

STATES OF JERSEY

Education and Home Affairs Scrutiny Panel

FRIDAY, 9th NOVEMBER 2012

Panel:

Deputy J.M. Maçon of St. Saviour (Chairman)
Connétable M.P.S. Le Troquer of St. Martin
Connétable S.W. Pallett of St. Brelade

Witnesses:

Jurat Kerley (Chairman of the Prison Board of Visitors)
Jurat Marett-Crosby (Vice Chairman of the Prison Board of Visitors)
Jurat Olsen (Member of the Prison Board of Visitors)

In Attendance:

Mr. M. Haden (Scrutiny Officer)

[15:04]

Deputy J.M. Maçon:

Good afternoon and welcome. Thank you for seeing us today. Just to put this into context, we received the annual report from the prison and also your own report and we read that with great interest and noticed a few issues which you did allude to in that particular report. Given that it is within our remit we thought it appropriate to keep these matters under review, and also we felt it was appropriate to hear from you directly given that we were getting the opinions of other stakeholders in this matter. So that is just to explain the context of how we are here today. From your report there are certain issues which we would like to ask you about. In particular, if we could start with the length of time for some prisoners who are held on remand. The Board acknowledged that for some reasons there is a delay and often these can be unavoidable, and they make an effort to ensure that dates for trial and sentencing are fixed as quickly as possible. I wonder if you could just expand on the problems as you see them or understand them.

Chairman of the Board:

Yes. Well, the time that some prisoners are held on remand has been a matter of concern to the Board for a considerable while, and if you read the previous reports

you will see this matter has been mentioned. My predecessor, Jurat Tibbo, brought this matter to the attention of the Law Officers' Department, which was the authority that the Board felt was most suitable to deal with that problem. However, as stated in our 2011 report, the Board is aware that the reasons for these delays are often unavoidable and it is frequently due to the legal process that the cases have to go through. At this stage I think I might ask Jurat Olsen, because of his legal background, to expand a bit further on the process one goes for when your case is brought before the magistrate and then to the Royal Court.

Jurat Olsen:

It might be helpful. With the exception of some statutory offences, safeguarding at work and that sort of thing, every criminal prosecution in Jersey starts in the Magistrates Court, of course as you will know, Connétable, having been a centenier. Everything that is going to end up being dealt with by the Royal Court, the assizes, inferior number, whatever, starts in the Magistrates Court. Very early on in the process the magistrate will form a view, as informed by either prosecution or defence, that he will either keep the matter within his court, within his own jurisdiction, which for these purposes is imprisonment up to a year, or it is beyond his jurisdiction or her jurisdiction, in which case, following the establishment of a prima facie case, one of the 2 remand procedures is used whereby the case goes from the magistrate up to the Royal Court. I think one of the problems we have is that the moment the magistrate ceases to be possessed of the case, seized of the matter, and it has been remanded to the court, there is a propensity for the case to fall into a hole. I think the matter could be addressed with a change to the legislation such that as soon as the magistrate remands the case to the Royal Court he remands it to a specific date in the Royal Court and that would, I think, help to ease this lacuna that we are seeing. I am not saying it is every single case that this happens to, but even this morning we were involved in a sentencing matter and there was a 6-week delay. No, let us not say delay; that is being a little bit critical. There was a 6-week gap for reasons we are not aware of between the remand up to the Royal Court and the presentation of the defendant on indictment. Some people might think that that is quite a long time, I personally do. But there have been other cases where the delay has been longer than that. In a way, we are glad you have drawn this point out because it is something that has concerned us and we do keep a very, very keen eye on these remand times. I know it is very fashionable for people to say it is not our fault but it really is not. We have the system we inherited.

The Connétable of St. Martin:

Once the magistrate sends it to Royal Court you have the committal date itself?

Jurat Olsen:

No, no, there is no date. It is just remand ...

The Connétable of St. Martin:

No, when I say you have the committal date, at the Magistrates Court?

Jurat Olsen:

Yes.

The Connétable of St. Martin:

Then it is remanded up. You are still under the responsibility of the Magistrates Court until your first appearance in the Royal Court if that magistrate has set bail conditions? I am sorry I interrupted. If the Magistrate set the bail condition?

Jurat Olsen:

Yes, the magistrate sets the bail conditions or, alternatively, remands in custody if he thinks ... for example, a very serious drugs case or a very serious assault case or something like this manslaughter case recently, there would be clearly no bail in a case like that. Then the magistrate ceases to be seized of it once that order has been made.

The Connétable of St. Martin:

How long can the person be remanded at La Moye then or in prison in custody when he is committed from the Magistrates Court? Does he have as in the Magistrates Court where you have to appear within 4 weeks or something?

Jurat Olsen:

Yes.

The Connétable of St. Martin:

Is there a specific time before the first appearance before the Royal Court?

Jurat Olsen:

I do not remember. I am sorry, I have not done this sort of stuff for a long time, but certainly if the remand will be in custody the Attorney General, the Crown Officers' Department, would ensure that the first appearance before the Royal Court came about fairly quickly. I think that there is a certain statutory time on how long you can be held without going before some court. I cannot remember what it is for today's purposes.

The Connétable of St. Martin:

But then the delays would then just continue?

Jurat Olsen:

Yes.

Chairman of the Board:

Yes, the prisoner would be remanded in prison custody until his next appearance before the court. So he may be indicted and then he comes up for pleading and then he will come up for trial and then he will come up for sentencing.

The Connétable of St. Martin:

But many months sometimes?

Chairman of the Board:

Sometimes it can approach it, yes, and it is particularly complicated if there are 3 or 4 defendants all being tried for the same offence. Some may plead guilty, some may plead not guilty. Somebody's counsel may require a slightly longer period of time to prepare their case. There are a whole load of factors which come into play over which we do not have any control but can create what we can see as delays which we would like to think were not satisfactory.

The Connétable of St. Brelade:

Who is explicitly responsible for bringing the matter expeditiously to fruition within the Royal Court?

Chairman of the Board:

As far as I can understand it, we have spoken to the Law Officers' Department because they bring the prosecution case, and it is not always entirely up to them but

they obviously are one of the main players in the process. We have brought it to their attention in the hope that they can speed up their side of it.

The Connétable of St. Brelade:

It is driven by the Law Officers?

Chairman of the Board:

It is also driven by counsel for the defendant.

The Connétable of St. Brelade:

That is where some of the delays presumably can ...

Jurat Olsen:

But on the other side of that coin, if counsel for the defendant thought that the prosecution is dragging its heels they will scream about it and make a fuss and frequently do.

Chairman of the Board:

But the Board at its monthly meetings, because we meet at the prison every month and each month the Board is presented with a remand time report which gives an account of all the prisoners on remand and the period of time that they have been held. So each month we are able to review that. This remand time report comes together with a case monitoring report prepared by the Law Officers' Department, and in that we can see when the prisoners on remand are next coming up in court for whether it is indictment or whether it is sentencing or trial or whatever it happens to be. We are able to monitor fairly closely the process which is going on and we do discuss it at our regular meetings with the Minister for Home Affairs. At our last meeting when we raised it the Minister has now agreed that he will bring it to the attention of the new Justice Board. We are basically trying to make sure that all the people who may be able to resolve these problems are aware that we are concerned about it.

The Connétable of St. Brelade:

How closely do you monitor a case where you know very well somebody has a mental health issue to ensure that things are brought to court in a reasonable amount of time and also to ensure that they are getting the right sort of help they need in that intervening time?

Chairman of the Board:

If you are referring to prisoners specifically with mental health, one obviously would be dependent on psychiatric reports. We do have one prisoner who is the longest one on remand who is currently held in a psychiatric prison or psychiatric unit in the U.K. (United Kingdom) where he is receiving treatment because he was considered unfit to plead.

[15:15]

We are very conscious of his situation and we keep abreast of what is happening to him. That, of course, is largely dependent on the reports we get from the unit in the mainland.

The Connétable of St. Brelade:

In terms of alternatives for remand, if they are not held here the only option is to be held in the U.K.?

Chairman of the Board:

Largely, yes.

Jurat Olsen:

There are, in fact, 2 at the moment, are there not, in specialist facilities? Without beating our own drum, there are times we can help prisoners to get before the court a bit more quickly. One complaint we had, I think it was earlier this year, was that this chap had appealed against his sentence and by the time the appeal was coming on he will have served the sentence. So we were able to intercede with the machinery of justice and his appeal was dealt with quite expeditiously after that. Incidentally, it was unsuccessful.

The Connétable of St. Martin:

Can I ask you very basically, please, just to explain how the Board works? You say you meet at the prison monthly?

Chairman of the Board:

We have a monthly meeting.

The Connétable of St. Martin:

For all the members or a number of you?

Chairman of the Board:

Well, obviously as many members as are able to attend. We obviously have a quorate number of 4. We meet there once a month and we interview or we speak to any prisoner who has requested to see us.

The Connétable of St. Martin:

They make a request prior to your visit?

Chairman of the Board:

They make a request and there are boxes on each wing into which the prisoner can confidentially put a request to see the Board. The first item which we deal with is prisoners' requests. The prisoner is brought and he comes in to see us and if he so wishes he can see us without the prison officer being present or if he is happy the prison officer can be there. Then we listen to what he has to say and wherever possible we do our very best to help him.

The Connétable of St. Martin:

Do you get much criticism of having been involved as jurors previously maybe in the sentencing?

Chairman of the Board:

Never been mentioned.

Vice Chairman of the Board:

Never been mentioned.

The Connétable of St. Martin:

Never?

Vice Chairman of the Board:

No.

The Connétable of St. Martin:

Because that is one thing that comes out sometimes, does it not?

Deputy J.M. Maçon:

Although I suppose would they necessarily complain to you in that same way, I wonder. It is one of those ...

Chairman of the Board:

Certainly, no one we have ever seen has said: "It's not much point my talking to you because you put me here." No comment like that has ever been made. Most of them come to us and they seem to feel perfectly relaxed and perfectly able to tell us what is worrying them or concerning them.

The Connétable of St. Martin:

Do you get feedback from them afterwards ever?

Chairman of the Board:

Yes. They can come and see us time and time again and some of them are regular visitors. We see them quite often.

The Connétable of St. Martin:

They just like to see you. [Laughter]

Vice Chairman of the Board:

Apart from those monthly visits, we are on rota system, the members of the Board, so within that month a member of the Board visits on their own. Again, we see the prisoners. So there is a little bit more of a follow-up than just monthly. There is somebody there. Again, we speak to the prisoners, any prisoner who wants to see us. We look around the wings; look at different aspects of it. There is quite regular presence of a member of the Board in the prison. We come, we go at any time we want, ring the Governor so that there is a member of staff to show us around.

Chairman of the Board:

In addition to that if we felt that we needed to visit more frequently we could do so.

Deputy J.M. Maçon:

Just for clarity in my own mind, with regard to remand times, you spoke about having perhaps a specific date. Can I just ask an open question? Would the Board favour a system of custody limits that perhaps operates in the U.K.?

Chairman of the Board:

I do not really think that is for us. We are really more concerned with the prisoners' welfare and their problems within the prison. I think that is more a question you ought to ask the Law Officers rather than ourselves.

Deputy J.M. Maçon:

Okay, thank you. Any other questions in that section that members ...

The Connétable of St. Martin:

No.

The Connétable of St. Brelade:

No.

Deputy J.M. Maçon:

Thank you. If we can then talk about another point you raised in your report, which is the accommodation for juveniles and young offenders at La Moye. We note that when there were inspections there was a concern raised around juveniles and perhaps older offenders mixing. I wonder, though, if the Board has noticed any particular welfare problems caused by the mixing of juveniles and young offenders.

Chairman of the Board:

No, no. The problem you have at La Moye, as far as we see it, is more a matter of economic prudence. It does not make economic sense to have a dedicated unit just for juveniles and young offenders. It would be very expensive and I do not suppose the Home Affairs Department would have it within their budget to provide that sort of facility. I think we are of the view that although the existing accommodation is not ideal, in the circumstances the Island finds itself in it is the very best that they can offer. The young offenders and the juveniles are held on the top floor of K Wing. K Wing is one of the standard wings where male prisoners are held but the top floor is entirely isolated. It has its own separate entrance and there is no way that the adult males below can communicate or in any way mix with the young offenders above. The accommodation there is extremely good and there is no way that the young offenders are in any way disadvantaged by being held there. In fact, I would say there are possibly quite a few advantages that they benefit from, i.e. the libraries, the training facilities, the football. All the facilities that La Moye provides for the adult

prisoners are, therefore, available for the juveniles. I do not think that their accommodation there in any way disadvantages them. Again, this is a question which we raise regularly with the Minister but it is a political question. It is really a matter of you supporting the Minister to provide him with a budget that will enable him to provide a unit dedicated for young people.

Jurat Olsen:

Would you like to talk of the young female offenders?

Vice Chairman of the Board:

Yes. Can I just mention we have, for example, one female juvenile at the moment at La Moye. She, of course, is part of the women's wing. She will be mixing with older women but on the whole it seems to work quite well. They are very supportive towards her. She is happy there. I saw her a couple of weeks ago, went to see her. Always has to be realised that if juveniles are there, even if they have not asked to see us, we try to go round to see them. She seemed happy and all right. Although, saying that, it is probably not ideal.

Jurat Olsen:

It is probably better than being in solitary confinement.

Vice Chairman of the Board:

Yes, of course.

Jurat Olsen:

Which is what the effect of having a female wing would be.

Vice Chairman of the Board:

The other option is to keep her downstairs in solitary.

The Connétable of St. Brelade:

I think with one individual you are probably right with that, but has there been an issue in the past when there have been more female young offenders?

Vice Chairman of the Board:

Usually ...

The Connétable of St. Brelade:

Because we are lucky at the moment ...

Vice Chairman of the Board:

Yes. Usually there are not very many in my years of experience there. Usually we are talking about one. I think I do remember a case where there were 2 but I think that is the most.

The Connétable of St. Brelade:

A minimal number.

Vice Chairman of the Board:

Minimal numbers, which is what makes it difficult.

Chairman of the Board:

Then again there are times when the accommodation in K Wing is empty, when there are no young offenders. It is entirely unpredictable as to how many people you are going to have in custody at any one time.

The Connétable of St. Brelade:

In terms of young male offenders, how many are normally there at any one time?

Chairman of the Board:

As I said, it is unpredictable. Sometimes you have one or 2 or sometimes you will have 5 or 6.

Vice Chairman of the Board:

At the moment there are 5 or 6, are there not? There are 6 including the juvenile.

The Connétable of St. Brelade:

But that would be maximum number?

Chairman of the Board:

No, no. They can hold a lot more than that.

The Connétable of St. Brelade:

But on average there is no more than 5 or 6?

Chairman of the Board:

The Prison Governor I am sure could provide you with statistics as to how many they have over a year and what is the maximum they can accommodate.

The Connétable of St. Brelade:

Obviously at the moment we are quite lucky that young offending has gone down a great deal, so it would be less of an issue.

Vice Chairman of the Board:

Yes, it has.

Jurat Olsen:

It is very encouraging.

Deputy J.M. Maçon:

I will just ask, have you noticed any trends, anything particular, certain times of the year or anything like that, or is it just totally random?

Chairman of the Board:

It seems quite random.

Jurat Olsen:

One trend, though, that we have noticed is a general lowering of the prisoner population overall. There have been times where there has been a couple of hundred and at the moment it is sitting at 154.

Vice Chairman of the Board:

That is right.

Jurat Olsen:

It has been there for quite a long time, around there anyway. We do not why that is but that is certainly a trend that the population is declining.

Chairman of the Board:

This time last year the prison population was sitting somewhere between 170 and 180, whereas now it is sitting somewhere between 150 and 155. We cannot offer you any explanation as to why or not but ...

The Connétable of St. Brelade:

You did say there is no communication between adult inmates on K Wing and young offenders. When you say no communication, they cannot hear each other or they cannot shout at each other? There is no opportunity ...

Chairman of the Board:

No, the whole thing at the top is all sealed off.

The Connétable of St. Brelade:

Okay, so there is no chance of any intimidation or any ...

Chairman of the Board:

No.

Deputy J.M. Maçon:

I wonder, just talking about the overall kind of prison population size, how you feel the Repatriation of Prisoners Law when ratified and comes into operation how that will affect your overall workload if any.

Chairman of the Board:

Well, it is not possible to say at the moment because we have not really been informed of what the detail of this law will be. As we understand it, it means that prisoners who come from Poland or Portugal could go to their homelands to serve their sentence, but under what regime they serve it, will it be mandatory for them to go or it will be up to them to request it? Could they request to go and serve their sentence in another European country? We are not certain. All I can say is that the circumstances under which prisoners are kept at La Moye is of an extremely high standard and there may be a few who would be reluctant to go and serve their sentence in their home countries where conditions in prisons there may not be quite the same as they are here.

Deputy J.M. Maçon:

Just on a broader point on that note, when you do visit the prison do you have interpreters open to you, as I am conscious you might see some prisoners who English may not be their first language?

Chairman of the Board:

If we are speaking to a prisoner whose English is not very good, wherever possible they do have Polish and Portuguese prison officers who will come in and help translate. If the prisoner is from another country, then basically we have to just accept whatever English he is able to speak to us.

Deputy J.M. Maçon:

Does that raise a concern for the Board?

Chairman of the Board:

It has never caused us a problem because most of them there can speak English to a standard which we are able to understand. I mean the ones we do see.

The Connétable of St. Martin:

I suppose the worry with the Portuguese and the Polish as well is that you are using a prisoner officer while you are speaking to them and they are not going to complain about ...

Chairman of the Board:

No.

The Connétable of St. Martin:

Or you are going to get a ... I am sure you would not get a different translation.

Chairman of the Board:

No.

The Connétable of St. Martin:

I am being a bit naughty but, yeah, it is not an independent ...

Chairman of the Board:

We do not have independent translators available to us. Obviously, if we felt there was a circumstance where we needed to interview a prisoner with a professional

independent translator available we could arrange to do so if we felt the matter required it.

Deputy J.M. Maçon:

Any other questions on this section?

The Connétable of St. Martin:

Can parents complain to you? I mean if a parent has a youngster at La Moye and they wanted to make a complaint because they do not think ... and you are visiting the youngsters at La Moye and speaking with them, but if the parents or say a mother or father wanted to make a complaint about the treatment of their son, how would they get hold of you and do they do that?

Chairman of the Board:

The situation has never arisen to our knowledge.

The Connétable of St. Martin:

Would they know how to get hold of you?

Chairman of the Board:

I am sure that if they expressed their concerns in certain areas, maybe to the chaplaincy team or other people who visit the prison, they could be recommended to get in touch with the Prison Board of Visitors.

The Connétable of St. Martin:

It is just you get a slight concern that they might not know how to. Even with my background, I was not sure of the exact role and how you carried out the role. My background not meaning I have spent time. **[Laughter]**

Jurat Olsen:

We assumed you meant as a policeman.

The Connétable of St. Martin:

Thank you.

Deputy J.M. Maçon:

If I can - we have touched on it a bit - flesh out this area of offenders suffering from emotional or mental health issues, which we note you use quite strong language in your reports regarding this area and I am sure you will be conscious that we have just had the Minister for Health and Social Services and her team talking to us today about it.

[15:30]

I wonder if perhaps you could just expand on how you see the issues within the prison or within the prison population.

Chairman of the Board:

Here I think we see it in 2 problems. The first one, one might say, is those prisoners who suffer from mental problems which have been recognised and are being treated. I think we are quite happy that in those circumstances the very best is done for them. What concerns us is that there are occasionally prisoners who appear to us as a Board to have serious problems by the way in which they present themselves to us when they come to see us, which we feel is either emotional or mental problems but these problems have not been officially recognised or identified. These are normally what I think are called borderline personality disorders or behavioural problems and they are obviously struggling within the prison environment at La Moye to cope. Frequently it means that they require extra attention from prison officers. Sometimes they need to have 2 or 3 prison officers to move them around because their reactions can be quite violent and unpredictable. We just feel that maybe La Moye is not the right place for them, that there should be something else. There should be ...

Vice Chairman of the Board:

Yes. It is a very difficult area because, of course, we are not professionals in mental health. It is just the impact when we see them that we feel that they are not coping. They are vulnerable, they are volatile, sometimes behaviour is all over the place, and when we share our concern with the Governor he seems to always agree with us and say yes, they are aware that this prisoner is in some way unstable. But very often the professional's report is that there is not a mental illness, at least not a treatable mental illness, and that therefore La Moye is the only place for this prisoner to stay. What we try and do then is discuss with the Governor any sort of support that we can give the prisoner. Also, we do sometimes ask whether the prisoner can be reassessed.

Jurat Olsen:

One chap, I was up on my own doing one of the sole members that Jurat Marett-Crosby referred to, and I had not met this gentleman before. I used to be Chairman of the Mental Health Review Tribunal before I was a jurat and I have met many saner-appearing people in that capacity. This chap presented on the day. You are right, we are not trained, but you get a bit of experience. This chap was psychotic. So I was quite forceful in my report, because we file a written report of our meetings to the Board. I was quite forceful. I think I used the word "psychotic". The Board then decided to ask the Governor to have him reassessed and the psychiatrist came back and said there was nothing the matter with him. We were absolutely gobsmacked but we do not have the expertise to argue. This chap continued. On one occasion, Jurat Kerley talked of them filing a little form to ask to see us. In one meeting we went to he had filed 34 forms to see us. Some of them were blank. That is the sort of case that gives us cause for considerable concern. There are going to be other cases where prisoners will have mental health issues. It is a very depressing thing going to prison so they will have a bit of depression. That is par for the course and it is very unfortunate, but it is these more serious cases that have really, really worried us.

The Connétable of St. Martin:

You say you do not have the expertise. Do you have a right of appeal to the Prison Governor once you ...?

Jurat Olsen:

No.

The Connétable of St. Martin:

Nothing?

Chairman of the Board:

Well, it is not a matter ... the Prison Governor is very cooperative and we are able to speak to him at any time when we need to. We bring these matters to his attention and say that this particular prisoner is causing us concern by his state. The Prison Governor will then explain to us what he is doing on his side to accommodate the prisoner, but frequently he is as frustrated as we are because there is no alternative to La Moye for these people.

The Connétable of St. Brelade:

It must be extremely worrying because not only is it worrying for the remand prisoner or prisoner themselves because obviously they are at risk themselves, but they are also putting staff at risk. I have known of situations where staff have been attacked by prisoners that are clearly ... they have not been identified as being mentally ill, but clearly have problems. It sounds to me as if these issues are going to carry on raring their ugly head, unfortunately. How do you see a way of solving or taking it forward to providing a system where there is less chance of putting prison staff at risk? Because obviously prison staff are being put at risk.

Chairman of the Board:

It is not just the prison staff, it is also other inmates, because some of these people's behaviour is so unpredictable that if another inmate were to say something or do something it could spark off a spontaneous violent reaction and there is concern for everyone. But I do not think it is our place to put forward the solutions. What we are doing is bringing it to the attention of yourselves in the hope that you may be able to talk to other people, maybe the Minister for Health and Social Services, to say that with the Minister for Home Affairs and the Minister for Health and Social Services, perhaps they could get together and look into this problem and see what they could provide as a solution from within their resources to see if some unit or something could be done to help these prisoners.

The Connétable of St. Brelade:

Do you see the way that these prisoners are assessed as flawed or is there no opportunity for a second or third opinion or that type of fallback scenario where at least if your concerns are raised we are not going back to the same assessor or same doctor who is going to have another look and may come to the same conclusion?

Chairman of the Board:

Yes.

Vice Chairman of the Board:

This is the sort of thing. Last time we were there we did ask for another assessment on a particular prisoner. We have not had it yet.

The Connétable of St. Brelade:

Within Island or ...?

Vice Chairman of the Board:

Within Island.

Chairman of the Board:

Such an assessment would be arranged through the Prison Governor, so perhaps they do tend to call on similar professionals.

Jurat Olsen:

We are very pleased you have raised this point because we are hoping that now someone might start listening to us on this matter. Can I just tell you, talking about the point that Connétable Pallett made, there is one very large gentleman in there at the moment with a long list of previous convictions mostly involving violence, firearms possession and public order offences. He presents in a way that is psychotic. It needs 3 officers to transport him from one part of the prison to the other because he is so dangerous, and yet we are told there is nothing wrong with him. I am sorry ...

Deputy J.M. Maçon:

I wonder if I can just interject here. Obviously, we did have the Minister for Health and Social Services and her department before us just before and they did inform us that the process that they follow ... and obviously the panel is unable to express an opinion about this at the moment, but they did comment that when it came to the assessment and the reassessment if another view was needed to be sought it came from within their own provision. For example, there is not the ability for someone outside doing those assessments to call someone else in to say: "Actually we do not agree", for whatever reason: "We do not agree with what Health and Social Services are recommending." Further that to the evidence that the Prison Governor provided us with, which is on occasions for legal matters, for example, there is a court case going on and therefore a further independent assessment has been needed over the mental health of the individual and when that further independent analysis has been done then it seems to be at odds with what the Jersey system has recommended. You seem to suggest that this might be occurring more often. Would that be an accurate understanding of what you said?

Vice Chairman of the Board:

Again, I think we have to keep it in proportion. We do not come across many people suffering from what we are saying, but there are certainly some that do cause concern. But we are not talking about a substantial proportion of the prison population by any means.

Chairman of the Board:

No. We may get one, 2 a year at most, and we are possibly talking about 3 or 4 over the last few years.

The Connétable of St. Martin:

Although we have heard this afternoon that they are talking about 12 per cent of the prison population suffering from some sort of ...

Deputy J.M. Maçon:

Well, some sort of.

The Connétable of St. Martin:

Some sort, not to the extent ... Further, just another one briefly, are you told before you speak to a prisoner that the prisoner is receiving treatment? You talk about 3 prison wardens escorting somebody across the prison. Are you just put into a room?

Chairman of the Board:

We have a sort of a room which we generally meet the prisoners in and the prisoners have to be brought from whatever activity they are doing at the time to this room for us to speak to them. This particular prisoner when they moved him around, because of his unpredictable behaviour, they had to have 3 prison officers in case he decided to run off or attack somebody. His behaviour was unpredictable so it did take 3 prison officers to escort him. As it so happened his behaviour was fine and he was quite lucid and he did not cause us any problem at all. The fact that we had seen him several times, we knew him quite well.

The Connétable of St. Martin:

You are making your assessment when you see the person in front of you? You would not have known before?

Chairman of the Board:

Yes. The prison officer with us did say: "He has to be escorted by 3 officers so if you just mind we'll get rid of the prisoner you have just seen and get him out of the way before we bring the next one in."

The Connétable of St. Martin:

Then you report your concern to the Prisoner Governor?

Vice Chairman of the Board:

Yes.

Chairman of the Board:

Yes.

The Connétable of St. Martin:

Not to the Minister for Home Affairs?

Chairman of the Board:

We see the Prisoner Governor immediately after we have spoken with the prisoner. He comes to us every month and he reports to us on the activities that have gone on in the prison and we can question him on anything that arises from the report. We always discuss the prisoners we have spoken to, their concerns, their worries, their problems, and then he tells us what he can do to solve it or resolve it. Then we are careful to go back to him and say: "Prisoner so and so raised that concern last month. What have you done to help?" Or: "Can you just report back to see how you have solved his problem?"

The Connétable of St. Martin:

It could be seen by some, I suppose, that any recommendation you have made has been kept in-house anyway. No one else knows about it. I have full respect for the Prison Governor and confidence in the Prison Governor, but for people who are suspicious they could think ...

Chairman of the Board:

Most conversations we have with the prisoners are confidential. We do not brandish them around. They are just between ourselves and the prisoner.

The Connétable of St. Martin:

They are, but you are after action to be taken or improvement maybe that might need to be taken and you are relying solely on the Prison Governor to take that.

Jurat Olsen:

Mostly the relief they are seeking from us is within the gift of the Prison Governor, which is why it is the appropriate thing. You would be quite shocked at the triviality of some of the things that are referred to us. A pair of shorts has been held at reception and they have not been allowed to have their shorts because they may have traces of drugs on them or something. I do not think the Minister for Home Affairs would like to be troubled with that particularly.

Chairman of the Board:

One of the matters raised by a prisoner at our last meeting was the fact that he had had a pair of trainers which had been in his property box, which had been removed because the description of the trainers that he was wearing did not match up on his property sheet so it looked as though he had acquired these trainers from another prisoner or whatever it happened to be. The prisoner complained to us that these trainers had been taken away from him, but then when we looked at the property sheet it is pretty obvious that the description he has signed of the colour and the make and the design of the trainers did not match the pair of trainers that they were talking about. We look into things like that and then we are able to go back to him and say: "Well, there is your property card. There are the trainers. They don't match up."

The Connétable of St. Martin:

More on the health one, where you come to the Prison Governor and say: "Listen, I am concerned about this chap", forgetting what complaint he may have made to you when he has visited you, you are coming with your complaint if you like ...

Chairman of the Prison Board of Visitors:

Or concern.

The Connétable of St. Martin:

Your concern certainly, and you are only relying on the Prisoner Governor. The next month or a few weeks later he says: "We have sorted that out" or: "We have seen another doctor and everything is fine." There can be that little bit of suspicion that it is being kept in-house and not to worry about it. I do not know.

Chairman of the Board:

We see the report, the follow-up report, of course.

The Connétable of St. Martin:

Okay.

[15:45]

The Connétable of St. Brelade:

Your role very much is looking after the welfare of prisoners and making sure that they are well looked after. In extreme cases do you see any role for yourselves where you may have more power to insist on reassessments being done or making sure that your concerns are listened to or do you believe that you have enough forcefulness within the system at the present time?

Chairman of the Board:

I think our remit is in the Prison (Board of Visitors) (Jersey) Regulations 1957 and we are quite confined by what is in there. It is a statutory obligation which we fulfil.

The Connétable of St. Brelade:

It may fit within a certain remit at the moment but could you see that remit being extended?

Chairman of the Board:

That would be a political matter. That is in your court. It is legal.

The Connétable of St. Brelade:

Could you see any advantages to that in terms of dealing with ... and it will only be ...

Chairman of the Board:

I think you would have to give us a slightly more detailed picture of what you would be proposing to extend it, and obviously it would have to go before the House, be debated and presumably the law amended.

Vice Chairman of the Board:

I think if we were feeling very powerless with the Governor, which we do not because I think if we did say we would like somebody reassessed I think he would definitely agree to do so, but if we felt totally powerless we then have our quarterly meetings with the Minister and we would say it to the Minister. We would put that view to him and we do. All these issues that you have raised we have discussed at our Home Affairs meeting with the Minister.

Chairman of the Board:

I think if there was something that arose which we felt needed immediate and urgent attention we would go straight to the Minister and he would be more than happy to speak to us.

Deputy J.M. Maçon:

Can I just ask to get a better understanding, when you are talking about asking for the reassessments can I just get an idea of how often that might happen?

Vice Chairman of the Board:

A couple of times a year at the most.

Chairman of the Board:

Very infrequently.

Vice Chairman of the Board:

As I said originally, the Governor was more than happy. He too was very concerned about this prisoner. It is not as if we were saying it to the Governor and the Governor was saying: "Oh no, no, he is fine. There is no problem at all." He too is concerned but there seems to be an impasse somewhere where the health authorities or whoever it is are saying: "This man is not treatable" or: "It is not right for him to be in a different place than La Moye."

Deputy J.M. Maçon:

Can I just ask, do you ever get an opportunity to discuss any concerns that you have with the Minister for Health and Social Services and would you like that opportunity?

Chairman of the Board:

We never have, as far as I know, but I think I am certain that if we felt there was something we wanted to raise with the Minister for Health and Social Services we

would possibly do it either through the Minister for Home Affairs or if we felt particularly concerned I am sure the Minister for Health and Social Services would come and speak to us if we approached her. But it is very kind of you to raise that.

Vice Chairman of the Board:

It could be very useful.

The Connétable of St. Martin:

Well, it was useful this afternoon when the Minister for Health and Social Services came.

Jurat Olsen:

I think the thing we must not lose sight of is that, as one of you picked up, our job is the welfare of the prisoners and it is pretty tied to the regulations, is it not, so it really begins and ends there.

The Connétable of St. Brelade:

In terms of the treatment services that are currently available for those that have mental health issues within the prison, do you think those services are adequate at present or do you think there is opportunity there to maybe build on what they currently have? The mention was 10-12 per cent of prisoners may have a minor issue with their mental health. Do you think there is enough provision within the prison at the moment to provide for that?

Chairman of the Board:

From our understanding, and again this is something we have raised, is the number of prisoners who are under medication of some sort and I think the female wing is ...

Vice Chairman of the Board:

Very high.

Chairman of the Board:

... about 80 per cent or something. We have raised our concerns with this and I know the Prison Governor has looked into whether there is a similar problem with other prisons such as Guernsey or elsewhere. Most of it appears to be on the case of depression, is it not?

Vice Chairman of the Board:

Yes.

Chairman of the Board:

Most of them seem to get medication for depression, but one also has to bear in mind that certain medications become commodities within the prison community and I think they are always conscious that requests for medication could be for reasons other than that which they have stated.

The Connétable of St. Brelade:

Anti-depressants have problems within themselves. It may solve a problem but you are also causing one as well.

Vice Chairman of the Board:

Yes, exactly, and that is why we have raised the issue because that is ...

Chairman of the Board:

As far as we are concerned, those minor ones I think are catered for adequately within the current system. The ones which caused us concern were those that were slightly more serious. As I have said, La Moye does not have a facility for very serious psychiatric patients. They have to go to the mainland.

Vice Chairman of the Board:

Again, in the batch of reports we get on a monthly basis we get healthcare reports, so we do get not individualised, not the names of the prisoners, but we get the number of people going to the G.P. (general practitioner), the people referred to the psychologist, and we do know those figures. Again, it is something we do keep an eye on. It is something that does come to us.

The Connétable of St. Brelade:

Some of those issues will also come from drug use as well because if you are talking drugs, you come off it, there is potential for depression.

Vice Chairman of the Board:

Yes, absolutely.

Jurat Olsen:

I was just looking for that report, actually.

Vice Chairman of the Board:

Yes, I have it here.

Jurat Olsen:

For example, the last report for October, the healthcare report we got, just to answer that specific question, there were 2 psychiatry clinics treating a total of 8 inmates in the month. There is also a one to one psychology programme, is there not, with a very good psychologist up there?

Vice Chairman of the Board:

Yes, there is. She is very good, yes.

Jurat Olsen:

So, yes, they are trying.

Vice Chairman of the Board:

They have 2 trainee psychotherapists working in the prison at the moment. They are running quite a lot of courses on anger management or those sort of things. Certainly, over the years that I have known the prison, because I used to know it in a chaplaincy, nothing to do with jurats, there has been an enormous amount of change and most of it is so positive compared to what was there before. There was virtually nothing.

The Connétable of St. Brelade:

Just in terms of that mental health provision, is it all done ... in terms of providing doctors and those that are involved in mental health provision, is it done within the prison or do some prisoners go outside for it?

Chairman of the Board:

It is all done within the prison.

The Connétable of St. Brelade:

It is all done within.

Deputy J.M. Maçon:

Any further questions on this section, members?

The Connétable of St. Martin:

I do not think so.

Deputy J.M. Maçon:

I am just conscious of time. The impact of the recent developments on the prison, we are very conscious of the new building and you have touched on that already. I wonder perhaps if you could just talk about any recent developments on the prison, any observations that you have made and anything you would like to highlight, whether than be within staff changes or within the facilities changes.

Chairman of the Board:

I suppose within the facilities one has to say that the new reception centre is quite outstanding and will be a great asset to the prison. It really is a wonderful facility.

Vice Chairman of the Board:

Yes. One of the great weaknesses of the prison has been where visitors come. There was really no facility for children and a very, very unsympathetic visitor forum, and that will change now. We spoke about the space allocated for children to play and they are going to increase it a little bit, but it is splendid compared to what was there before.

Chairman of the Board:

If we had a concern, it would be that a lot of this development has been at the expense of the compound, which is where all the agricultural and horticultural activity takes place. This has shrunk considerably as a result of that. The facilities there are constantly being encroached upon, and yet this is a wonderful therapeutic way for prisoners to spend their time there and the work which they do is really very good. I think your parish at one stage used to get their hanging baskets.

The Connétable of St. Brelade:

We still buy regularly from the prison.

Chairman of the Board:

They are extremely good and I think their contribution to the States' stand at the Chelsea Flower Show this year was again extremely good. They have knocked

down some of the polytunnels and they are now constructing a new green house and training centre, but I think this is slightly reducing the number of prisoners who can take advantage and work there because the space is not there anymore. So that causes us a bit of concern because it was a wonderful facility which they had and they used to grow their own vegetables and eat them through the kitchen and that reduced the costs of the food. We feel that that is a shame that that has been reduced.

Jurat Olsen:

On that point, we go and see the kitchens every visit, or virtually every visit, and we talk nearly every time to Mr. Pattison-Sowden, who is the catering manager. He was telling us that in the good old days when the compound was really running well he was achieving cost savings of £6,000 a year through that and now it is down to £2,000. So the compound has really shrunk.

The Connétable of St. Brelade:

In terms of the reduction in that type of activity, and also there has been I think some suggestion - and I think it has been happening - there has been some reduction in the education provision as well ...

Jurat Olsen:

No, I do not think ...

The Connétable of St. Brelade:

I think that was something that was mentioned at one of the briefings we had with the Prison Governor. Well, okay, the question would be, if that was the case, would you see that as being an issue in terms of the welfare of prisoners again in the fact that taking away these options would impact on their welfare to some degree?

Chairman of the Board:

Yes. We would raise that sort of matter with the Minister at our regular meetings. It is presumably a matter of cost and how he applies his resources. We can express our ... or I think we have expressed our concern. The compound was a wonderful facility where these prisoners were able to do something useful and constructive.

The Connétable of St. Brelade:

But you certainly would not want to see any education provision reduced?

Vice Chairman of the Board:

Certainly not.

Chairman of the Board:

No.

Jurat Olsen:

I was quite surprised you mentioned that ...

Vice Chairman of the Board:

Yes, I am surprised, too.

Jurat Olsen:

... because our impression, and we monitor this very, very closely, is more people than ever are going on things like carpentry courses, bricklaying, art, literacy. There is a lot of education and training going on, so I am interested in that.

Vice Chairman of the Board:

Yes.

Jurat Olsen:

We have certainly not noticed it.

The Connétable of St. Brelade:

I may have misunderstood but I certainly ...

Deputy J.M. Maçon:

I am not sure whether it was not through cost savings they might have reduced ...

The Connétable of St. Brelade:

It was definitely through its C.S.R. (Comprehensive Spending Review) savings.

Deputy J.M. Maçon:

It was through a C.S.R. saving, Comprehensive Spending Review. I am not sure if it was courses or teachers or was it the staff that they brought in to teach certain courses they did not have the budget to do that anymore?

The Connétable of St. Brelade:

I think we would have to go back and check the transcript.

Deputy J.M. Maçon:

It will be in our report but we have it ...

The Connétable of St. Brelade:

It is good that you certainly would not want to see it reduced. I think it is something none of us would.

Chairman of the Board:

No. We would like to compliment the prison. The artwork which is being done there at the moment is quite outstanding and the young lady who teaches the art has really got the prisoners fired up and now they are doing ceramics work as well.

The Connétable of St. Brelade:

I just saw one of their art exhibitions ...

Vice Chairman of the Board:

Exhibitions down in ...

The Connétable of St. Brelade:

There are some very talented people.

Chairman of the Board:

It gives a wonderful outlet for prisoners to express their emotions and their feelings and spend a lot of time slightly distracted from their environment.

Deputy J.M. Maçon:

Obviously, there is going to be an inspection, we understand, next year of the prison. I wondered if you have any thoughts or comments on that and whether you would be asked to contribute to that inspection.

Vice Chairman of the Board:

I think we would. Last time they did.

Chairman of the Board:

I think we were last time and we would be more than happy to contribute.

Deputy J.M. Maçon:

One question which I want to ask: it has been suggested to me by a member of the public that there might have been or there was an individual person with quite severe mental issues who they allege was kept in effectively solitary confinement for about 11 months. I wonder if that rings a bell with any of the panel members or ...

Jurat Olsen:

When, do you know, Chairman?

Deputy J.M. Maçon:

I am afraid I do not have the time.

Jurat Olsen:

I have seen nothing like that, to be honest.

Vice Chairman of the Board:

I have not.

Chairman of the Board:

No. The only prisoner with serious mental issues who, as far as I remember, was held in what they call the C.C.U. (Care and Control Unit) for a period of time is now the young man who is in the mental institute in the U.K. and he was put there because they could not keep him with the ordinary prisoners. Whether he was there for 11 months or not, I do not know, but he was put there pending his transfer to a suitable unit on the mainland.

Deputy J.M. Maçon:

Members, do you have any final questions?

The Connétable of St. Brelade:

Just one. It is something that the Honorary Police have a fairly big role within. The taking away of electronic tagging into the home checks, has that had a positive effect on prisoners in terms of the fact that they are not tagged any longer? Have you had any feedback from prisoners?

[16:00]

Chairman of the Board:

No one has raised that with us at all. We were not aware of it, but certainly we have not had any comment from prisoners' perspectives.

The Connétable of St. Brelade:

No negative comment?

Jurat Olsen:

No comment at all.

Deputy J.M. Maçon:

Any further questions?

The Connétable of St. Martin:

No. Thank you for explaining it this afternoon. Thank you very much.

Deputy J.M. Maçon:

In which case, I would like ... oh, before I close, as always I give everyone the opportunity for perhaps there is anything you feel that you would like to re-emphasise, perhaps you feel the panel has not quite got or understood something that you have said. I always like to give witnesses the opportunity to respond to give them that opportunity, and I give you that now.

Chairman of the Board:

I think we would just like to say how much we admire the Prison Governor and his staff and the excellent job that they do. They are very caring and their relationship with the prisoners we think is very good. So much so that we actually had one prisoner who had spent a considerable amount of time at Her Majesty's pleasure on the mainland and he complimented La Moye on being the best prison he had been to and that the staff there were compassionate and caring and considerate. So I think we would like to compliment the prison staff.

Jurat Olsen:

On his transfer to the U.K. he sent the Governor a thank you letter. **[Laughter]**

Deputy J.M. Maçon:

Just before I bring this hearing to a close then on behalf of the panel and the people of the Island I would very much like to thank you for your role and what you do on our behalf. Thank you very much. In which case I bring this hearing to a close, if I could ask members of the media and the public to withdraw from the room as per our protocols.

[16:01]