

17 March 2008

Deputy Deirdre Mezbourian
Chairman
Education and Home Affairs Scrutiny Panel

Dear Deputy Mezbourian

Prison Board of Visitors

Thank you for your letter 516/6 (1) of 13 March. It was good of you to write and tell me that your Scrutiny Panel will be considering the matter of the La Moye Board of Visitors in September. You invite me to make comments on the matter.

My first point is this: unlike all English prisons La Moye does not have an Independent Monitoring Board, with its members properly trained and making regular, systematic visits to the prison to hear prisoners' grievances and to assess the conditions and work of the prison. A look at the relevant website clearly sets out the responsibilities, membership and duties of such boards. Also IMBs make annual reports directly to the Home Office, bypassing the governor of the prison.

Here in Jersey we have a highly inadequate system, the Board of Visitors (the name for 100 years borne by Independent Monitoring Boards until a few years ago and changed so that the nomenclature is not confused with prison visitors), solely made up of Jurats. First of all this seems highly inappropriate in that the Jurats are part of the machinery of justice and will have been active in determining guilt and the length of sentence of those imprisoned in La Moye. It is hard to imagine how they can be totally neutral and objective adjudicators of prisoners' complaints and concerns when it is they who have sentenced them and 'sent them down'. This surely cannot be satisfactory and can hardly be human rights compliant. Also as a respected part of the Island's judiciary, it is difficult to see how Jurats can be willing readily to criticise the prison regime. Also the responsibilities of Independent Monitoring Board members should not be undertaken without proper training for both chairman and those others on the Board: the Jurats forming the BoV at La Moye receive no such training.

IMB members are on rotas requiring at least weekly, unannounced visits to the prison, by a member of the Board, with the visit properly written up and discussed at the Board's monthly meetings (with the governor present). My understanding is that such unannounced and unaccompanied visits round La Moye by members of the BoV do not currently take place.

IMBs have special responsibilities when there are prison suicides or disturbances. They have clear routines of entering the prison to ensure that the staff are acting properly and effectively in such crises. Members of IMBs are required to attend, properly identified by tabards, to observe. This does not appear to be a responsibility undertaken by the La Moye BoV.

After the last report by HM Inspector of Prisons on La Moye. I wrote to Anne Owers concerning La Moye's Board of Visitors and its inadequacies. I received a positive reply but was told that the matter of independent monitoring was not part of her remit. Two or so years ago I was in touch with both Senator Kinnard and the Attorney-General on the matter. Neither has been willing to pursue the matter or contemplate reform of the BoV. I copied my correspondence with them to the Bailiff who as head of the Island's judiciary surely has some responsibility himself in this matter.

It is surely relevant that Jersey's Board of Visitors seems to have made no major contribution in highlighting the inadequacies of La Moye, so clearly pointed up in the two HM Inspector of Prisons reports. This is an indicator of their failure to carry out a rigorous and much needed system of monitoring.

Currently the Jersey 'establishment' is rightly or wrongly being criticised for being unwilling to wash its dirty linen in public. Is the lack of a proper and effective Independent Monitoring Board at La Moye, whose members would be drawn from those with appropriate experience, respected and with a record of acting responsibly in the community, indicative of this reluctance to expose inadequacies in the Island's institutions?

I should say finally that I served on an IMB in England for several years and that I would be willing to appear before your Scrutiny Board in September if this would help your deliberations on this far from unimportant matter.

Yours sincerely

Robin Pittman