

STATES OF JERSEY

Education and Home Affairs Scrutiny Panel

Review of the Prison Board of Visitors

THURSDAY, 26th MARCH 2009

Panel:

Deputy M. Tadier of St. Brelade (Chairman)

Deputy T.M. Pitman of St. Helier

Connétable J.L.S. Gallichan of Trinity

Miss S. Power (Scrutiny Officer)

Witness:

Mr. R. Pittman

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

... a subject of interest to you for quite a while.

Mr. R. Pittman:

Yes.

Deputy M. Tadier:

First of all, before ... or just to kick us off, can you just give us an explanation of what your experience is? I believe you have had some experience in the U.K. (United Kingdom) with the equivalent of the board of visitors.

Mr. R. Pittman:

Yes. I was on ... well, could I just make a point about nomenclature first of all, because there have been boards of visitors in English prisons for over 100 years and about a decade ago, of course, the names were changed to independent monitoring boards so that they would no longer be confused with prison

visitors, which was a totally different category. And, of course, the Jersey La Moye board of visitors has not changed its name at the same time. So when I was a member of a board of visitors, it is now an independent monitoring board, and that was for 3 years at Wetherby in Yorkshire, the young offenders institute there. As part of my experience as well, I certainly spent a day at Full Sutton jail near York and also in Hull. Indeed, I have also been round La Moye as well when I was doing a book, *Journey Round Jersey*. The then governor was generous in giving me a tour and I actually interviewed prisoners and, in fact, prison officers.

Deputy M. Tadier:

Okay, that is good. That is a useful background for us.

Mr. R. Pittman:

Indeed, I went on courses, of course, as a member of the board of visitors at Wetherby.

Deputy M. Tadier:

Yes, okay. I am going to put it to you, we have been taking evidence from various people, including prisoners at the prison, the Governor, and we have just heard from the Home Affairs Minister. Now, surely the current system works fine; the argument if it is not broke do not fix it, what do you make of that?

Mr. R. Pittman:

I have a number of things to say. Would it be impertinent of me to allow me to develop what I want to say myself and then perhaps come back with questions if I have not covered them? Are you happy with that?

Deputy M. Tadier:

Yes.

Deputy T.M. Pitman:

Absolutely, yes.

Mr. R. Pittman:

My main point is that I do not believe that the jurats are suitable people to be an independent board of visitors or monitoring board at La Moye. They are respected members of the establishment, may I say, and indeed are part of the machinery of justice. Indeed, 4 of them are personal friends of mine, 2 of whom are actually sitting here in the public gallery at the moment. So it is slightly awkward for me, but I nonetheless feel strongly about the matter. I think it is ironic and inappropriate that jurats who play an integral part in the whole machinery of justice are also those people who are meant to monitor the prison, and I do not believe that they are suitable people, therefore, to hear complaints from prisoners who might have a justified complaint about the system there. I also think because of their position as jurats and respected, highly respected, members of Jersey and its establishment that they are not really in the position to be able to make truly forthright criticisms of the prison and its operations here. Indeed, I think the history of the prison, the Ramsbottom and the Owers reports indicates that. Also, my understanding is that the jurats, unlike members of an I.M.B.(independent monitoring board) in England, receive no special training for their task, nor does the chairman of the board of visitors here, as far as I know, have any special training for that purpose. Indeed, if you are a member of an I.M.B. in England and you are about to become a chairman of an I.M.B. you actually go on a further course for that training. One of the functions which an I.M.B. does, members of an I.M.B. do, and also the jurats do, and that is visit the prison. In correspondence with Wendy Kinnard 2 or 3 years ago she explained to me that the jurats - a jurat, member of the board of visitors - in fact visited ... well, there were 2 visits, I believe, by jurats between the monthly meetings of the board of visitors. I wonder whether that is enough. My experience was that a member of the board of visitors in England ... on a rota basis one member went in every week to the prison, and I wonder whether once a fortnight is enough. Also, when that member visited the prison at their own choosing of time and so on, they went round the whole prison unaccompanied, whereas I am told that the normal procedure here at La Moye is that a jurat is accompanied by I think it is normally the Deputy Governor. That I do not feel is correct for a truly

independent monitor of the prison. Also ... well, you might just like to know the background that one was actually given a set of keys, one was given the equivalent of a rape alarm, one had received training from prison officers about if one was in a cell you stayed by the door and that sort of thing, and one went round everywhere. It took about 2 or 3 hours at Wetherby to do this job properly: sick bay, kitchens, prisoners could talk to one, prisoners had put in sometimes a request to see one, and one saw them obviously on one's own. If there were matters arising from that visit, one then took it up with the governor privately afterwards and, of course, one logged the visit very closely and the logs were then inspected and discussed at the monthly meeting of the board. I therefore wonder whether, in fact, the visits by the board of visitors here at La Moye is as thorough as that, and I think this business of being accompanied rather than doing the visit unaccompanied is a factor that I would hope that you might like to consider. Also, anybody in special confinement had to be visited by a member of our board and one had to quiz them also about their knowing why they were in special confinement and so on. That all had to be logged as well. Also at Wetherby, the board of visitors - now an independent monitoring board - had a rota where a member went in, one member per week, and interviewed separately, sat down with him - there were only male youths there - and interviewed them in a proactive way. We had a sort of pro forma of questions to ask them and chat with them: "How is it going? What is your experience of the prison?" and so on. Again, it is my understanding there is no such arrangement here, but I think that is a very good way. It is not just waiting possibly for a prisoner to say that they wish to see a member of the board, but members of the board then get a feel across a cross section of the inmates as to their view of the prison and any grievances that they might have. That, I believe, does not happen at La Moye. Then there is the question of emergencies, riots, suicides and so on. Now, independent monitoring boards have a routine for this to be called in at once to see that correct procedures are, in fact, being carried out by the prison staff. Members of the independent monitoring board called in on that matter should actually wear tabards which actually indicate that they are members of the I.M.B. Now, in my correspondence with Wendy Kinnard she said that there had been a fire and a barricade incident in 2004 at La Moye. She explained that representatives of the board of visitors visited the day after. To my way of thinking, that is not adequate at all, to be called in the day after. As soon as there was a fire and a barricade incident, the board of visitors should have been contacted and should have been there. Then

we come to the annual report. Now, I.M.B.s make an annual report to the Home Office and that is, indeed, a requirement of the board of visitors here to the States. My understanding is that this business of reporting in fact had lapsed some years ago but prompting and publicity given to this issue by myself, I do not know, but in fact the annual reports have now started again. I have here the latest one, the prison board of visitors report for 2007, which was presented to the States by the Minister for Home Affairs on 24th April 2008. I have one or 2 comments to make about this. It reads in places like a board of directors with some sort of executive responsibility for the prison reporting on its affairs during the previous year. There is a whole section on funding which I do not actually believe really truly is a matter of the independent monitoring board as such. This is the sort of report that the Governor should be making as the executive head of the prison. It suggests to me that the board of visitors, therefore, is not truly fulfilling its independent role. Then there is an amazing section, to my way of thinking, a paragraph: "Death in Custody". There were 2 deaths in custody in 2006 and if I can read it, it says: "At the request of the Minister, both were investigated by Mr. Stephen Shaw, Prisons and Probation Ombudsman for England and Wales." Inquests were held and reports produced, redacted versions of which appeared on the Home Affairs website. In a subsequent press interview, the report says Mr. Shaw was reported as saying, "If I had come across any prison in England and Wales in the same state as I found La Moye, I would have walked straight out and expected to see the Secretary of State for Justice within 24 hours." Now, that extraordinary statement received little qualification here. What precisely the board of visitors are saying that Mr. Shaw saw to make that reaction is not known. What does the report say? "This statement, together with the findings recorded in the last 2 inspection reports, are those of well-qualified and experienced independent professionals and should be fully taken into consideration when assessing any plans for future improvements." It is all so weak. What was it that Mr. Shaw really found so desperately wrong that could not be mentioned in the report of the board of visitors? To me, it reeks, I am afraid, of complacency and some of this report, too, is too full of congratulations to this and that and the outgoing Governor and so on. This is not the job of the independent monitoring board primarily. Then, consider the 2 inspections by H.M. Inspectors of Prisons, Ramsbottom and Owers. This has happened on the board of visitors' watch. Why did it have to be Ramsbottom and Owers to bring all these matters to the public attention and not an independent

monitoring board? Why? Because I think the jurats are in a very difficult situation, I appreciate it, to raise serious complaints and considerations about the running of the prison. They are part of the whole set-up that sends the prisoners there. Finally, Mr. Chairman, and thank you for letting me come and speak, I wrote to Anne Owers after the last report, the second bad report that the prison had, and I asked her why there was no mention in the report of the board of visitors and what part it was playing at La Moye. She answered in this way. She said: "The question of these boards is really a matter for the Island authorities. I share your view that robust and regular independent monitoring is an essential complement to anything that an inspectorate can do," and my submission to you is that the board of visitors is constituted by the wrong people for this task and that over the years they have neither been robust nor are they independent.

Deputy T.M. Pitman:

Thank you very much.

Deputy M. Tadier:

Do you want to pick it up or shall I?

Deputy T.M. Pitman:

You go.

Deputy M. Tadier:

Okay. Thanks for that statement. I think there is some very useful information in there and I think it is also useful to have the jurats here because when we interview them later they can obviously tackle some of those issues directly.

Mr. R. Pittman:

Yes, absolutely.

Deputy M. Tadier:

The question I wanted to ask, really, is that we did put similar questions to the Home Affairs Minister earlier about this conflict or the potential conflict and, indeed, we had asked him if there was a human rights conflict there. Now, he seemed to be saying that from the advice that he had received, although that remained confidential and we were not entirely privy to it, that so long as the correct safeguards are in place within the system then there is no problem with the effectively dual role of the jurats in this case. How would you respond to that?

Mr. R. Pittman:

Well, he may or may not be right from a legalistic point of view, but I believe it is a commonsense point of view and it is the very nature of the jurats' office and the respect in which they are held and the functions that they carry out as jurats that makes them inappropriate to be an independent board of visitors. In a way, the legalistic point as to whether it is actually human rights compliant or not in that sense I think is probably not the most relevant point.

Deputy M. Tadier:

Because presumably that depends on who you ask as well, I would imagine?

Mr. R. Pittman:

Yes, but I think even if human rights ... it was human rights compliant, I feel ... I hope that I have expressed many other matters for your consideration about the desirability of them being a board of visitors.

Deputy T.M. Pitman:

Just to take on from what Deputy Tadier has said, there is obviously quite a feeling, I think, that justice not only has to be done but it has to be seen to be done, and that would tend to be a key element of what you are saying. It has to be absolutely straight down the line, no questions, no doubts. Would that be fair comment?

Mr. R. Pittman:

Absolutely. I must say I think then again I had further correspondence with whoever was the Assistant Minister for Justice when Wendy Kinnard resigned ...

Deputy T.M. Pitman:

Andrew Lewis? Was it Deputy Lewis at the time?

Mr. R. Pittman:

Maclean, was it?

Deputy T.M. Pitman:

Deputy Lewis, I think.

Mr. R. Pittman:

Lewis, that is right. He had made a statement in the *J.E.P. (Jersey Evening Post)* and I wrote to him and questioned this. I think in his reply he said that, well, no prisoners or their representatives had ever complained about the board of visitors. Well, to my way of thinking you cannot expect a prisoner at La Moye - perhaps you have found differently - would know the ins and outs of this matter. A prisoner at La Moye would not know how independent monitoring boards ... or probably, unless he has served time in an English prison, as to how it operates in England. So he is not in a position and to put that forward that prisoners have not objected and, therefore, the system is fine does not carry much weight with me.

Deputy M. Tadier:

I did read that part of your ... Interestingly enough, and I do not want to pre-empt the findings, but we were surprised by some ... by the awareness of some of the prisoners, actually. They were very aware of the potential conflict. Not all of them. As you say, you cannot necessarily presuppose that they would know all the intricacies as we would.

Mr. R. Pittman:

Yes.

Deputy M. Tadier:

Can you embellish a little on the area ... you mentioned that the jurats might be unwilling to criticise.

Why would that be?

Mr. R. Pittman:

I think it is extraordinarily difficult for them to be independent. They uphold a lot that is good in Jersey about its judicial system and so on. It is very difficult for them to castigate the prison in the terms that they should have done. If they had been able to, surely some of the matters that Ramsbottom and Owers brought to the fore should have come from the board of visitors in their annual reports if nothing else, which are public and should, therefore, have received publicity. I think it is very hard to ask jurats from their position as judges, in a sense, to do this. They are not by their appointment and nature truly independent.

Deputy T.M. Pitman:

Do you think that issue is compounded by Jersey being such a small geographic place as well?

Mr. R. Pittman:

That is a further thing. In England ... and certainly there were magistrates as well as laypeople who were not magistrates - and I was not a magistrate - on independent monitoring boards but, of course, in England the prison population goes to this prison there and that. The likelihood of somebody who had been sent down by a magistrate being there in the same prison unit was highly improbable. While it is true that obviously I am sure a jurat would withdraw from any adjudication and so on if that jurat had been involved in sending down that particular prisoner, it is the nature of the jurat's situation in this small community that makes them, to my mind, unsuitable. I would not say if you had an independent

monitoring board here that it would not be wrong; it might be fine to have, say, a minority of jurats on it. But I think it would be much healthier if, in fact, the chairman were a layperson and not a jurat, but it might be helpful to that board actually if there were a minority membership of jurats on it.

Deputy T.M. Pitman:

You have answered my next question brilliantly there. So, obviously the jurats have ... I think we would all agree have probably got a lot to offer in this area, but it is having that balance perhaps. We have heard from others that possibly a split sort of board with some input from jurats and laypeople, that would be something you would ...?

Mr. R. Pittman:

Yes, I would, but I also think the board of visitors at La Moye has got to appear independent to the prisoners. A prisoner has got to feel absolutely free and it has got to be advertised very, very clearly when a jurat comes in that that prisoner ... I beg your pardon, when a member of a board comes in, that prisoner can see them privately and individually. One small footnote here, I understand the jurats actually take part in adjudications. That also sounds different from English practice when a governor does the adjudications. Again, this is something I did several times as a member of an independent monitoring board. I went along without the governor knowing I was coming and sat in on his adjudications, again to see that everything was going accordingly as it should.

Deputy M. Tadier:

An area of concern for me is that although our current board of visitors has the right to make unannounced visits, they do not currently do that. Is that something that ...?

Mr. R. Pittman:

I think it is essential for an independent board, the members to visit frequently with one per week having the responsibility to visit and definitely to turn up unannounced, free, morning, noon and night. I remember the last time before I moved to Jersey I had my week's duty and it was actually New Year's

Day and I turned up at lunchtime or late morning. The prison officers were extremely surprised to see a member of the board there, but it was actually excellent because the prisoners were largely on association, there was ... the prison officers were doing good things with them and relating to them and so on, and it was just a different time from the usual routine in the prisons. I had also once during my time I went in there fairly late in the evening and definitely I think this ability to tour the prison on one's own, given a set of keys, tour on one's own and actually have the instruction, of course, previously as to if there were difficulties how you would cope with them.

Deputy T.M. Pitman:

Drawing that point out a little further, what are your own feelings on why that does not happen in Jersey?

Mr. R. Pittman:

I do not know. The jurats do not receive training from the Organisation of Independent Monitoring Boards in England so they do not know the practice, presumably.

Deputy M. Tadier:

Okay. Coming back to the point I tried to make at the very beginning, one of the compelling arguments for maintaining the status quo, whatever the scenario is, is that if something is not broken, do not fix it. That is effectively what we have heard this morning to a certain degree, that the current system, although it may be imperfect from what you pointed out, effectively does work well. The jurats, it has been said, are in a very good position to be able to deal with advocates and to get things moving. To what extent in your mind is that a compelling argument to keep the status quo?

Mr. R. Pittman:

Well, if it is not broke, do not fix it; La Moye has been broke. Things I understand are improving there and there has been more money put in and new wings built and so on, but in fact it has been extraordinarily broke under this present arrangement. The notion that jurats ... you know, there should

be other means by which a prisoner can secure legal advice and there is absolutely no reason either ... if a layperson were a member of the board they would be, one hopes, chosen because they are moderately intelligent and respected and know their way around. There is absolutely no reason why they, other than a jurat, you know, could not give advice to a prisoner on this basis. But, you know, I also do slightly question whether it is the job of an independent monitoring board member actually individually to help a prisoner with advice on legal matters or contact and so on. There should be ... that is something which the prison should be able to offer and there should be others going into the prison and offering this help as well. Indeed, I think the Samaritans go in and no doubt the C.A.B. (Citizens Advice Bureau) is involved as well.

Deputy T.M. Pitman:

It was put to us earlier that possibly if laypeople were involved they would not be treated with the same respect that jurats obviously with their background are. How would you respond to that?

Mr. R. Pittman:

I find that an absolutely extraordinary suggestion.

Deputy T.M. Pitman:

Please feel free to ...

Mr. R. Pittman:

Why would the jurats be better respected ... but anyway, it is the wrong relationship again. You know, a prisoner should not be in awe of the person because of their position within Jersey's establishment. I find it quite hard to answer that because I ... you would hopefully appoint people of standing to the board of visitors who would naturally gain the respect of prisoners by the way that they deal with them.

Deputy T.M. Pitman:

I think the implication, if I understood it, was that not just the prisoners but if laypeople were to bring up

any areas of concern that that would not hold as much weight as the jurats bringing these concerns forward.

Mr. R. Pittman:

But the jurats have not been bringing concerns forward, that is the point. An independent monitoring board, truly independent, should have, dare I suggest it, the authority to bring these matters forward, whereas I feel there is a sort of hidden, slightly undefined inability of the jurats to be as forthright as they could be. You know, what I quoted from the annual report, the Stephen Shaw business, I think indicated that.

Deputy T.M. Pitman:

As you appreciate, I am not saying I share those views but that is obviously ...

Mr. R. Pittman:

No, absolutely, I realise it, yes, sure.

Deputy M. Tadier:

How are the independent monitoring boards in the U.K. generally made up? What type of cross section of people, ages, et cetera?

Mr. R. Pittman:

There were some magistrates. I think there was about 30, 40 per cent of magistrates in our I.M.B. They were mixed mainly of professional people. I was an ex headmaster. There were teachers. They were the sort of mix of people that you would find on the bench of magistrates. Dare I say it, no doubt the sort of people you find as jurats. They are not unbelievably special. They are chosen for their qualities.

Deputy M. Tadier:

I am sure they will have a chance to ... any objections at another time. Certainly, one of the concerns I

had, possibly, is that if you ask ... if you are saying that you have to be a jurat to serve on the board of visitors, you are possibly excluding people who could actually have a lot to offer. Is that something that you would share?

Mr. R. Pittman:

Undoubtedly. I think there are people in Jersey I would hope who would wish to do work like that. It has a ... Jersey has a good reputation surely for people wanting to do public service and I think there would be a number of people who would be of considerable ... you know, who would be interested in being part of an independent monitoring board. But I think, with that, I honestly think the future, if there is a change in the system here and you advocate it, it should get slotted into the whole I.M.B. organisation in England and the members of such a board of visitors - perhaps the nomenclature should also be changed - should actually go for training and have the feedback and the know-how and the instruction from the English I.M.B.s.

Deputy T.M. Pitman:

I am sure we will get the chance to find out directly in our next session, but from your perspective do you think the jurats are almost caught between a rock and a hard place? They are providing this service I am sure with the best intentions in the world. I mean, it has grown up with Jersey tradition. Do you think there is almost a reluctance to change because it is the Jersey way?

Mr. R. Pittman:

I personally would think from my own feelings it is something that Jersey finds difficult to change. Yes is my answer, really, to what you are saying there. I think ... yes, I think I can see the reluctance to do it and I sense reluctance in this in the correspondence and the 3 or 4 years that I have been attempting to mark up my views on this matter, that there is a reluctance to change. Indeed, I have had discussions with 2 of the jurats here on a personal basis and know ... I do not want to decry what they are doing, it is honourable and it is a commitment which they do utterly sincerely. I just think it is not the best way.

Deputy M. Tadier:

Okay. Let us see, we have lots of questions here, it is just trying to find out which are the most pertinent to get the most of our time. We mentioned before to our previous guests that if we had to create a system from scratch that we probably would not opt for this one, and that is something that they agreed with. So, just to tease out a bit more, if you had to make up a board of visitors, or with a different name, perhaps, in Jersey, what are the actual type of people you would be looking for and how would they be selected?

Mr. R. Pittman:

Well, I think you would certainly need ... there are, what, 7 at the moment? I think probably you need a few more, probably 10 or so, so that the roster system could work without huge demands made on individuals. I think one would advertise for those wishing to be considered as well. As to who would actually do the appointing, I have not given thought to that and I really do not know what the answer is. Difficult if you are starting to form an independent monitoring board actually who you therefore ... who monitors the monitors, so to speak, so I have not given thought to that.

Deputy M. Tadier:

But would you be entirely satisfied if rather than ... if it was actually the exact same people who elected them, so if it was comprised of States Members and advocates, but they were not simply limited to electing jurors, they could actually elect people from the wider community, would the conflict still be there? **[Interruption]**

Mr. R. Pittman:

I just have not given thought to this, as to how you would actually form this independent monitoring board in the first place. I would have to give consideration to it. I just do not know what ... you would need obviously a selected group of people and perhaps it should be representative of, you know, somebody ...

Deputy M. Tadier:

That is fine, we do not need to dwell on that.

Mr. R. Pittman:

I really cannot think, but yes, I think perhaps it should be a board that could have a jurat on it, a States Member and so on, and one or 2 other people like that. I can think of a number of honourable people in Jersey who could act as a selection board.

Deputy T.M. Pitman:

I would just apologise for the phone; that is a £10 fine for me. I was particularly interested in what you said about the special responsibilities in the U.K. if there was a riot or suicide. Why do you think that system does not operate in Jersey? Turning up the day after an event, as you say, seems a bit ...

Mr. R. Pittman:

Well, again, I think if you had an independent monitoring board, the chairman of that independent monitoring board would have briefed the Governor on what had to be done in an emergency and who should be called out of the I.M.B. and so on. Also, an English prison governor would know exactly what the format is in such a circumstance and obviously the chairman of the independent monitoring board would be contacted immediately. The I.M.B. would then and should have a mechanism for who goes in and how quickly.

Deputy T.M. Pitman:

Would it be right to surmise that this is linked into the fact that the board of visitors over here do not get any specific training?

Mr. R. Pittman:

I would have thought so, yes, definitely. If you were a member of ... and especially if you were a chairman of an I.M.B. in England you would know exactly what the duties as chairman of that I.M.B.

would be. One of them would definitely be how to react to emergencies in the prison, be they suicides or riots.

Deputy M. Tadier:

I think if you are happy we are going to fire through some questions which should not take too long, it is really just for us to get some background information. So the first one is in your experience how many prisoners were made ... how were prisoners made aware of the functions of the independent monitoring board and the issues the board could and could not help them with?

Mr. R. Pittman:

There were notices up in each wing about the independent monitoring board, its function and how a prisoner could contact the independent monitoring board, so that when one went in on one's ... you know, the roster on one's weekly visit, you knew then, the governors could tell you, or the deputy governor, what prisoners wanted to see you.

Deputy M. Tadier:

When we went to the prison we were told that the prisoners were asked on the day whether they wanted to go and see a member of the board of visitors.

Mr. R. Pittman:

That does not sound adequate to me. There should be clear notices in each wing indicating how a prisoner can contact the I.M.B. member, and also to see them privately. I understand ... the jurors would know, but I understand that sometimes prisoners appear before all of them. This did not happen in England. A prisoner does not appear before the I.M.B. sitting in power there round the table. It is on a one to one basis.

Deputy M. Tadier:

Okay, that answers another one of our questions, actually. Was the prison governor present during your

meetings?

Mr. R. Pittman:

Yes, the governor came to the monthly meeting, yes, and that is important, of course, because he has feedback. But, of course, the board is independent of the governor and has direct lines to the Home Office or perhaps it is the Ministry of Justice now in England.

Deputy T.M. Pitman:

We have covered that one already, I think, number 9(?). With unaccompanied visits, perhaps I am being naïve, but I would have thought in the U.K. there was far more possibility ... lots of the prisons would have been far more dangerous than Jersey's. I may be totally wrong in that. Do you think there is any justification for not having unaccompanied visits?

Mr. R. Pittman:

I think it is ... no, I think it is important that the visits are unaccompanied and with proper training there is no problem. For instance, a chaplain moves round a prison on his or her own and also, you know, the nature of prisoners in prison, you know, you are not threatened by violence all the time. In fact, they are normally extraordinarily placid and even unpleasant ... unpleasant, I should not say that, but possibly unpleasant youths are quite placid to visitors like that. I never had any problem at all of that nature.

Deputy T.M. Pitman:

I have to put this very tactfully, but it is just what was put to us previously. It was put that our board of visitors will naturally be elderly so that was a reason possibly why they would not do it. I do apologise. Would that be any justification for ...?

Mr. R. Pittman:

Well, of course, you could make that criticism of the jurors in Jersey that most of them, I think all of them pretty well, are over 60. That was not so with the I.M.B. I was a member of. There were actually

professional people, I should think 40s, 50s. We were not all elderly like I am now.

Deputy T.M. Pitman:

And the training would, as you mentioned, have come into that anyway?

Mr. R. Pittman:

Yes. The training is one-day courses normally, yes.

Deputy T.M. Pitman:

What else, what other sort of securities were there for that? You had keys, you were given the equivalent of a rape alarm, did you say?

Mr. R. Pittman:

Yes, you had an alarm which you could set off which would start a sort of screaming and, of course, you are never really far away from a prison officer. You know, you are not on your own. But I just feel that you can see things well on your own and it is up to you what you do and where you go and so on, and I think that is very important.

Deputy M. Tadier:

I think we will be drawing to a close because I think we have pretty much exhausted our questions and that is partly because you have been very forthcoming with your information. Thank you. You have mentioned in one of your letters about the whole Jersey political system and we know it has been a tough year and couple of years in many ways for the Jersey Government or the establishment, whatever you want to call it. To what extent is this to do with what we mentioned earlier about public perception and the perception that everything should be done in a proper fashion? What were the other advantages perhaps, apart from the concrete advantages, of making this change? That is a slightly abstract question, so I apologise.

Mr. R. Pittman:

There is criticism of the Jersey system, so to speak, in inverted commas, of it being unwilling to change, slightly secretive. Indeed, the States goes into secret session occasionally which appals me when it is a legislature I voted for. I think there is this slight problem and I think the perception is important here. We have said it before today, and I think the independent ... the board of visitors at La Moye should appear to be independent as well as being independent. I think that is very important. I think I have said it, yes.

Deputy M. Tadier:

Okay. Lastly, I think I do risk straying into new territory, but one thing that ... one observation I might make is that if we were to change the system, or if I phrase it in a different way, you seem to have singled out the board of visitors for scrutiny in a sense, that you perceive there is a conflict in the dual role. Now, surely there are other areas in the Jersey system where that dual role also occurs. Is that something ... why is that something you have not picked up on?

Mr. R. Pittman:

What would you be suggesting there?

Deputy M. Tadier:

What I am saying is that once you start to scratch the surface of this and if you are saying that this particular system needs to be changed, I mean, there is the whole dual role of the Bailiff, et cetera, things like that.

Mr. R. Pittman:

Well, I might have a view on that, that is true. Indeed, I discussed it with the Bailiff a few months ago. He has given me an interview for the book I am doing. I am interested in the prison because I was interested in the job of being a member of the I.M.B. at Wetherby. I was about to be made chairman when, in fact, circumstance brought us over to Jersey 10 years ago, so I never got there. It was my

interest in the prison and in how independent monitoring boards work that has fuelled my interest in this matter. I think it is really slightly irrelevant, really, as to what I think about the dual role of the Bailiff and so on.

Deputy M. Tadier:

But if I can perhaps put that in a slightly better context, one of the arguments which the traditionalists may give for not wanting to change the system would be that it would open up a political can of worms insofar as if we did make any changes to this, they would say it may undermine our political system which has been stable for such a long time. Is that a valid argument?

Mr. R. Pittman:

I cannot myself see what the connection between having a properly set up independent monitoring board at La Moye ... I can hardly think this challenges anything else concerning duality and so on. I really think it is a separate compartment altogether.

Deputy M. Tadier:

Presumably if that argument were used, would that be a valid argument to keep the board of visitors at ...?

Mr. R. Pittman:

No, certainly not. I think the whole history of La Moye over the last decade and the reports made of it cries out for a truly independent monitoring board. I think that is ... I think that is irrespective of other considerations.

Deputy M. Tadier:

I will let you come in, Trevor, but just one more point. Part of your criticism seems to be on the basis that the Jersey prison has been left to go into ... you know, let us say rack and ruin over certain years, if you will allow me to call it that. You seem to be attributing some of the responsibility to the board of

visitors and the way it is made up. What if that is not true and there is another reason that the prison has been left to go into that ...?

Mr. R. Pittman:

There are undoubtedly other reasons and prisons are not desirable places for politicians to put public money in. I realise all that, but I believe that if the board of visitors had been more ... had been functioning better and had been more independent and they had not just been made up of jurats, I think at least some publicity could have been given to what was wrong at La Moye much earlier and more loudly.

Deputy T.M. Pitman:

One question, in our previous session with the Minister he outlined a lot of ... obviously there is a lot of key areas of work that the Minister for Home Affairs has got on his plate, so to speak, and I think he described this as something that would be nice but not his priority. How would you react to that observation?

Mr. R. Pittman:

I would not be happy with it. I think it should be a priority because I feel very strongly about it. Quite why it should take him a huge amount of time to effect some sort of change in the system I do not know. Is it his responsibility? The Attorney General and the Bailiff, I feel, have and should have views as those who actually administer justice in the Island. I think it is a matter of a degree that the Ramsbottom and Owers reports I think indicate the urgency of the matter. I can only repeat the words of ... what was it, the 2 words, that the independent monitoring of the prison should be robust and independent. Those were the words of Anne Owers.

Deputy M. Tadier:

Perhaps one last question is presumably ... we do not know the findings yet of this review group. If no changes are implemented, either because we do not consider them to be necessary or because we do but

then the States themselves do not ratify them, what will your reaction to that be and how will you proceed?

Mr. R. Pittman:

I am not sure, but I feel that you have given me the opportunity and I am grateful to you for having given you my views very fully and you have been generous in that respect and I shall have tried and probably failed.

Deputy M. Tadier:

Have you got anything to add?

Deputy T.M. Pitman:

No, just again to thank you for being so informative and honest. We appreciate it.

Mr. R. Pittman:

Well, thank you for inviting me.

Deputy M. Tadier:

Yes, thanks for your time.

Mr. R. Pittman:

I hope Jim(?) and I have a reasonable supper tonight together.

Deputy T.M. Pitman:

I was going to say, you should have an interesting evening, yes.

Deputy M. Tadier:

Mr. Pittman, you are obviously welcome to come back when the jurors are sitting to give us advice. I

am sure you may find that interesting.

Mr. R. Pittman:

Yes. Could Sam tell me when that will be? Thank you very much.

Deputy T.M. Pitman:

Thank you.