurat J. Tibbo:

We give them the opportunity.

Jurat Mrs. J. Clapham:

They have very good relations on the whole, even if they complain. I think Mr. Pittman rather gave the impression that he thought prisoners would be too cowed. I do not know how you find them. They are

not. There is a very good relationship with the officers and they do not mind complaining about the officers in front of them either sometimes.

Deputy M. Tadier:

Right, okay.

Jurat Mrs. J. Clapham:

But certainly there would be somebody outside the door.

Deputy M. Tadier:

That does not seem too different from what Mr. Pittman said. He said that when he was visiting on his own there were still prison officers nearby and he was standing near the door.

Jurat J. Tibbo:

He said there was never anyone very far away but there was no one accompanying him because that is part of the Independent Monitoring Board's modus operandi.

Deputy M. Tadier:

Yes, that is right.

Jurat J. Tibbo:

That is that they go round. They take the keys and go.

Deputy M. Tadier:

Yes.

Deputy T.M. Pitman:

Can I come in there?

Deputy M. Tadier:

Please, yes.

Deputy T. M. Pitman:

I sense that you would not agree with Mr. Pittman's observations that being given a set of keys and off you go is a good thing within the ...

Jurat J. Tibbo:

I do not know what it achieves. If the suggestion is that the Governor and his officers, when we tell them we are coming out, rush around and sweep up the cells and shut the prisoners up so they do not speak to us, that just does not happen. They are there. The prisoners know. Did you see the notice on the notice board when you went up with our regular visits marked?

Deputy T.M. Pitman:

I do not think we saw them.

Jurat J. Tibbo:

There is a notice on the notice board which gives our regular monthly visit. So they know. When we are going up, the officers will then go round and tell them when we go up individually, will tell the prisoners: "One of the members of the board is coming up today. Do you want to see him/her?"

The Connétable of Trinity:

Maybe the perception is that if you are accompanied by a warden that you do not get the full story that they are trying to give. That may be what Mr. Pittman was trying to imply that if you were just walking round on your own maybe the person might be more ... maybe it does not happen but because you have got a warden alongside you, do you get the questions asked by the prisoners you think should be coming? That is the only way that can be looked at that maybe ...

Jurat J. Tibbo:

There are a couple of things. First of all, quite a number of these prisoners have been in and out of prison. They are not first offenders. So they know the routine and they are not afraid to ask and they are not afraid to say: "I would like the officer to leave."

Deputy M. Tadier:

But if I can interject. I am playing devil's advocate here of course. Presumably it is almost academic in a sense whether or not the prison officers would run around with half an hour to go and tidy everything up because presumably there has to be the theoretical possibility and the probity. So if you want to make an unannounced visit and you do go there and you find that things are not correct, you can report them, and if they are correct then that gives even more weight to the fact that the H.M. Prison is doing a good job in Jersey.

Jurat J. Tibbo:

We are not inspectors.

Jurat Mrs. J. Clapham:

But they do not mind. The Governor is perfectly happy for us to turn up unannounced if we did. The other thing is when we do go, we frequently ask to see something that they do not know we are going to ask. So, for example, I always go in to see the youngsters who I know are there to check they are okay, whether they have asked to see us or not. We usually check on the women because they have had quite a lot of trouble there for various reasons. So, even if none of the women have asked to see us, we would say: "Can you take me to the women's wing now? Can you show me the gym?" or whatever. They do not know what we are going to ask and we do do that.

The Connétable of Trinity:

So it is not prearranged?

Jurat Mrs. J. Clapham:

No.

Jurat J. Tibbo:

No, not that part of it.

Jurat Mrs. J. Clapham:

What is prearranged, they are told that we are coming. I would be very sorry if you change this, even if you change the composition of the board, in that I.M.B. (Independent Monitoring Board) visitors turn up unannounced, wander round a huge prison. They may or may not see people who want to speak to them. The people who want to speak to them may be at work, may be asleep, may be cleaning the toilets. They would not know they wanted to see them. In Jersey the officers go round every member of the wing. So every prisoner - in theory anyway, I suppose sometimes they make mistakes - is told the day before: "A board visitor will be here tomorrow morning. Do you want to see them?" So there might be a list of 10 people who will wait to see us, not just one young chap we find in the corner, which would happen possibly when you are wandering around because they have got time, like the chaps we saw the other day, to find their papers, to check with their lawyers, to work out what it is they want to talk to us about, check whether they get a dentist appointment or a doctor's appointment. They can collect their thoughts and come to see us. I think it is better for the prisoners if they know somebody is coming because if you turn up unannounced, it could be a sleepy afternoon, nobody knows you have been. You have wandered round, checked the loos maybe, but you could miss people that want to speak to you.

Deputy T.M. Pitman:

Could you just clarify for me, in past years has there been period when unannounced visits were made or is that something that has evolved over time?

Jurat J. Tibbo:

At La Moye?

Deputy T.M. Pitman:

Yes.

Jurat J. Tibbo:

I have been on the board 11 years and not in my time.

Deputy T.M. Pitman:

It has always stayed constant.

Jurat J. Tibbo:

Unannounced. I do not recall any. John?

Jurat J. Le Breton:

I have been on the board 9 years and I have always given notice of when I am going to visit, usually 24 hours before. I think there have been a couple of occasions when I have had to follow up and I have turned up unannounced to deal with that specific interview, as I did this last time in fact. I have never had the impression of any closed doors inside a prison. That does sound a bit ... I know they have had to be unlocked for me but to me there have not been any closed doors. The officer that has taken me round has literally been there to help me get into anywhere that I wanted to go: workshops, cells, chapel, you name it, young offenders. The uniqueness of the prison cannot be over-emphasised. We are catering for every category of prison. When we did visit prisons in England, they were obviously specialised for either females or young offenders, or in Winchester's case they had a continuous round of prisoners coming in and out because they were assessing them there for where they had to go into their specialist prisons. But here in Jersey we get the whole range. We feel free to go to wherever we want to in the prison. Also, when we see these young people or prisoners we talk about other things. I mean, you are

talking to someone else; you are, as a Board of Visitors member, wanting to help them. So you inquire how they are: "Is there anything else?" The first thing I always say is: "Do you realise who I am going to speak to after meeting you? That is the Governor. I can talk to the Viscount. I can talk to your lawyer. I can take what you want directly to whoever you want me to see on your behalf. Do you wish this officer to be here while I talk to you?" This last time - I think you have my report - there were 2 people in the segregation unit who chose not to have the officer present so the officer went outside the room. I was conscious of the fact that there were 2 or 3 officers outside ready to help me if necessary, but I was able to talk to them very easily. There was no aggression. There was nothing from ... I mean, they just simply wanted to tell me how they felt really and they wanted to inquire. Then I was able to pass that directly to the Governor half an hour later and he has taken action since on all of those things, which was reported back to the board last Monday. So there is a process that operates, I think, well on behalf of the prisoners. Also, in my last report I had to follow up on a prisoner's concerns and it involved the Viscount's Department. I was able to go the following morning and go straight into the Viscount's Department and get the matter sorted out there and then. That is, I think, unique to Jersey as well, this accessibility, and that is because I am a Jurat I suppose.

Deputy M. Tadier:

Can I just ask you on that point then. You have alluded to the fact that because you are a Jurat you have avenues which are open to you that maybe would not be open to a layperson?

Jurat J. Le Breton:

I am not sure, they could be made available to other people. I am not saying that it would be exclusively because you are a Jurat. But because you are involved in ... I mean, it was made to sound as though involvement with the judiciary was a perceived handicap or would create some problem. In fact it can be seen entirely the other way. In other words, we can be of more benefit to the prisoner's welfare because we have access to their lawyers. I think the I.M.B. say that they can respond to a prisoner's complaints within a week. We do so there and then. We come from the prisoner's interview, if you like, or seeing him. We then go to the Governor and then - speaking for my own part - you go straight

to the telephone and get on to a lawyer. You go straight through to the lawyer and say: "Look, you ought to see this chap as soon as you can because he is worried about this, this and this." That does help, I am sure.

Deputy M. Tadier:

If I could push you on that point. Surely in theory it should be your position on the Board of Visitors which invests you with a certain power not the fact that you happen to be a Jurat. If the board was made up in any other way presumably we would all want to see any member of that board with the same powers that you have in time and the relationships.

Jurat J. Tibbo:

There is the power.

Jurat Mrs. J. Clapham:

It is in theory, I think. The point is, for example, for any lawyers that visit, the young lawyers do a fantastic job. They go up there. They do it for nothing remember.

Jurat J. Tibbo:

Most of the time.

Jurat Mrs. J. Clapham:

Very few prisoners there are paying. I know lawyers earn a lot of money but so do accountants and doctors and businessmen and they do not give up hours and hours of their work. So the young lawyers doing legal aid I think probably - and it is not a perfect world - if they phone and they hear it is Jurat so-and-so, they probably reply a bit more quickly than they might. I do not think it is something that you should necessarily change your ideas of how the board should be compiled because of that. It is just one of the things that I think works quite well because we get an instant response whereas "Mrs. Clapham" might not get quite such a quick response. We would expect to get it the next day, maybe 2 days. It is

not a reason but it is the real world. I mean, if you came in as Deputy Tadier you would probably get a quicker response than you get as Mr. Tadier. Real world.

The Connétable of Trinity:

I always try as Mr. Gallichan and if it does not work then I go to Connétable and it does make a difference.

Jurat J. Le Breton:

It makes a big difference; it is life.

The Connétable of Trinity:

It makes a big difference. In a general phone call you put out sometimes you say: "Well, he can wait." But if you openly say: "It is Jurat Clapham phoning", the secretary might say: "Well, I will put you through", whereas in a lot of cases you go through a front person, do you not, and I think as you say it could be more benefit than a hindrance to be ...

Jurat Mrs. J. Clapham:

Yes. I think Mr. Pittman made the point that surely somebody at the prison should be doing that. But quite often a lot of the things we do are things that are ... I am not defending myself in any way but we are doing them really beyond the call of duty. It is probably quite a tedious matter that the lawyer probably really does not need to go but because we see an anxious prisoner, we suggest that they do try to help them. The case is not coming up for 3 weeks, there is nothing the lawyer can do, but for somebody languishing in prison for 3 weeks it is a very long time. So it is reassuring but maybe not always necessary. So I think it helps.

Deputy T.M. Pitman:

Could I just take it back another way slightly? I think we would all agree that the key here is the prisoners, because that is what you are doing it. It is their welfare that we are focusing on. You have

obviously all been doing this for some considerable years. Would you be surprised if the feedback from prisoners was that they saw the Jurats perhaps as not being ideal? From your own experience, would you be surprised if that was the response?

Jurat J. Tibbo:

Are you saying some of the ones you went to see?

Deputy T.M. Pitman:

Yes, but obviously we had no say in who we saw.

Jurat J. Tibbo:

No, I would not be surprised in the slightest.

Deputy M. Tadier:

Can I just verify you do not know the ones we went to see though, do you?

Jurat J. Tibbo:

No, I have no idea who you saw.

Deputy M. Tadier:

Because they were selected from a group of ...

Jurat J. Tibbo:

If you have picked them from those that we have seen, for example, in the last 6 months, I would not be surprised if some of them ... I would be surprised if they all said they were reluctant to come to see us and did not want to speak to us or whatever. But I would not be surprised at some of them. I can think of one straightaway. If you saw that particular gentleman I am sure he would complain because he is not able to get transferred to the U.K.

Deputy M. Tadier:

But overall though ...

Jurat J. Tibbo:

Because he is not going to get transferred to the U.K. unless you gentlemen are going to pay for it. There is no reason for him to be transferred to the U.K. He committed the offence in Jersey. I am only saying if you saw him but he has been to see us on a couple of occasions.

Deputy M. Tadier:

I am just trying to gauge the general feeling over all those years that you have picked up. You obviously feel generally it is positive.

The Connétable of Trinity:

We certainly saw 6 people which we did not know and they were independent. But the general feeling you get obviously, they tend to say: "Well, if you have got a Jurat on the bench and they are putting us in here into the prison, it seems odd that we are coming to see them and going to talk to them." This is just perceptions.

Jurat Mrs. J. Clapham:

Can I just say that I think that if they said that it is because they know that is why you were there and so they are concentrating their mind, because I can honestly say that we have never had anybody not want to speak. Moreover, quite recently somebody who the Jurat had not only sentenced them, they had found them guilty, that Jurat was going up and the prison said: "Do you want to see that person? Clearly, you might not." "No", was the answer, "I would rather see them because they will understand more about it." That is another thing perhaps I can just say. I felt quite stunned by Mr. Pittman's thinking that we were unsuitable because we had sent them down. Jurats are a total cross-section of people. I do not really want to say this but in my case I was a teacher, I was involved with Samaritans

for 30 years. The last thing I do when I go out to the prison is think: "Because you have brought in £100,000 worth of heroin, I do not care if your wife is dying or if you have got toothache or if you have lost your T-shirt or if ...". None of us do. I mean, prisoners are very vulnerable people. They might have done wicked things. I do not believe that members of the I.M.B. are people who would not put people in prison. We put people in prison because society asks for it if they have committed certain crimes. Their punishment is deprivation of their freedom. I do not think Jurats would be Jurats worth having if they were the sort of people who then were so biased when they went up there they could not disregard that. So, however you decide it should be, I really do say that every Jurat I have worked with up there has been most concerned about the prisoners and absolutely, if anything, is better informed because of quite often having sentenced them, quite often having read background reports we see what other people would not. We know some of the tragic circumstances that have ended up creating these people who do these things. I really was stunned by the fact that we might be unsuitable for that reason because I do not believe it would happen. We have a very good relationship with the prisoners we do see. Of course they get stroppy and maybe when you ask them they say things like that, but we have never experienced it really.

Jurat J. Tibbo:

If you saw the amount of time that is taken often by Jurats when deciding on a sentence, that alone ... that is going back a step from the one that Jurat Clapham just mentioned. But we agonise over the sentencing and there will be a great deal of discussion over a matter of a month or 2 in sentencing. We do not just glibly follow a table or anything like that. I mean, a lot of discussion, a lot of time goes into it.

Jurat J. Le Breton:

If I may, I think it is because we do come from a wide range of backgrounds, a broad brush of life in all sorts of ways. We are not lawyers. I do not mean that in any disrespect to lawyers. But we meet as Jurats because we come from different backgrounds and when we consider sentencing we have that experience to put towards it. So when our Chairman here says that we agonise, we certainly do. We

read those reports - probation reports and social inquiry reports - in a way that mitigates and helps the prisoner as much as possible. When we go up to La Moye we take all that sort of sympathy, if you like, with us. We go to help those prisoners. It was somehow implied by Mr. Pittman that because we are Jurats we become unsuitable but it can be seen entirely the other way. It is because we have years of experience in education or medicine or dentistry or finance or accountancy or endless charities in Jersey, people have worked whole lifetimes for the benefit of the community. Most Jurats have been involved with honorary work in the Island for many, many years. They have this contact with people and they have this, if you like, empathy. I can honestly say that when I go up to the prison - and I am sure it is true of all the Jurats that go - we are not Jurats then. We are people that are sympathetic and wanting to help. If you had an I.M.B., an Independent Monitoring Board, that had the same qualities, if you like, or the same backgrounds as the Jurats do, you would say that is the sort of people we want to be on the Independent Monitoring Board. Now suddenly, because they are Jurats, they are not eligible any more.

Deputy M. Tadier:

If I can come in on that point. You make a very compelling and almost a sentimental case, and I do not mean that in a negative way. It is certainly a very compelling argument that you are making but there is this whole theoretical idea of probity about justice being seen to be done and about human rights compliance. There is surely an argument that the 2 roles are simply not compatible. You cannot sit in judgment on someone, albeit in a judgment of fact as you are ...

Jurat J. Tibbo:

I am glad you mentioned that because I was going to ask Deputy Pitman what he meant with one of his questions of Mr. Pittman who readily agreed with the statement that justice has not only been done but must be seen to be done. What aspect of justice do you think is not done?

Deputy T.M. Pitman:

I am not here to decide that yet. I am here to collect the evidence.

Jurat J. Tibbo:

I am saying you asked a specific question of Mr. Pittman: not only must justice be done but it must be seen to be done. He agreed with that. What aspect of justice is not done by ... I am asking the question so that I can answer whatever you think of.

Deputy T.M. Pitman:

Okay. I think when you look at the submissions made to us, as Deputy Tadier has flagged up, there can be the perception, whether it is right or wrong, because someone is involved in - how the prisoners would put it - the fact they are in prison. Obviously they are in prison because they committed a crime in the first place. But for some of them looking at it, the fact that someone has been involved in that process then they are almost compromised. I am not saying that is right or wrong but I think that is where Mr. Pittman was coming from.

Jurat J. Tibbo:

Interesting but no prisoner has ever mentioned it.

Jurat Mrs. J. Clapham:

I think it is very illogical thinking, if you do not mind me saying so. I know that is not your thinking, necessarily. We do our jobs as Jurats in the court. You would have to say that in that case anybody else who goes up to the prison would not have put somebody who murdered his wife into the prison or would not have put somebody who brought in a huge amount of heroin. We just happen to be the people who do it but we do it because that is what society demands. That is what our society has decided to do with people who transgress our laws. But that does not mean to say that when we go up with another hat on, we do not have a great deal of sympathy for them. Conversely, I do not believe that somebody else who becomes a member of an Independent Monitoring Board goes to the prison thinking: "I would never have put any of these people here." They are all members of the society which has voted for a government which imprisons people. So I think it is a bit airy fairy in a way.

Deputy T.M. Pitman:

I fully accept what you are saying but the fact is that you may have been involved, you may been the person, because you are in the job, who helped that person away where I was not as I am not a Jurat.

Deputy M. Tadier:

Deputy Pitman, can I move this on because I think we are getting into the territory where we are trying to debate here the rights and wrongs of something. We are really here just to gather evidence and do that, although I appreciate that was a valid point. I wanted to come back to one point that Jurat Clapham made talking about the announced visits. So, effectively, you give a time period of notice, albeit a short one. No one, I do not think, on this panel is saying that it is a bad thing to have announced visits where you can meet people but I think what we are saying is that it would be preferable alongside that to have unannounced visits which have a completely different function which could also be carried out in conjunction. I think the benefits of having unannounced visits are probably obvious to you all. Do you just want to comment on that quickly?

Jurat J. Le Breton:

If I may answer that. If we as a board decide to go along that path we can do because there is no obstacle. The Governor is quite happy to accept us on an unannounced basis and I am quite sure that we can perhaps develop that. There is no reason why we should not; no obstacle in the way.

The Connétable of Trinity:

Would it be that if you had an unannounced visit that would be purely just to visit the prison? It would be very, very hard to have an unannounced visit and to find out you have got prisoners who wish to see you.

Jurat J. Le Breton:

That is right. Basically, we have announced visits, I suspect, because we know we are going to see 8 or 9 or whatever people. I must say, walking round the prison as well you do talk to other prisoners and

you do see them. The contact is there. It is easy. No problem.

Deputy M. Tadier:

Good, thanks. We will move on to another one. One of the questions we have got down here and I will just read it out: "Is there any reason that a Jurat should be better placed than any other individual in society to perform the functions of a member of a Board of Visitors?" I know you have partly answered that already.

Jurat J. Tibbo:

I think we have answered it and I do not think there is anything else to say. No one is saying that Jurats are special. To go back, it is the law that stipulates the Jurats must be there. It is in somebody else's hands whether the law gets changed. But, no, if you can find the number of people you need who will do it, there is nothing to say ... as I said, we do not have a vested interest in this.

Deputy M. Tadier:

So, following on from that, would you object to having non-Jurat members drafted on to the board if there was a mixture of Jurat and non-Jurat, provided you were happy with the ...

Jurat J. Tibbo:

Would I? If you are asking me personally, first of all I would say, if I am speaking on behalf of the Jurats at the moment, I am not in a position to commit Jurats to that sort of thing. I think it would be up to each individual Jurat as to whether he or she wished to do it. As far as I am concerned personally, the Prison Board of Visitors is no different to any other board and before I serve on a board I like to know who the chairman is and who the other members are. I may not be willing to do it. I may but I may not.

The Connétable of Trinity:

If it was an independent board, how rigorous would the setting up for the people to get to be on that board? As you say now, Jurats are a broad spread of the Island.

Jurat J. Tibbo:

Presumably you would have to do police checks. You would have to have a selection panel. You have to have somebody to select them. I do not know who that would be.

The Connétable of Trinity:

Training? Do you get training at all or not?

Jurat J. Tibbo:

We do not get training per se but our background as Jurats - court procedures and the judicial system - gives us experience. I would like to ask Mr. Pittman what training he thinks we need. What do we need?

Jurat Mrs. J. Clapham:

Another point that I would just like to make about that - it is not perhaps a very big one - is that Jersey is a very small place. The prison is full of people that are then going to be out in society. I think there might be a slight advantage in having Jurats, as I think it does work, in that we ... if you have a Board of Visitors it could change quite frequently. People could get fed up with driving out to La Moye. It is a long drive there and back, expensive petrol, a lot of time. So it might change quite frequently. So you have got a lot of people going through the prison who have not ... I do not know if you would have to sort of swear them to secrecy and that sort of thing because they are bound to see people and find out a lot about people, and once they had stopped being a prison visitor may ... I do not know how they do it in England but it would not be quite so important in England.

The Connétable of Trinity:

Do you have a confidentiality ...

Jurat Mrs. J. Clapham:

We do not but we swore an oath.

Jurat J. Tibbo:

We swore an oath.

The Connétable of Trinity:

You swear an oath, yes.

Jurat Mrs. J. Clapham:

It is certainly something you would need to think about.

Deputy T.M. Pitman:

Could I just pick up on the Chairman's point earlier? If there was a mixture of Jurats and non-Jurats could you just clarify for us what you think the major problems if that was being considered?

Jurat J. Tibbo:

Exchange of information, because obviously in the course of our work we have a lot of confidential information which comes in useful as background. I cannot say to you A, B and C but it is an accumulation and because of the cross-section we hear different cases. We do not specialise in cases. We do not choose the cases we sit on. They are allocated, we are allocated to cases, so we get a cross-section. We have got information there which we would not be able to divulge if other people were there. We would not be able to use it.

Deputy M. Tadier:

Can I push you on that point? I think there is a parallel to be made with us as politicians is that some of us serve on scrutiny; I think we all do. Obviously we are all here. If we receive certain information, for example, which is privy only to scrutiny then we effectively have to forget that when we go into the States in a different capacity. Presumably that may apply to you in your capacity ...

Jurat J. Tibbo:

You think you can do that but we cannot do it as Jurats on the Prison Board of Visitors? That is what your suggestion is, is it not?

Deputy M. Tadier:

What I am trying to get at is that ... you see what I am saying?

Jurat J. Tibbo:

I understand what you are saying. I do not think we could do that. I do not think we could do that because we would be sharing very confidential information, possibly sharing very confidential information with people who may well say they are going to keep it.

Jurat Mrs. J. Clapham:

Is that what you mean?

Jurat J. Tibbo:

That is what you mean, is it not?

Jurat Mrs. J. Clapham:

You mean we need to forget what we have heard in court, are you not?

Deputy M. Tadier:

What I am trying to say is that not in court but as your function on the Board of Visitors you are in a different capacity there so I would question even whether you should be talking between yourselves on that board about things that you know by virtue of having been in court.

Jurat J. Tibbo:

It is experience which often comes to the benefit of the prisoner because we can relate.

Jurat Mrs. J. Clapham:

That is another problem with having a mixed forum. Either we are suitable or we are not in a way because frequently we go up on our own. So if the Jurats are not suitable because of their background then if you have mixed board, sometimes the Jurat is going to be there on their own dealing with a prisoner or not dealing or ignoring what is going on. So there are problems.

The Connétable of Trinity:

That would have to change, would it not? You would not just go with one Jurat surely. An independent person would be worried that the Jurat is not doing a proper job so you would have to have a Jurat and an independent at the same time for the person you are interviewing, I am saying, if there is concern.

Deputy M. Tadier:

Connétable, I am quite keen that we do not try and pre-empt the findings of the panel. So I think while it is fit to discuss the possibilities, I think we do not want to go too far down any one road because we do have to remain independent. Are there any other questions that we would like to ask the Jurats while they are still here?

Deputy T.M. Pitman:

I would like to take that point further. From what you saying, would it be natural to deduce that from your perspective you are saying either we have to work with the system we have because you are Jurats and you can discuss these things or it almost has to be an independent panel solely; you could not have a mixture. That is what seems to be picking up from ...

Jurat Mrs. J. Clapham:

I do not think we are saying that.

Deputy T.M. Pitman:

I am not trying to put words into your mouth.

Jurat J. Tibbo:

We are not saying that. I think it would be possible.

Deputy T.M. Pitman:

It would be?

Jurat J. Le Breton:

In my own view of it, it might well be possible because I can see the limitation of just Jurats in terms of the age range on the Board of Visitors. If you think in terms of having somebody in their 30s or 40s serving on the board, it is very unlikely that they could do now. They have got to be a Jurat first. So you might feel that an age question enters into this. But I think I am saying that an independent board, as set up on the mainland, is not necessarily a panacea of good practice. When we visited prisons we did go to those prisons with a view to having a good look at the Independent Monitoring Boards and we were welcomed at those prisons we went to by members of the Independent Monitoring Board. In fact we had lunch at one prison with one of them. We all talked quite freely about what they did and what we did and there was an exchange of views. It was very constructive. We did not witness prisons that were, shall we say, models in any way. I mean, there was netting around some of the upper floors to stop suicides occurring. There were punishment areas. They were encountering difficulties of overcrowding. I am sure that that situation still arises because of the nature of what a prison is. We came back thinking: "Are we serving our prisoners as well as they are?" We came back thinking we are doing all right for our prisoners. I mean, we are representing them, we are passing on concerns to the politicians through our annual reports, and now in the last 2 years we are meeting the Minister regularly.

Jurat J. Tibbo:

It is more than 2 years.

Jurat J. Le Breton:

It is more than 2 years. We are meeting on a regular basis every quarter. So the communication is good. I must say the current improvements in the prison are very welcome. There is still work to do. The Chairman has already mentioned and you mentioned funding and that is the key, let us face it, to improving the resources up there. That is why they were in the report and why they had to be in the report.

Jurat Mrs. J. Clapham:

I think we were just answering questions to highlight any possible difficulties. That does not mean to say there would be.

Deputy T.M. Pitman:

Absolutely. We fully appreciate that.

Jurat J. Tibbo:

No, I am not saying it is impossible but I am saying I think there would be difficulties.

The Connétable of Trinity:

Would they have to be sworn in as well?

Jurat J. Tibbo:

We take an oath as Jurats. We do not take an oath as prison visitors.

The Connétable of Trinity:

You do not, do you?

Jurat J. Tibbo:

No.

The Connétable of Trinity:

Some of the information you have as Jurats is confidential. Surely if you are having a mixed board maybe at times the other people on that board should know about it. If it is confidential, can you divulge it to the other board? That is what I am saying.

Jurat J. Tibbo:

No, it could not be.

The Connétable of Trinity:

It could not be?

Jurat J. Tibbo:

Could not be or I do not think it could be. I stand to be corrected.

Jurat Mrs. J. Clapham:

They were quite an elderly bunch I have to say. The Boards of Visitors we saw were at least as elderly -
-

The Connétable of Trinity:

As the Jurats you mean?

Jurat Mrs. J. Clapham:

-- and fuddy duddy as we are. I think these people are free to do things in the daytime. That is a problem. There are younger ones apparently but we did not meet any.

Jurat J. Tibbo:

But we did not hear or see anything that they do which is not done here or indeed which has been asked of us. We have never refused to do anything. If anyone had any concerns, why did they not raise them with us? I find it strange. May I ask how many submissions you have had on this subject?

Deputy M. Tadier:

We have not been inundated, I am happy to say that. It is no great secret.

Jurat J. Tibbo:

Presumably if you did have any more you would have had some public hearings and you would have told us about them?

Deputy M. Tadier:

Not necessarily. I mean, we can also take evidence in written format if we believe that everything is largely there and we do not need to follow anything up.

Jurat J. Tibbo:

Sorry, how many did you say there are?

Deputy M. Tadier:

I do not know the exact figure but we have not had a lot of submissions. I am quite happy for that to go on record. Obviously the reason for that ...

Jurat J. Tibbo:

Mr. Pittman's is not the only one?

Deputy M. Tadier:

No. No, it is not the only one. We have had some from the U.K. and I think from someone else, at least one person that I know of who is a ...

Jurat J. Tibbo:

Have you had one from the U.K.?

Deputy M. Tadier:

We have had someone who used to serve - apart from Mr. Pittman - in the U.K. on an Independent Monitoring Board.

Jurat J. Tibbo:

So someone with that interest?

Ms. S. Power:

It is on the website.

Jurat J. Tibbo:

It is on the website?

Deputy M. Tadier:

Yes, it is all public. We are not trying to hide anything.

Jurat J. Tibbo:

No.

Deputy M. Tadier:

Obviously this is a specialised area. We would not expect to have lots of submissions from ordinary members of the public, so to speak. What I would move on to, one point that I am keen to address and one of the assertions I think from Mr. Pittman last week, was that while you say that there are benefits to being a Jurat, which certainly there are in the context of the Board of Visitors, he made the suggestion

that you were in something of an invidious position because you may not be willing to pipe up publicly if there was a complaint that you had made and it was not getting anywhere. So, basically, we have had submissions that have highlighted that unlike the I.M.B.s, the Board of Visitors do not seem to publicly address any issues regarding H.M.P. at La Moye. First of all, is that fair? Secondly, is it a function of the Board of Visitors to do that?

Jurat J. Tibbo:

As I see it, the function of the board is defined by the rules and regulations. We highlight problems and have been having discussions. As I mentioned earlier, I wrote to the Chief Minister in support of the Minister for Home Affairs I think it was November-December 2007. As a result of the answer we got, we invited him. I cannot prove it but I believe that what we were doing to help the Minister in support helped in getting some funds allocated. I cannot prove that but I believe we did. I had an answer from the Chief Minister and as a result of that answer I said: "Why do you not come to one of our meetings? Come to one of our quarterly meetings. We have got nothing to hide." If anyone wants to ask us to do something, if we can we will do it. Our line of communication is really we are there to help the Governor and the Minister. On one occasion - I am going back a few years - the Minister referred a case to us to investigate, which we did and we reported back.

Jurat Mrs. J. Clapham:

I think we definitely see it as our duty to highlight any problems at La Moye, both with prisoners and with the conditions there. I think we have done that. What we have not done is gone to the *Evening Post*. I have to say, because I follow obviously what goes on in prisons, the U.K. prisons are in some disarray and there have been a lot of problems there in the last few years with overcrowding. I have never once seen any comment by an I.M.B. member, myself, in any newspaper reports I have read either, so they presumably do not do it either. But I think we do see it as our duty to highlight it. Again, I think because Jersey is small, quite often there have been problems and we bring it straight back to the board, the Governor is already in touch with the Minister because they know that there is a problem and they are doing something about it. I would just like to refer to the *Anne Owers Report*. I and one of the

other Jurats had a long interview with her and in that meeting we discussed very openly what we felt was wrong with it. It was a damning report and most of the things that she damned were exactly what we had said to her. Now, I am certainly not arrogant enough to think it was because we had said it, because she is a very capable lady and made up her own mind, but we had said it. We were perfectly open about that to her.

Deputy M. Tadier:

I perfectly accept the fact that you no doubt have a lot of clout through the official channels but this is all done, not behind closed doors as such, through the correct channels, as I have said. What I am suggesting here is that the I.M.B.s in the U.K. are not in such a delicate position. You were accused last week by Mr. Pittman of being establishment figures. I am not here to comment on that, but you are by nature very intricately involved with the courts and the so-called establishment. As such, is it fair to say that you are not in a position to go to the media to make something public if you thought that what you are putting forward was not being taken seriously sufficiently speedily?

Jurat J. Tibbo:

I am sorry, Chairman, but with the greatest respect to the J.E.P. (*Jersey Evening Post*) reporter, I do not think the media is a means of communication. If we have a concern we would go to, first of all, the Home Affairs Minister.

Jurat Mrs. J. Clapham:

States Members.

Deputy M. Tadier:

Yes. All right.

Jurat J. Tibbo:

The Home Affairs Minister has responsibility for the prison.

Jurat J. Le Breton:

I think one issue is the current ...

Jurat Mrs. J. Clapham:

We certainly do not feel we are part of an establishment that means we cannot say something about it but we will say it to the people we thought were appropriate.

Deputy M. Tadier:

No, that is good. Well, that is why we want it on record.

Jurat J. Tibbo:

We have quarterly meetings with the Minister.

Deputy M. Tadier:

Okay, that is fine.

Jurat J. Le Breton:

One of the issues that we have been concerned about and expressed our concerns to the Minister, and have repeatedly expressed concerns, is of the juvenile sentencing, for instance, where should the under-16s go? To Greenfields, La Moye or whatever? There has been a great question mark over that area which we have many times ... I mean, you have the minutes, I trust, of our meetings with the Minister. No? I am sorry, I thought you did.

Deputy M. Tadier:

What course is open to you if the Minister does not take on board your recommendations or if he is being particularly slow in being forthcoming with any changes?

Jurat J. Tibbo:

Well, the Minister is responsible for the prison mandate. He or she is responsible for the prison. What course is open to us? I suppose we would write to the Chief Minister, which is what I did in ...

Jurat Mrs. J. Clapham:

What course is open to an I.M.B.? They are not going to get the government to change their funding. There might be a little tiny story somewhere but ...

Deputy M. Tadier:

Well, this is obviously something we can look at as well but presumably they are more open, I am suggesting, to make a press release to the media or lobby independent and sympathetic politicians who will go to the media. It sounds like you would be less willing to do that.

Jurat J. Tibbo:

As I say, with respect to the *Jersey Evening Post*, I do not think the way to get something done is necessarily to go through the media.

Deputy M. Tadier:

No.

Jurat J. Tibbo:

I think one should tackle it with a view to getting it done, not just for advertising it. Let us get something sorted out

Jurat Mrs. J. Clapham:

Supposing we came to you and you might go to the media. There are ways of doing it, are there not? It is up to you once we have reported to the States what we think is wrong, and we definitely would if we thought there was something.

The Connétable of Trinity:

The Board of Visitors in England, anyway, tend to be county councillors and members of county councils, some of them, are they not, and they do co-opt some other people on them as well? They are not all independent, I do not think. Some are county council members, are they not?

Jurat Mrs. J. Clapham:

Some of them are.

Jurat J. Tibbo:

Now you mention it, I seem to remember in one of the prisons that we visited ... we visited 6? Five?

Jurat J. Le Breton:

Well, yes, I visited 3.

Jurat J. Tibbo:

I think there was a lady councillor, from memory, who lived quite a way away from the prison. They have a big catchment area. Their people do not live in the same area, some of them were travelling 30 or 40 miles to go to the prisons.

Deputy T.M. Pitman:

Could I take the questioning back another way, because I am conscious of the time?

Deputy M. Tadier:

As long as you are okay for a few minutes.

Jurat J. Tibbo:

Yes, please do.

Deputy T.M. Pitman:

With your experiences over the years, like you all said, Jersey's La Moye is very unique - young offenders, women and males - is there any vast difference in how you feel the response from the inmates is to you as Jurats within young offenders, the female prisoners and the male? Does it seem all pretty consistent, positive or ...?

Jurat J. Le Breton:

Yes. Well, if I might say on my last visit I encountered visits to 4 different sections of the prison. In the female wing it was at my request that I saw a certain prisoner and I was pleased to report that she was happy and everything had settled down and everything was going well. Then I said: "Would it be all right to have a look in your accommodation?" She took me there and I was able to see the cell and see for myself that she was comfortably set up in her accommodation. I then went to young offenders and I saw a particular young man and we discussed his problem and it was later in my visit that I thought: "Well maybe I should tell him about a particular line of action." So I went back and by that time he had gone back to his quarters and I said: "Is it all right if I come in and have a look?" Again, exactly the same welcome, there was no problem or issue at all. I can quite honestly say that in the period I have been going to the prison, I have never been conscious of that. How they react to me - I do not even know if they know I am a Jurat quite honestly - I can only assume they would react to other people in exactly the same way they react to me. I just do not know the answer to that one.

Jurat J. Tibbo:

I am sorry, I am not too sure I understood the question correctly. Are you saying how they react to us because we are Jurats?

Deputy T.M. Pitman:

Yes, indeed.

Jurat J. Tibbo:

I think most of them do not even know (a) that we are Jurats and (b) we are not announced as Jurats. You might hear somebody say: "A visiting magistrate", the people who are used to the U.K. system, which goes back to Constable Gallichan's comment, perhaps because some of the inmates have often referred to us as visiting magistrates. But we do not advertise ourselves. We do not got around saying: "We are Jurats." I do not think they know what a Jurat does.

Deputy M. Tadier:

You may well be right.

Jurat J. Tibbo:

Do not forget, a lot of them do not come before us.

The Connétable of Trinity:

No, as I say, it is only the Royal Court that goes in front of the Jurats and the magistrate.

Jurat Mrs. J. Clapham:

People in prison, they are very isolated, they have had a long time to think of their problems. They become quite inward a lot of the times. Really, they want to pour out their problems. Whoever it is is kind of blank because they have had a long time to concentrate on something and get worked up about it. I think they almost do not notice whether you are a man or a woman or who you are.

Deputy T.M. Pitman:

I accept it is probably just my own former professional background working with young people, I was particularly interested if there was any difference with the young people who probably possibly do not understand what a Jurat may be, or maybe I am wrong to suggest that.

Deputy M. Tadier:

Can I ask for the record, I know that Jurat Clapham told us that in a former life, so to speak, she was a teacher, would you also tell us what you did?

Jurat J. Tibbo:

I was a banker.

Jurat J. Le Breton:

I was a schoolmaster.

Deputy M. Tadier:

Okay. It is just interesting to note and have it on the record.

Jurat Mrs. J. Clapham:

Yes. There was a nurse and a secretary, farmer, whatever.

Jurat J. Tibbo:

Accountant.

Deputy M. Tadier:

I think, like you have said, if one were to choose a completely new board at random, then one would obviously probably select the people who are like Jurats anyway, which is the irony even if it does change. I think that is largely what I wanted to ask. Just one quick point, are there any Portuguese or Polish speakers among you on the Jurats?

Jurat J. Tibbo:

No.

Deputy M. Tadier:

No. Okay.

Jurat J. Tibbo:

I have conducted one in French but not in Polish.

Deputy M. Tadier:

Okay. I presume ...

The Connétable of Trinity:

Do you have to have translators when you go or do you ...?

Jurat J. Tibbo:

Well we try and we have suggested ... the prisoner, for example, that I mentioned just now where I arranged for the Polish-speaking officer to be available when he came off duty, so I went up very early in the morning, I did say to the prisoner: "If you want to see us, could you make arrangements to tell your personnel officer beforehand so that we can have a translator available?" In fact, that prisoner came to see us this week without a translator. He had not made arrangements and he speaks very little English. It was enough for this week to get over what he wanted. The time when I went up, I really was not sure. I knew he wanted to see a lawyer but I was not sure what it was about.

The Connétable of Trinity:

The Portuguese, do you ...?

Jurat J. Tibbo:

There are Portuguese-speaking officers who are ...

Jurat Mrs. J. Clapham:

There are several officers.

The Connétable of Trinity:

I see, several officers of Portuguese origin.

Jurat J. Tibbo:

Most of the Portuguese, I have to say, have enough English to make themselves ...

Jurat Mrs. J. Clapham:

Sometimes they bring a friend as well. Sometimes the Polish might bring a Polish friend who does speak English and the same with the Portuguese.

Jurat J. Tibbo:

Another prisoner.

Jurat Mrs. J. Clapham:

They do not mind their friend coming as well, translating for them.

Deputy M. Tadier:

Just for our background information, what proportion of time would you say that your function on the Board of Visitors takes overall in your role as Jurats? It is probably hard to put an exact figure on it.

Jurat J. Tibbo:

I think that is very difficult to say. Let us try and bring it down to a month and say that we spend a whole afternoon there, that is our regular meeting, and by the time we have finished with the Governor ... because we get a report from the Governor as well. We just do not see the prisoners who want to see us and then say goodbye. We do go through a number of items with the Governor. So he is telling us what they are doing, et cetera, and we ask questions. So we have an agenda which takes us through the afternoon. From that, of course, if there are any matters to take up with the prisoners, we do

so within the next few days. How long does that take? I do not know.

Jurat J. Le Breton:

The last visit took me all day.

Jurat J. Tibbo:

That is the individual visit.

Jurat J. Le Breton:

Because you can say, I suppose, that visitors will be up there every 2 weeks on average, because there is the board meeting once a month and then there is an individual visit between the board meetings, so it covers at least twice a month. Then we are available other times as well. There is no reason why they could not make contact any other time as well.

Jurat J. Tibbo:

Well, we don't do adjudications. We frequently used to go up for adjudications separately but we do not do those now but we can do appeals. If an appeal is needed, we go up and do an appeal.

The Connétable of Trinity:

Do you ever get any problem when a prisoner comes to you to say: "It is nothing to do with you, it should be more the prison management that is looking after that complaint", or do they complain against the prisoners or the wardens, or is it basically their court cases? What would the spread be? Is it more because of the institution they are in, or is it because they do not think they have had a fair hearing or ...?

Jurat J. Tibbo:

Let us be honest, a lot of them are trying to push the prison rules. They do not like it because they have had an adjudication against them by the Governor or by the Deputy Governor, so they are trying to say: "It was not fair, I really did not do it, Governor." Now, we listen and we investigate it from the point of

view we discuss it with the Governor who will tell us what that side of it is. If need be we take it to the Minister. Do not forget, they always have the opportunity ... prisoners quite often write to the Minister with things.

Jurat Mrs. J. Clapham:

I would have to say it was about half and half really, as it ought to be, but it is up quite on the welfare. I mean, sometimes it is, for example - many of them are not too impressed - they might not be getting a drug they want, a painkiller they want. There are certain painkillers that are not allowed in prison because of their addiction and that sort of thing but they may have been on them beforehand. All sorts of things like that that they are worried about or do not understand, and we take it up and we find out why they are not getting it. Sometimes they can then get it; sometimes they cannot because it is against prison rules. There are an absolute myriad of reasons people come. Sometimes it is just that their T-shirt has shrunk in the wash and they want compensation and sometimes it is that their mother is dying. I would say nearly half the time that it is because they are worried about their court case and their lawyer has not been and they do not understand what something meant.

Deputy M. Tadier:

Can I just push you again on the first question? What I am trying to get at is how much do you feel that your time is divided between the Royal Court and the prison? That is essentially what I am asking.

Jurat Mrs. J. Clapham:

Would it help if I say that I worked out the first year I was a Jurat, I did the equivalent of about 2 and a half days a week as a Jurat? Now, that is not every week because sometimes you are on 3-week case list every day and you might do nothing for 2 weeks. So then if you say on average it is 2 and a half days a week, which is 10 days a month (10 to 12 days a month it might be in honesty; 2 jurats are on a long case at the moment for 6 months) and the prison would be one day a month and sometimes an extra half a day. So it is not a big part of our ...

Jurat J. Tibbo:

No, it is not a big part but there are other things ... well, I suppose I take on a few more than the others would do in contacting lawyers and things like that. So I suppose you could write me off at 3 days a month, 4 days a month.

The Connétable of Trinity:

Just on the Prison Board? Just visiting?

Jurat J. Tibbo:

Yes. We went up to the presentation of certificates up there. The Governor said that it would be nice if you ... fine, we went. I think 3 or 4 of us went up. Honestly, we cannot always go up. There are not always 7 of us there. We are not going to pretend that all 7 of us attend every month because some people are in court.

The Connétable of Trinity:

Can I just ask, is it the same 7 that are on the board, or do you alternate between the 12?

Jurat J. Le Breton:

No, the same 7.

Jurat J. Tibbo:

Seven are appointed by the court each year. Now, you tend to have continuity but we are going to have changes anyway because, for example, Jurat Bullen retires tomorrow and he is coming off the board.

The Connétable of Trinity:

Yes. Is there a minimum amount that would visit the prison?

Jurat J. Tibbo:

The quorum has to be 3.

The Connétable of Trinity:

Has to be 3.

Jurat J. Tibbo:

There is a quorum of 3 as required in the regulations. We are never below 3 that I can remember.

Jurat Mrs. J. Clapham:

No, usually more.

Jurat J. Tibbo:

We are usually more. We are usually 5 but people who are out of the Island, people who are in court.

The Connétable of Trinity:

I appreciate that. Do you find also with the workload of the Jurats that it has increased the workload of the Jurats? Also, having a dual process, is it a problem?

Jurat J. Tibbo:

Do you mean having the prison as well?

The Connétable of Trinity:

Yes.

Jurat J. Tibbo:

No, no, because I would, for example, tell the Bailiff's secretary generally when we are meeting and if I see a bit of clash, then the Deputy Chairman takes over. But I think I managed all 12 last year. Not sure. One I missed, did I? So I did 11 last year and obviously I try to be there.

Deputy M. Tadier:

These 2 questions are not meant to be mischievous but I think why I am going to ask them is to try and simplify things. So the first question I would ask is: if you had to say, does your position as a Jurat either enhance your capabilities on the Board of Visitors or does it make you less able to carry out your job or neither? That is the first one I would ask you.

Jurat J. Tibbo:

Now, which job are you asking as to whether it enhances?

Deputy M. Tadier:

I am asking as your role as Jurat in the Royal Court, your primary function, presumably, does that enhance your ability as someone on the Board of Visitors? Is it positive, negative or neither?

Jurat J. Tibbo:

I think I would say it enhances for the reasons we gave before. I would say - and I do not know whether my colleagues agree - I think being Jurats enhances our ability to do the Prison Board of Visitors' job. That is what you were asking?

Jurat Mrs. J. Clapham:

Quite apart from the personal contacts that we are able to pursue and get things done, I think we have quite a vast experience of criminal behaviour and the sort of things that people are in for, the sort of problems that they have had. So I think we have quite a good understanding of the kind of people we meet which I think possibly I would not have had before I was a Jurat, sympathetic as I might be.

Jurat J. Le Breton:

I agree. I think it works both ways. When I am in court I am conscious that we might be sending someone to prison; I know all about the prison, so in my case I think that helps and vice versa. When I

go to help a prisoner at La Moye, I feel I know about the court processes. Maybe I cannot, but I feel as if I can help him more because of the knowledge I have. I am not working in isolation at all. The 2 bond and overlap quite nicely.

Deputy M. Tadier:

Okay. That leads to my next question, and again it is a hypothetical one, but if you had to choose between doing one role or the other, so if you had to choose between serving in court or only being on the Board of Visitors, which would you choose?

Jurat J. Tibbo:

Well, there is no choice. It would obviously be being a Jurat.

Deputy M. Tadier:

In the Royal Court?

Jurat J. Le Breton:

In the court. The work is much more varied.

Jurat J. Tibbo:

But that does not mean to say that we do not take seriously the role of Board of Visitors, and that is why I felt I had to refute a number of the things that Mr. Pittman had put forward to you in my earlier submission, because I think to suggest that we are complacent about it is not right.

Jurat J. Le Breton:

It is unfair. It is unfair.

Jurat Mrs. J. Clapham:

It is a misplaced question anyway because you are most probably a Jurat until you are 72, so we are

stuck for being Jurats at the moment. But also I welcome, I like, the fact that we can put something in in a different way. For me personally I quite like being able to do that and hope I do it to the best of my ability and I would probably be the sort of person that would volunteer to be a Prison Board Visitor if I lived in England or whatever.

The Connétable of Trinity:

Would there be a case then - I am saying 72 is not an old age now - that retiring Jurats could also remain as a subsidiary of the Board of Visitors? Could that be a way forward to ease the load because you have all had experience, you retire, and all of a sudden all that experience just goes out the window? Is there a possibility ... because 72 is not the age it seems to me when we were - 40 years ago - everyone seems much younger at 72 ...

Jurat J. Tibbo:

How nice of you to say so, John. I think you could certainly go for 3 years anyway because Jurats can be called back for 3 years. They can be called back, as indeed recently one of the Jurats was called back because there were not enough Jurats on the Island to cover the cases. So you could do that; they are still Jurats anyway, so you could call them back for 3 years. Whether you would want somebody over 75 I think is ...

The Connétable of Trinity:

No, I was not saying that. I was just saying that say Jurat Clapham thoroughly enjoys her job and feels she would like to add something, it could be a benefit to the board to have somebody who has concerns like that to carry on. It is just a ...

Jurat J. Tibbo:

Absolutely, they could.

Deputy M. Tadier:

You can always go into politics, of course.

Jurat J. Tibbo:

You could do but I do not think you would get many Jurats going into politics.

Deputy M. Tadier:

It is just the speeches that go on for ever in politics.

Jurat J. Le Breton:

I do not know whether you are finished your questioning yet, but Mr. Pittman raised the issue of instant response at a time of crisis of some kind: suicides and there was the fire in one of the wings. I know that the procedure is to call in the Board of Visitors' Chairman as quickly as possible but where the fire was concerned you went there the very next day and then there was a report, a full report, made by the Deputy Governor for the President and the members of the board subsequent to that so that the board knew exactly what had gone on and how it had been dealt with and so on. But the Chairman had been there within 24 hours and I think the thing that concerned me about Mr. Pittman's comments were that we did not do that sort of thing or we were a long way away. But we are at the end of the phone and I think the Chairman responded as was expected then. I cannot imagine how an independent board in England would approach such a thing. There would be pandemonium going on, as you can imagine. Is he expected to be going around with a checklist asking certain officers what their function is at the time of ... I just do not know how that happens. Anyway, here in Jersey we have a response here. The Chairman did go pretty well straight away and we have a full report for us presented by the Deputy Governor.

Jurat J. Tibbo:

Can I amplify a little bit on that? In fact, the Minister was telephoned by the Deputy Governor. That fire was the result of a few prisoners barricading themselves into a cell and setting fire to various things and it was dealt with by the Deputy Governor because the Governor was away. The Deputy Governor

phoned the Minister at the same time who said he or she would go up the next day and just for the Deputy Governor to deal with it. He phoned me and I went up the next day. One of the suicides that was referred to, I was telephoned within half an hour and I was up there within the next half an hour. What could I do? Nothing. The matter, the whole situation, was being investigated by the police. I went to see the cell to see where it happened. The body had been taken away because obviously they were trying to resuscitate him.

Deputy M. Tadier:

If I can just make an observation on that, I suspect what Mr. Pittman may have been getting at is the fact that it sounds like you have trust in the prison administration in the sense that if there is a major incident like this you know that there is no need to go up straight away, apart from in the case of a suicide, because you know that the Deputy Governor is quite capable of dealing with that. Is that fair?

Jurat J. Tibbo:

I am not trained, and I would venture to suggest nor is Mr. Pittman trained, to tell the Governor or the Deputy Governor how to deal with a fire. He is trained to do these things. It is just not possible.

Deputy M. Tadier:

Is there an argument that perhaps what Mr. Pittman was suggesting that the presence of an I.M.B. member in the U.K. is purely as a witness so that they do not go up there and offer any advice but purely just to take a note of what is going on, so if he has any problems he knows they are underlined?

Jurat J. Tibbo:

Yes, we will go up there. As I say, I went up to the suicide. But the fire, I probably would not have been allowed anywhere near the building. Because obviously they surrounded the building to keep the prisoners in there, not in the fire, but in that particular building. They have to look after ... there is a very fine line between managing and doing what we do. There is a great danger of trying to take over and manage the prison and I have to say that in some of the prisons we visited, we had that impression

very much so that some of the independent board ... I would not want this quoted, sorry, I think it would be wrong to be critical of them in that way, but this is my impression.

Deputy M. Tadier:

But we are in an open meeting, Jurat, so ...

Jurat J. Tibbo:

Yes, I understand that. I understand that. I was really referring to ... but nevertheless I had the impression that they were trying to manage the prison. That is why you pay a Governor whatever you pay him. You pay him the same as you would pay a chief officer to run your department; you pay the Governor to run the prison.

Jurat Mrs. J. Clapham:

The other thing that I think is a by-product to the fact that they are Jurats, and maybe it could be coped with in another way, is that if we sentence people that we think are vulnerable for all sorts of reasons, either because of the crime they have done, they might be isolated or bullied or be a young girl who has to go to the Women's Unit (which we keep highlighting is not a good thing but anyway) all Jurats will alert the Prison Board and we would make it our duty to check that person is all right. Now, that could probably be done by somebody else because the Governor undertook to let the Board of Visitors know that they have vulnerable people and we tend, we certainly do make a point, of noticing.

The Connétable of Trinity:

So the duty, as I said, where the Board of Visitors have no power or anything to do with the prison governor and the way they are running the prison?

Jurat J. Tibbo:

I think that is putting it a little bit strongly. We have no power. Certainly, as I read out earlier, we have to be very conscious of the good order and security of the prison. We are there to help the Governor and

the Minister. If we think that they are being unduly harsh or whatever, we would speak to him about it, and we would discuss it with him.

The Connétable of Trinity:

The rules and regulations, are those defined by the Governor and the ...?

Jurat J. Tibbo:

The rules for the prison are defined by the Governor. We cannot put the prison at risk, or the prisoners at risk. That is the Governor's job to run. We do tell the prisoners that we cannot interfere with the running of the prison. But that does not mean to say we do not get things changed or whatever. Recently a number of prisoners were concerned about being tested for drugs on coming back in. Now, we took it up, I then signed a letter - because some of them had written to us - and we had arranged a test. The Governor discussed this with the manufacturer and they agreed to bring a representative of the manufacturer over to provide a test in front of the representative of the prisoners' councils. Now, that does not mean to say that they were all very pleased with the results or that they were satisfied with them but you can only go so far. I cannot say to the Governor: "That chap there, you must not penalise him because ..."

The Connétable of Trinity:

But that is reassuring because one of the people we did interview queried the machine that when he had been out for his day's work, came back and he said he was not happy with it. So if it is being monitored like that then it is a reassurance of the actual ...

Jurat J. Tibbo:

The criteria have been changed.

Deputy M. Tadier:

Well, I think certainly that is all we have to ask, unless there is anything you want to add.

Jurat J. Tibbo:

No, thank you.

Deputy M. Tadier:

No. Well, it just remains for me ...

Jurat J. Tibbo:

We were not trying to be defensive today because we do not feel we have anything to be defensive about. But equally I could not allow some of the things to be left unsaid which were said last week and which we felt had to be refuted.

Deputy M. Tadier:

Good. No, we appreciate that. So thanks for coming along and thanks for opening yourself up to scrutiny. We appreciate that you have busy lives like we have and we appreciate your patience, especially with the States overrunning as is wont to do.

Jurat J. Tibbo:

That is all right. That is one of those things.

Jurat J. Le Breton:

Understandable.

Deputy T.M. Pitman:

You must have had an interesting ... did you not have a meal or something with Mr. Pittman? That must have been quite an interesting, strained conversation.

Jurat Mrs. J. Clapham:

No, no it was not at all. We agreed not to speak about it. I think our partners might have been a bit reticent on this and it was all very good humoured.

Deputy M. Tadier:

Good. Again, thank you very much for your response.

Jurat J. Le Breton:

Thank you. No problem.

Jurat J. Tibbo:

Thank you.