

13 June 2006

Senator Wendy Kinnard
16 Royal Square
JE2 4WA

Dear Senator Kinnard

La Moye Board of Visitors

You may recall that, over a year ago, you and I had a long phone conversation concerning the current arrangements for and constitution of the La Moye Board of Visitors. My concern about this matter has been further stimulated by reports in the JEP of Deputy Bob Hill's scrutiny panel and the justification and defence of the present Jurats-only membership made by yourself and others.

One Jurat claimed to have observed the workings of Independent Monitoring Boards in England and declared that the Jersey system was as effective. Unlike this Jurat I served for a number of years on an IMB and do not agree with her. Another Jurat commented that he had never received a complaint from an inmate about the dual role of the Jurats. It would indeed be surprising if many prisoners would be conscious of or articulate about the anomaly, but this does not invalidate the fact that one exists.

A quick look on the internet concerning the role of IMBs, which as you know all English prisons have, suggests a number of questions concerning the Jersey situation.

1. Do individual Jurats on a regular, at least weekly, rota basis have unrestricted and unannounced access to La Moye prison at all times?
2. If such visits take place, do they get given a set of keys and, unaccompanied by prison officials, spend time in kitchens, workshops, accommodation blocks, special unit, recreation areas, medical centre, visitor centre, etc?
3. If they carry out these inspections, are their observations logged and discussed at monthly meetings of the whole BOV?
4. What access do prisoners have to members of the BOV? Are they able to make confidential requests to see privately a member of the BOV?
5. Are notices displayed throughout the prison inviting prisoners to seek a talk on any matter relevant to their prison treatment with a member of the BOV out of sight and hearing of members of staff?
6. Is there a rota whereby a member of the BOV each week interviews privately three or four inmates separately, chosen at random from the prison population,

with the interviews following a prescribed pattern and with the results recorded and reported back to the full BOV?

7. What arrangements are in place for members of the BOV to be called urgently to the prison, and wearing identifying tabards, for incidents such as riots or suicides in order to provide an independent check that correct procedures are being implemented?
8. How often does the full BOV meet, and is part of that meeting conducted without the prison governor being present?
9. In what ways does the BOV report to the States and are their reports given wide publicity?
10. What training do members of the BOV receive for their prison duties? Do they attend IMB training courses in England (a requirement for all IMB members, with special courses for chairmen of IMBs)?
11. What comments did the BOV make in the last four years concerning La Moye prison, the period between the two damning reports of HM Inspectors of Prisons? Did the BOV make strong representations concerning the poor facilities, the lack of educational opportunities, the absence of drug programmes, etc. or did they consider that this was a 'political' concern?

You may be interested to know that I wrote to Anne Owers, HM Inspector of Prisons, asking her why her report had made no mention of the La Moye BOV. She replied, 'The question of these boards is really a matter for the Island authorities', and she added, 'I share your view that robust and regular independent monitoring is an essential complement to anything that an inspectorate can do'.

I believe that it is inappropriate to expect Jurats to carry out this 'robust and independent monitoring'. They hold respected, honourable and senior positions in the Island's hierarchy; their responsibilities are for the administration of justice and not for the fearless exposure of the prison's inadequacies. Also it is surely questionable that those who have played a part in the sentencing of inmates are the persons best qualified to deal with legitimate questions raised by inmates concerning their conditions and treatment.

I am copying this letter to various interested parties: to the Bailiff as head of Jersey's judiciary, to the Attorney General who you told me previously has a concern in the matter, to the Chief Minister, to Deputies Hill and Le Herissier who have involved themselves in this important issue and to the Jurats.

Yours sincerely

RN Pittman