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# STATES OF JERSEY



## JERSEY INDEPENDENT PRISON MONITORING BOARD (IPMB): ANNUAL REPORT 2017

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Presented to the States on 7th June 2018  
by the Minister for Home Affairs

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STATES GREFFE



# Jersey Independent Prison Monitoring Board (IPMB)

## Annual Report 2017

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## 1. Executive Summary

- 1.1 This is the report of the Independent Prison Monitoring Board (IPMB) for 2017, its first year of operation. Naturally, much of the work undertaken this year has been to lay the foundations of the Board's work and embed the volunteer members into this important and challenging role.
- 1.2 In terms of the IPMB's operation, 2017 saw the establishment of a committed and skilled 9-person Board, who have been active in their engagement with the prison population and broader Board commitments. The frequency and volume of Board activity has well exceeded the standards as laid out in the Regulations.
- 1.3 In summary of the Board's reporting for 2017, the IPMB has been consistently satisfied with the treatment received by prisoners at HMP La Moye and with the quality of the prison premises. The Board's observations clearly indicate that prisoners at HMP La Moye are treated with dignity and respect by well trained and professional staff within a safe, clean and appropriate prison environment.
- 1.4 The Board feels it has developed a positive, professional and mutually respectful relationship with the prison Governor, his senior management team and staff.
- 1.5 The administration of the IPMB's work has not been without challenges. Beyond the anticipated teething problems, the Board would have benefited from clearer guidance and support in directing its work and the time commitment asked of members has been greater than first envisaged. While some progress has been made in formalising support arrangements to the Board, important issues remain outstanding and will require attention in the immediate term in 2018.
- 1.6 In considering the broader experience of people imprisoned at HMP La Moye, for 2017 the Board has highlighted the lack of availability of equal opportunities for female prisoners as an area for development. Similarly, the provision for newly admitted prisoners and prisoners over retirement age has been identified as an area for focus and is likely to become an increasing issue with an apparently ageing prisoner demographic. The management of smoking arrangements within the prison is a matter which has been raised with the Board on a number of occasions; its importance to the settled day to day running of a prison should not be underestimated.
- 1.7 Finally, while no specific concerns have been raised as to the use of segregation and the Care and Control Unit (CCU) specifically during 2017, it will justifiably remain an area for the Board's attention in 2018 and beyond.
- 1.8 To reflect the shared commitment of the IPMB, this report has been produced collaboratively with contributions from each of the 9 Board Members.

## 2. Statutory Background to the IPMB

- 2.1 The IPMB was established in April 2017 by the States of Jersey under the Prison (Independent Prison Monitoring Board) (Jersey) Regulations 2017.

Regulation 2 covers the “Establishment, constitution and functions of the Independent Prison Monitoring Board” and states:

“There is established the Independent Prison Monitoring Board consisting of 7 or more persons, including a chairman and deputy chairman.

The function of the Monitoring Board is to satisfy itself as to:

- a) the treatment and welfare of the prisoners;
- b) the state of the premises of the prison; and
- c) the administration of the prison.

- 2.2 At an early stage of the Board’s existence, the Board sought clarification regarding one of the functions of the Board, namely “the administration of the prison”. Following a meeting with the Community and Constitutional Affairs Department, the Chief Officer confirmed the following:

*“Where Regulation 2 refers to the ‘administration of the prison’, this is intended to be read in relation to the treatment and welfare of prisoners (the core purpose for which the Monitoring Board has been established). The overall management and governance of the States of Jersey Prison Service, including efficiency and effectiveness, remains the responsibility of the Minister for Home Affairs and myself as Chief Officer.”*

The full letter is included as Appendix 1.

- 2.3 The powers and duties of the IPMB, as set out in Regulation 7(1) include:

“The members of the Monitoring Board, for the purpose of carrying out the Monitoring Board’s or their duties, must:

- a) arrange a rota of attendance at the prison of the members of the Monitoring Board; and
- b) arrange for at least one member of the Monitoring Board to visit the prison once between each meeting of the Monitoring Board.

Regulation 7(2) sets out that the Monitoring Board or any member of the Monitoring Board:

- a) must hear any complaint or request which a prisoner wishes to make to the Monitoring Board or a member of the Monitoring Board;
- b) must immediately inform the Minister of any abuse of a prisoner which comes to the knowledge of the Monitoring Board or any of its members;
- c) must attend to any report which it receives to the effect that the mind or body of a prisoner is likely to be injured by the conditions of his or her imprisonment and –
  - I. if the case is urgent, bring the matter to the immediate attention of the Governor, and
  - II. in any event, report its opinion to the Minister;
- d) must, at regular intervals, inspect the food provided to prisoners;
- e) may inspect any of the records of the prison, except that members of the board shall not have access to any records held for the purposes of or relating to conduct authorised in accordance with Part 3 of the Regulation of Investigatory Powers (Jersey) Law 2005;
- f) may inquire into the state of the prison buildings and, if any repairs or other work appear to it to be necessary, must report its opinion with its advice and suggestions to the Governor and the Minister.

Regulation 7(3) states: Where it appears to the Monitoring Board that action needs to be taken in respect of a complaint, request or report that was made to the Board of Visitors (established by the Prison (Board of Visitors) (Jersey) Regulations 1957) before the coming into force of these Regulations, the Monitoring Board must take that action as if the complaint, request or report was received by the Monitoring Board.”

2.4 Regulation 8 clearly states the duty of the IPMB to co-operate with the Minister and Governor as follows:

“In exercising its power and duties under these Regulations, the Monitoring Board –

- a. must direct the attention of the Governor to any matter which, in the opinion of the Monitoring Board, calls for the Governor’s attention;
- b. must consult the Governor on any matter concerning discipline in the prison;
- c. must make inquiry into any matter referred to it by the Governor or the Minister; and
- d. must report to the Minister on any matter that the Monitoring Board considers it expedient to report.”

- 2.5 Regulation 9 requires the IPMB to compile an annual report to the Minister for Home Affairs before the 31st March each year. The Minister is then required to present the annual report to the States Assembly.

### 3. Background and Context of the IPMB

- 3.1 This annual report covers the period 18 April 2017 through to 31 December 2017, but statistics will cover the whole of 2017 due to the difficulty in splitting the numbers for part of a month.
- 3.2 The IPMB replaced the former 'Prison Board of Visitors' which comprised of Jurats of the Royal Court. The Jurats operated under the Prison (Board of Visitors) (Jersey) Regulations, 1957. The Chairman of the IPMB attended the last Prison Board of Visitors meeting in March 2017 to receive a handover from the Jurats. The IPMB wishes to thank the Chairman, Jurat Olsen and the remainder of the Board of Visitors for their assistance during the transition period.
- 3.3 The IPMB comprises of independent, lay members of the public and was established to enable Jersey to be compliant with the requirements of the United Nations Optional Protocol to the Convention Against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT). This international human rights treaty is designed to strengthen protection for people deprived of their liberty and recognises that such people are particularly vulnerable and aims to prevent their ill-treatment through establishing a system of visits or inspections to all places of detention. The IPMB currently has responsibility solely for HMP La Moye.
- 3.4 IPMB members were appointed following a recruitment campaign which was managed by the States of Jersey Human Resources Department. All appointments were made by the Minister for Home Affairs and a Chair was appointed initially and then the Chair was involved in the appointment of the Deputy Chair and 7 Board Members.

The IPMB membership comprises of:

- Andrew Baudains, Chair
  - Lesley Toms, Deputy Chair
  - Alexandra Reid, Board Member
  - Gillian Martindale Parsons, Board Member
  - Jessica Mulholland, Board Member
  - Laura Cardinal, Board Member
  - Lynette Blade, Board Member
  - Sheila Ponomarenko, Board Member
  - Vivien Vibert, Board Member
- 3.5 In November 2017 another recruitment campaign took place to attract additional Board Members to assist with the workload. It was decided that it was necessary to promote a diverse Board membership in respect of age, gender and ethnicity. It was felt that a Board which reflected the local community would be better placed to fulfil the Board's role and responsibilities. The Chair requested the States of Jersey Human Resources Department to not only use established advertising methods but to also contact the Polish and Portuguese Consuls as well as Citizens Advice to encourage suitable applications to be submitted. The final stages of the recruitment process are being completed at the time of writing this annual report.
- 3.6 The IPMB members had very little time from having their appointments confirmed to commencing as an official body. Unfortunately, there were no policies, procedures or



documentation in place when the Board became operational. The IPMB has spent considerable time in developing the necessary documents to ensure that the Board operates in a professional and effective manner.

- 3.7 It was felt appropriate to have an IPMB logo which clearly identified the Board as being independent from the States of Jersey; this logo can be seen at the beginning of this report.
- 3.8 Effective and reliable administration support to the IPMB has been sporadic and for the majority of time, completely unsatisfactory. This issue was raised with the Home Affairs Department in May 2017 and it continues to have a detrimental effect on the Board, with many inappropriate administrative duties being undertaken by the voluntary Board Members.
- 3.9 The Report prefacing the Regulations states that there are no financial or manpower implications for the States of Jersey arising from the adoption of the new Regulations. This statement has caused the IPMB major problems and significant concern as throughout 2017 the Board operated with no office base, budget nor appropriate administration support. The Board has also lacked a reliable and efficient secure e-mail communication system. The need for a high level of confidentiality made operations in these conditions even more difficult for the Board. Currently there are plans in progress to provide suitable office accommodation at HMP La Moye.
- 3.10 The Minister for Home Affairs attended the first IPMB meeting to welcome Board Members but there were no further meetings with the Minister throughout 2017, although the IPMB did have regular contact with Senior Officers from the Home Affairs Department throughout the year.
- 3.11 The Home Affairs Department arranged an induction day at HMP La Moye for Board Members which took place in April 2017. An additional 2-day training programme which was delivered by the Independent Monitoring Boards (IMB) for England took place in October 2017. Further Board development events are planned for 2018.
- 3.12 In order for the IPMB to fully meet the key objectives, it was necessary to devise a schedule of regular and purposeful monitoring visits, alongside formal processes by which prisoner complaints could be independently heard and where appropriate resolved. In April 2017 it was decided that all monitoring visits and meetings with prisoners would be conducted by at least 2 Board Members, with representatives of the IPMB generally making 2 visits to HMP La Moye each month for such appointments.
- 3.13 There were 9 IPMB meetings during 2017 and all took place at HMP La Moye. The Governor attended part of each Board Meeting by invitation and gave an overview of operational issues and also answered questions from Board Members.
- 3.14 It is planned that a Service Level Agreement (SLA) is drawn up between the IPMB, HMP La Moye and the Minister for Home Affairs. This SLA will be based around the Board Policy and Constitution document and will detail the agreed administrative support, processes and other provisions. Discussions are on-going about this matter at the time of writing this annual report.

## 4. Description of the Establishment

### 4.1 Overview

- 4.1.1 HMP La Moye is a mixed population prison which was built on its present site in 1975. The capacity of the prison is 241 prisoner places which includes accommodation for 118 adult males (excluding vulnerable prisoners), 35 females, 26 young offenders and 62 vulnerable male prisoners. There are 241 cells of which 200 have in-cell toilets. The accommodation wings were rebuilt over a 6-year period with H wing completed in 2004, J wing in 2006, and K and L wings in 2009/10. The Care and Control Unit (CCU) is housed in the original 1975 building and the building was further extended in 1988.
- 4.1.2 The prison houses a Library, provided in 2007, a Gym and Sports Hall built in 2010. The new training area and Visitors Centre which were part of the Phase 5 development of La Moye, were built in 2012 and provide modern facilities for staff, prisoners and visitors.
- 4.1.3 The Board was pleased to see that an extended Health Centre has recently been completed which became operational in October 2017. The IPMB will be visiting the new improved centre shortly.
- 4.1.4 The old wings of the prison have not been demolished and some of these are used to provide additional facilities such as an Art Workshop and Library.
- 4.1.5 In September 2017 new glasshouses were erected and the multi span demolished which will enhance the ability of the horticulture area to grow more ornamental plants and extend the vegetable growing season. This will assist in developing the work-related options that the prison provides.
- 4.1.6 The Board is pleased to note that a grant from the Criminal Offences Confiscation Fund has been made available for the planned extension to La Moye, and that planning permission is currently being sought. This is phase 6 of the prison's long-term development plan to replace the old 1975 buildings. This phase will provide for the replacement of the administrative building including the vehicle entrance and car park area.

### 4.2 Prison Population

- 4.2.1 The average daily prison population during 2017 was 136 which indicates that there has been a steady reduction over the past 5 years. The annual cost per prisoner place, when based on the certified prisoner accommodation of 200, was £52,248, whilst the actual cost per capita was £76,836.
- 4.2.2 The mixed nature of HMP La Moye, together with its relatively small population, results in challenges in the provision of a wide range of opportunities for all prisoners, particularly in relation to education and work. For example, the female population has averaged 6 during 2017 and such low numbers have resulted in difficulties offering female prisoners a commensurate range of purposeful activities as male prisoners can access.
- 4.2.3 The prison has also witnessed a growth in the number of prisoners who are past retirement age, some of whom require aspects of personal care. These prisoners are only able to access

work related activities once those of working age have been accommodated. In addition, the Board notes that the Governor recognises the difficulty of keeping post-retirement prisoners in meaningful activity due to low staffing levels. The Board recognises the additional pressure that the prison is under in dealing with these issues but recommends that consideration is given to providing additional resources to assist in the welfare of female and elderly prisoners.

#### 4.3 Staffing

- 4.3.1 The Board has noted that the number of approved posts at the prison in December 2016 was 159 with 152 staff in post.
- 4.3.2 During the course of 2017 it was reported that there were a number of absences due to illness which resulted in cancellation of some vocational activities. The Board is pleased to note that 1 of 2 replacement vocational instructors was appointed in horticulture in December and disappointed that the other post has not yet been filled even though the prison has been very active in recruitment. In addition, the Head of Learning and Skills retired in September with a replacement in post in January. Additionally, 2 new members of the catering team were appointed in November.
- 4.3.2 The Governor reported in October that the prison was running under complement and that a number of new female Officers were being recruited. The Board is pleased to note that 6 new female Officers were appointed in December to take up post in March 2018. The Board has noted that under-staffing has an impact on prisoners' access to services and is particularly keenly felt in a prison of HMP La Moye's relatively small size.

#### 4.4 Remand Times

- 4.4.1 The Board monitors remand times each month and has been concerned by the length of time some prisoners are detained on remand at HMP La Moye. The Board liaises with the Governor and reviews the data supplied. Prisoners who have been on remand for in excess of 180 days will have their circumstances scrutinised and if appropriate the Board will liaise directly with the Law Officers Department.

#### 4.5 Prisoner Expenditure

- 4.5.1 The Board is conscious that prisoner's living costs, wages and finances are closely linked to overall welfare. Through the course of the reporting year, the Board has not identified specific concerns in this area though it will remain an area of focus. Prisoner wages range from £4 per week for unemployed prisoners to £22 for those working in the Kitchen. There is a standard charge of £2.10 per week for prisoners to access on demand in-cell television. Phone and canteen charges are broadly comparable to the community; a Twix chocolate bar costs 57p, calls to local landlines are 2p per minute, local mobiles 10p per minute.

## 5. Security and Safety

- 5.1 The Board is pleased to note the importance that the Governor places on safety and security issues. There were no escapes or attempts to escape and statistics indicate HMP La Moye as being a comparatively safe environment for both prisoners and staff.
- 5.2 The full capacity of the prison is 241, with the average daily prison population in the reporting year as being 136. The reception of new prisoners appears to the Board to be effective and adequately managed. Reception staff have been observed receiving new prisoners and treating them with respect and courtesy. As part of their induction, new prisoners are given a concise booklet containing information regarding the prison regime and told about the support networks available to them.
- 5.3 In terms of the measures to keep prisoners safe and secure, the prison has a high-functioning Control Room, which is operated by staff 24 hours a day, this includes a computer system which keeps track of the movement of prisoners and staff in and around the prison. There is extensive use of CCTV. Staff are issued with personal alarms, communication radios, together with the appropriate set of keys.
- 5.4 The number of incidents reported to the Safe Custody Officer (S.C.O.) in this period was 170 within the following broad categories:
- 14 Bullying Information Reports.
  - 101 Prison Information Reports (staff intelligence reports.)
  - 55 Report of Injury Forms.
  - 11 anti-bullying investigations were carried out.
  - 7 assaults on staff.
  - 14 prisoner on prisoner assaults.

The Board notes these figures are in stark contrast to UK trends whereby incidents of violence and bullying are far higher per capita and continue to rise annually.

- 5.5 The number of referrals made to the S.C.O. in regard to self-harm during the reporting year were 52. There were no deaths in custody reported in 2017. The Care & Control Unit (C.C.U.) was used 32 times in the year. This facility is for the monitoring and observation of individual prisoners who are deemed to be at risk from themselves or other prisoners and prisoners who breach prison rules. There were 165 Adjudications heard through the course of the year. It is the Board's intention to attend several Adjudication meetings as and when they occur during 2018.
- 5.6 It is widely acknowledged that the use of illicit and dangerous drugs in prisons can lead to violence and bullying amongst the prison population. At HMP La Moye for 2017 the figures remain low in regard to positive drug testing. The total number of cell and area searches was 586, with a total 410 drug tests completed. This equated to 400 negative drug tests and 10 positive drug tests. A further measure to combat illicit drugs being brought into the prison is the use of a search dog in the Visiting Centre.

- 5.7 The issue of eligibility for Conditional Early Release (CER) does not fall within the Board's remit but has been raised on separate occasions via prisoner applications to the IPMB. The Board is aware that the decision on CER begins with a prison based multi-agency risk assessment (MARAMM) process before a final panel decision. The panel heard 16 applications; 12 were approved, 2 were refused and 2 were deferred. There were 2 prisoners recalled from CER for breaching the conditions of their early release.
- 5.8 Board Members conduct both announced and unannounced monitoring visits twice a month. In summary, on no occasion has the safety or security of prisoners been identified as an area of significant concern during the reporting period.

## 6. Equality and Fairness

- 6.1 Equality and fairness are crucial aspects in a prison environment and are key to the safety, wellbeing and development of prisoners during their sentence. The Jersey prison population consists of both males and females, with individuals spanning a number of different nationalities and backgrounds. All prisoners must be provided with a chance to reform, which means being able to gain access to the services they require.
- 6.2 A key part of this development is supplied through the access to work given to the prisoners. Prisoners are required to apply for work within HMP La Moye as they would outside of the prison. There is a job clarification system in place to vet prison jobs. Applications are put before an employment board consisting of a number of staff from different departments within the business. Applications are considered based on the suitability of the individual, for example, a prisoner with known violent tendencies may not be given the opportunity to work in an area where sharp objects were regularly used.
- 6.3 During 2 separate monitoring visits to both the Horticultural Unit and the Kitchen, it was apparent through observation that there was diversity across both areas of work. During a visit to the Kitchen it was explained to Board Members that there are a variety of different skill levels and experience found amongst prisoners working there. This means that even those wanting to work within the Kitchen with no prior experience are still taken on and provided with the necessary training. This equal opportunity allows for prisoners to develop entirely new skills during their sentence that may aid them in finding employment when they return to the community.
- 6.4 It was also explained that the employment within the prison system followed a similar disciplinary process as outside employment. Prisoners are issued multiple warnings for misconduct before dismissal if this course of action is required. If a prisoner has been dismissed from a particular work environment, once time has passed they are then given the opportunity to re-apply for that role again.
- 6.5 Although the allocation of work follows a consistent and fair procedure, the variety of job roles given to female prisoners is lower due to low volumes. Female prisoners on average constitute between 4 to 6% of the total prison population and they have fewer work options which in turn means fewer opportunities to gain accreditation or qualifications. This may well have a detrimental effect on their employment prospects when they are released from HMP La Moye. It is interesting to note that female prisoners can work in the food Servery on their wing but are unable to work in the Kitchen preparing and cooking food. This is because there are not enough female prisoners to form a full team. This poses an issue in terms of equality which should be addressed.
- 6.6 The issue of inclusion for prisoners above retirement age has been identified by the Board in 2017. There are challenges in this area in relation to access to services and accessibility of facilities for those with restricted mobility. As a prisoner's schedule and consequently time out of their cell is mostly dictated by the number of hours they work, retired prisoners who find themselves unable to work can often end up spending prolonged periods in their cell. Although they are currently paid an amount in place of a wage, there are currently no alternative activities or less labour-intensive options of work provided for them. The issue is

likely to remain a focus given the apparently ageing prisoner profile, particularly on the vulnerable prisoners (J) wing.

- 6.7 Another key aspect of prisoner reform is access to probation services and in turn the opportunity for Conditional Early Release (CER). During a monitoring visit to the Resettlement and Management Unit (RSMU) the Board was able to learn more about the Probation and CER processes and how these services are accessed by different prisoners. All prisoners, both remand and convicted, are encouraged to engage with the RSMU and given the same amount of time to engage with them. Although it is not compulsory, engagement is extremely beneficial for prisoners especially if they wish to be considered for CER. The RSMU will engage with all prisoners during the first 2 weeks of entering the prison, this includes any prisoners who may have been arrested during their time on the Island but are not Jersey residents despite the possibility of them being transferred back to their own jurisdiction.
- 6.8 Despite all prisoners receiving the same access to the RSMU in terms of sentence planning and probation, due to the low volumes of female prisoners, they do not have the same access to the courses run by the RSMU; some courses are also accredited for men only. The issue of low numbers is likely to be a recurring barrier though the Board would be encouraged to see more targeting of provision in this area.
- 6.9 Although female prisoners are more limited in work and training opportunities, it is clear from the overall prison schedule provided to the Board that all prisoners from each wing, including the female wing, are able to access visitation and recreational activities such as art classes, library visits and exercise. The levels of access to these areas are not dictated by whether the prisoner is male or female however, it can be affected by where the prisoner currently sits within the prison's behaviour-based incentive scheme.
- 6.10 The Board has also observed equal opportunities for religious observance. Upon reception of a prisoner, the religious beliefs of the prisoner are recorded and acknowledged. Prisoners are given access to religious areas where different services are held for those practising within different faiths. Prisoners are also permitted to observe certain religious holidays and can opt out of other celebrations that may not be in line with their own beliefs. During a visit to the Kitchen it was observed on the menu that they cater for many dietary needs as required by different religious beliefs and these requirements are very visible within the Kitchen to prevent any mistakes being made. In addition, the Kitchen also caters for several different non-religious dietary requirements both personal and medical, including gluten-free, dairy-free, vegan and low fat.
- 6.11 The ability to complain effectively and the operation of a trustworthy complaints process is integral to a civilised prison system. The Board has observed the complaints log for the year and it was shown that all complaints were dealt with by the complaints panel in a timely manner. If prisoners are dissatisfied with the outcome of their complaint, every prisoner is given the opportunity to request a meeting with a member of the IPMB to express their concerns. Although complaints to the internal complaint panel and applications to see the IPMB must both be made in writing, all prisoners are allocated a Personal Officer who is able to assist them with any written application if required. This means that all prisoners can access these services despite any skill or language barriers as a translation facility is also available.
- 6.12 Many of the official notices on noticeboards on the wings are provided in English, Portuguese and Polish and there are several Prison Officers who speak a number of different languages.

6.13 Overall, the Board has observed the Prison Officers treating prisoners with respect and fairness. From the exchanges observed, it would appear that the Prison Officers try to build a good rapport with the prisoners, something which is beneficial for the safety and attitudes of both the staff and prisoners. The learning opportunities given to prisoners, the work of the RSMU, the incentive scheme and other aspects of the prison's regime indicate a good understanding of how the treatment of prisoners within the prison not only has an impact during their time in prison but beyond that once they have completed their sentence.



## 7. Prison Facilities and Services

### 7.1 Overview of Wings

7.1.1 The Board has no concerns with overcrowding within the prison, with the prison population being generally low throughout the period (average population of 136 during 2017). For the majority, single cell occupancy continues to be standard practice. Due to operational reasons and also due to prisoner requests, some prisoners have shared a cell and the Board is aware of relevant risk assessment documentation used by the prison staff to assess the suitability of any cell sharing.

7.1.2 Generally speaking prisoners have access to a satisfactory amount of time outside their cells through a combination of regular work and association periods. The Board is mindful however of restrictions experienced by prisoners of retirement age and newly admitted prisoners.

7.1.3 Overall, communal areas of the 4 main wings and observed cells have been clean and found to be in good decorative order. The Board has not noted any outstanding repairs or areas requiring urgent renovation.

7.1.4 The issues of smoking and passive smoking within the prison have been raised as an area of concern through individual complaints and during prisoner council meetings. Future prison policy in regard to this area is under review. In view of changes within UK prisons and Guernsey's decision to make its prison a non-smoking establishment in 2013, this is an area that the Board will continue to monitor.

### 7.2 H Wing (Adult Females and Female Young Offenders)

7.2.1 H Wing has been visited on 3 occasions by the Board, with one of these visits being unannounced and also 1 night visit. There have been between 5 and 8 female prisoners accommodated at any one time over the course of 2017.

7.2.2 There have been no monitoring findings of concern regarding the physical condition of the wing. As discussed, accessibility to work and education for female prisoners has been an area of attention for the Board. Currently female prisoners cannot work in the Kitchen due to the low prisoner numbers of this wing.

7.2.3 During the reporting period there have been no female young offenders (aged between 18 and 21 years) on H wing. Female young offenders are accommodated within the same wing as other adult females and have access to the same work activity and association periods with no segregation.

### 7.3 K and L Wing (Adult Males and Male Young Offenders)

7.3.1 Both wings have been visited twice by the Board during 2017, with 1 of these being at night. There have been no concerns or issues of note in regard to the physical condition or decoration of the wings though the Board has noted that the outside areas around the wings are somewhat basic. During visits all communal areas have been seen including the Servery.

- 7.3.2 During visits, noticeboards have been checked to ensure they have displayed clear and up to date information in respect to the new IPMB and the process of making applications. This has involved the development of new wing notices for this purpose.
- 7.3.3 Male young offenders are accommodated on the same wing as adult males. As is the case with H wing, male young offenders participate in the same work, activity and educational sessions as adults with no segregation.
- 7.3.4 Numbers of male young offenders at the prison are extremely low with there being a total of two males accommodated at the prison during 2017. In line with Board Policy that has been developed, members will make proactive efforts to speak directly with any young offenders incarcerated at the prison during routine monitoring visits.
- 7.3.5 There have been no juveniles (aged 15 to 18) detained at HMP La Moye since the IPMB became operational. In such an event in the future, the Board would seek to prioritise the monitoring of the young person's detention in light of their age and resultant vulnerability.

#### 7.4 J Wing (Vulnerable Prisoners)

- 7.4.1 J wing has been visited on 3 occasions by the Board, 1 of these being at night and 1 visit was unannounced. No concerns or issues of note have been raised as to the physical condition or decoration of the wing. The Board was made aware of informal complaints in regard to the temperature of cells during a heatwave in the summer period however no formal applications were made by prisoners in respect to this matter.
- 7.4.2 The issue of access to services for elderly prisoners has been raised with the Board during the reporting period; it is of particular relevance to J wing given the age profile of the population housed there. Examples of issues raised include the standard provision of bedding and access to shower facilities when mobility support is required.

#### 7.5 Care and Control Unit (CCU)

- 7.5.1 The CCU has been visited by the Board on 1 occasion. The CCU is used to segregate prisoners when deemed necessary for their safety and/or that of others. On average, the CCU is used between 2 and 3 times a month. The Board is provided with monthly statistics on the use of CCU and it does not appear to be an overused facility.
- 7.5.2 When visited, the CCU was found to be in sufficient decorative order; the overall feel of this facility is bare and somewhat stark in comparison with the main wings. The Board has noted that within the CCU there is a range of prisoner accommodation varying slightly in comfort and specification. In line with Board Policy, Members will make proactive efforts to see and speak with prisoners who are detained in CCU. This contact is deemed to be necessary in view of the additional deprivation of liberty which prisoners experience through being placed in segregation.

7.5.3 A contact was made in December 2017 with a prisoner who had been admitted to CCU for 3 days following disruptive behaviour on K wing. This prisoner expressed no complaint in respect to his time spent in CCU or treatment by Prison Officers and was understanding of the reason for the Board's contact. Relevant paperwork was viewed by Board Members in respect of this prisoner's detention on CCU.

7.5.4 Adjudication processes are in place to review and authorise the use of segregation.

## 7.6 Healthcare

7.6.1 The new healthcare facility has recently been completed. A visit to the previous facility was made by the Board in May 2017. It was considered to be adequate however the Board recognised the need for a refurbished and upgraded facility and this area will be visited in early 2018.

7.6.2 The health-centre is staffed during the week by a team of five nurses (Registered General Nurses or Registered Mental Nurses). The centre is open at weekends and in the event of an incident an on-call rota is in operation to provide cover throughout the 24 hour period.

7.6.3 The visiting General Practice service provides consultation sessions each weekday and an 'on-call' service outside regular hours. Dental services are also provided at HMP La Moye. A Community Psychiatric Nurse (CPN) also attends the Medical Centre once a week and acute cases can access the on-call system. Psychiatric Services are provided by a visiting Locum at present.

## 7.7 Education and Work

7.7.1 The main teaching facility is a large porta-cabin which consists of 2 teaching rooms, a unisex toilet and staff-room. All the rooms are on ground level and the main entrance has a ramp which would allow wheel-chair access. The rooms and equipment were found to be in good condition and decorative order.

7.7.2 Educational sessions or courses are also run in other areas of the prison e.g. the Horticultural Compound, Workshop and the Library. There has been 1 visit made to the main teaching site; the Board intends to observe a wider selection of educational activities and facilities over the course of 2018.

7.7.3 The Board has been aware of staffing changes and a degree of resourcing challenges within the Education Department over the past year. This has been due to a combination of factors including long-term sick leave and the recent retirement of the Head of Learning and Skills.

7.7.4 The Board is aware that the prison is focused on providing core courses in literacy and numeracy to new prisoners alongside a selection of vocational courses and further qualifications. The Board is aware that the provision of certain courses has been impacted by staffing shortages.

- 7.7.5 There are noted differences in the number and type of courses which male and female prisoners can access. This is reported to be due to small prisoner numbers on H-wing which mean that certain courses are not financially viable or practical to run in terms of staffing or prisoner interest. The Board is mindful of the budgetary constraints of the prison however, the Board recommends that female prisoner access to education is an area that requires continued attention.
- 7.7.6 All prisoners serving custodial sentences are expected to work unless of retirement age or deemed medically unfit to do so. Prisoners on remand can apply for work after 3 months in accordance with Prison Rules however there is flexibility in this area depending on available work and prisoner motivation. Newly admitted prisoners may wait a considerable period of time before they are able to work. Purposeful activity within a prison environment is of great importance to a prisoner's wellbeing and the Board is keen to see prisoners working as soon as is practicable.
- 7.7.7 There are a range of jobs available within the prison however the Board is aware that certain areas of work are not accessible to female prisoners e.g. the Kitchen due to their low prisoner numbers. Kitchen work is the highest paid area within the prison and is viewed positively by those who work within this area. Again, the issue of female prisoner access to work within the prison is an area that the Board feels is in need of continued attention.

## 7.8 Physical Activity

- 7.8.1 The Gym and Sports Hall has been visited on 1 occasion by the Board and was found to be in good condition. It is a well-used facility that is open 7 days a week with each wing having set time-slots. The facility is air-conditioned, bright and modern in feel.
- 7.8.2 There are a range of classes available and specific sports-related courses and qualifications are run within this facility. Female prisoners have regular access to the Gym and Sports Hall however there are restrictions on courses for female prisoners due to low numbers.
- 7.8.3 A further issue that the Board is aware of is the clash of time-tabling for prisoners of their education and gym sessions. The Board is aware that a 'Referral Gym' is provided twice a week for male prisoners with additional needs that require support and encouragement to access the Gym, for example those prisoners who are on a detoxification programme.

## 7.9 Catering - Kitchen and Servery

- 7.9.1 The Kitchen has been visited on 2 occasions by the Board, 1 of these visits being unannounced. Throughout the period under review there have been no concerns in respect to the cleanliness and working conditions of this facility.
- 7.9.2 The Kitchen is well run and appears to provide a very positive work environment for prisoners. This facility also provides prisoners with opportunities to further their education and gain qualifications of particular use and value within the community.

7.9.3 The Board has no concerns in relation to the menu choices and dietary options provided by the prison Kitchen. During most monitoring visits, the Kitchen comments books have been available, and all comments made by the prisoners have been acknowledged.

#### 7.10 Visits and Visitor Centre

7.10.1 The Visitor Centre has been visited by the Board on 2 occasions. The facility consists of separate holding areas for male and female prisoners, a main visitor area, closed visitor rooms and professional visiting rooms. Within the main visitor area there is a children's play area with toys, books and a television.

7.10.2 The facility as a whole is light, spacious and modern in feel. The visitor's reception and security area has been observed in use by Board Members on 1 occasion. Visitors present reported positively on their experience of the prison visiting system and facility as a whole. During this reporting period there have been no complaints made to the Board about the visiting area.

7.10.3 The Board is aware that female prisoners have expressed issues with the ordering of prisoner returns to their wings after sessions. Due to staffing logistics, female prisoners are returned first. Female prisoners have asked if the return to cells could be alternated however they have been advised by prison staff that this is not possible.

7.10.4 The Board has raised the question of whether prisoners on J-wing who have been convicted of sexual offences should have access to separate visiting hours, especially when there are children attending the Visiting Centre. The Prison Governor has advised that this issue has not been raised by prisoners and there are security processes in place for managing visits appropriately.

#### 7.11 Chaplaincy

7.11.1 Chaplaincy figures for seeing new prisoners and the number of pre-release visits has been extremely high. There is Chaplaincy support available to those in segregation as well as resettlement assistance. More recently there has been opportunity to provide prisoners and their families with direct support through the Caritas Trust as part of the Chaplaincy's resettlement support.

7.11.2 Opportunity for worship within the Prison Chapel is provided every Sunday and during the week. There is also regular support and input from voluntary agencies such as the Freedom for Life Church. For prisoners of other faiths, the Chaplaincy service is able to coordinate visits from relevant representatives of that prisoner's faith.

7.11.3 The Board viewed the Chapel during their induction training. The Board invited Deacon David Cahill to the December Board Meeting to discuss the role and input of the Chaplaincy Service within HMP La Moye.

7.11.4 Overall the Chaplaincy appears to be well-run and established within the prison with proactive efforts made to engage with prisoners and extend support to their families in the community.

## 7.12 Resettlement

7.12.1 The Board has made 1 visit to the RSMU which is comprised of prison staff who are specifically involved with prisoner re-settlement and after-care services. The team consists of:

- 2 Sentence Planning Officers
- 2 Chaplaincy Staff
- 1 prison based Probation Officer
- 1 Resettlement and Sentence Planning Administrator
- 1 Forensic Psychologist
- 2 Trainee Forensic Psychologists
- 1 Prison Officer who specialises in care and control.

7.12.2 The Board understands all prison staff (officer and civilian grades) have a role in respect to 'resettlement' activities and outcomes for prisoners whether this be direct or indirect.

7.12.3 The RSMU facility was found to be in a good working order and fit for purpose. Meeting rooms for staff and prisoners were suitable and not overly formal in feel. Information on display was up to date, welcoming and positive in tone.

7.12.4 Staffing levels were reported to be sufficient although more time to work directly with prisoners would always be desirable. The team expressed a view that due to fluctuating numbers within the prison, they were able to manage their workload and manage prisoner cases effectively. During the visit the Board Members had sight of relevant paperwork in respect of sentence and resettlement plans and were informed of the criteria for CER.

7.12.5 Resettlement is an area of work and activity within the prison that involves close collaboration with external agencies and the prison hosts a bi-monthly 'Market Place' during which agencies are invited to come in and speak with prisoners regarding any resettlement issues. This is an opportunity for prisoners to deal with a number of aspects regarding their resettlement and also obtain more information to assist them in considering their options.

7.12.6 The Board intends to visit the Marketplace in action as well as inviting guest speakers from relevant agencies to advise on the complex issues of resettlement for prisoners. As part of the Board's ongoing work and development of its knowledge of prison life, efforts will also be made to speak to prisoners directly about their experience of resettlement planning during the course of routine monitoring visits.

## 8. Board Monitoring Visits

- 8.1 During the period May to December 2017, 19 monitoring visits took place. Visits involved 2 Board Members and initially these were announced. The Board aimed to carry out at least 2 monitoring visits per month. As members became more familiar with the prison environment and systems, unannounced visits took place. The Board undertook visits at different times of the week and day and these included a night and weekend visit. Whenever possible, Board Members talked to prisoners and staff for feedback about the area being monitored. Key issues which arose from monitoring visits were discussed and clarified with the Governor. Board Members used a Monitoring Visit Template to record observations. This has been modified as the year has progressed after discussion at Board Meetings. Records of monitoring visits were distributed to all Board Members and key issues arising from visits were discussed at Board Meetings where common themes were noted.
- 8.2 A rota has now been established to ensure that all areas of the prison are visited throughout the prison regularly within the time span of a year. Key areas, such as the residential wings, are visited several times throughout the year. If any prisoners are in the CCU during a monitoring visit, they are visited by Board Members and a record is made of the visit. Records are made of all monitoring visits. Actions as a result of visits are highlighted and a note is made when these are completed or addressed.
- 8.3 The following common themes were identified from Monitoring Visits:
- The Board identified that there were good relationships between staff and prisoners in all areas visited;
  - Accompanying Prison Officers were helpful and informative to Board Members;
  - All areas of the prison that were visited appeared to be clean, hygienic and well maintained;
  - The Prison Officers were well aware of prison rules and regularly referred to the relevant rules and procedures whilst performing their operational duties.

## 9. Prisoner Applications to the Board

- 9.1 During the period May to December 2017, 20 applications were received from prisoners, of which 1 was from a convicted female, 4 were from prisoners on remand and the remainder were from convicted males. As a direct comparison, the previous Board of Visitors received 51 requests from prisoners to meet with representatives of the Board during 2016.
- 9.2 The application forms to meet with the IPMB are available to all prisoners on all wings. Assistance with translation is available for prisoners if required. Completed forms are placed into a locked box on each wing. Prison Officers do not have access to these boxes and each box is emptied at least twice a month by a civil servant.
- 9.3 The approximate categories of complaints and numbers in each (in brackets) were as follows:
- Property, including missing items of clothing, items not being allowed into the prison, and difficulties with paperwork (6)
  - Health, including dentistry and request for “Vapes”, or e-cigarettes (4)
  - Dissatisfaction with CER application (3)
  - Unfair treatment (2)
  - Other prisoners smoking in times and places contrary to Prison Rules (2)
  - Management of Wing Council meetings (1)
  - Not knowing whether applications (necessary for many aspects of prison life) had been received or dealt with (1)
  - Withdrawn before meeting with Board (3), including 1 about diet which had been resolved, and another when the Board asked to and did meet the prisoner notwithstanding the withdrawal of his application.
- 9.4 Each prisoner application meeting involves at least 2 Board Members meeting with the prisoner who submitted the application form. Generally, there are no Prison Officers present during the meeting.
- 9.5 There were 18 meetings that took place with prisoners and verbal advice or resolution was adequate in 4 of those cases. A standard template letter has been created and is used to write to a prisoner following on from the meeting. There were 16 letters sent by the Board to prisoners to resolve or explain their complaints, and 1 letter was also sent by the Governor to the complainant.



## 10. Transfers

- 10.1 In 2017 there were 16 transfer applications, of which 7 were granted and the remaining 9 were awaiting a decision (as of January 2018). 2 of the transfers which did take place were mental health transfers. The average waiting time from initial application to decision of granting transfer was 14 weeks, then from decision to actual transfer the average waiting time was 1 week. The Governor has made the IPMB aware of the delays HMP La Moye faced when transferring prisoners to a prison in England. The process has been quicker for prisoners being transferred to prisons in Scotland.
- 10.2 Prisoners requiring mental health assessment are transferred to St Saviour's hospital or to the UK. Jersey is a relatively small prison, with limited specialist resources and so to ensure that adequate care and welfare of inmates with potential mental health issues are adequately reviewed, a thorough assessment is necessary and often takes place in the UK.
- 10.3 If prisoners require medical transfers to either the General Hospital or St Saviour's Hospital, this is carried out with at least 2 Prison Officers. This has a major resource implication as 2 Officers will remain with the prisoner during their in-patient episode.
- 10.4 Whilst the transfer of inmates from HMP La Moye to another prison, either in the UK or elsewhere, will ultimately reduce the burden on resource and finances for Jersey's prison, the actual immediate impact on resources to carry out the transfers is substantial. There are 2 or more Prison Officers required to accompany the prisoner (depending on conviction and their specific needs) in order to ensure a safe transfer. It is imperative that the welfare of the prisoner is taken care of, especially in the case of prisoners with mental health concerns who may find the actual transfer traumatic and they require continuous support throughout.
- 10.5 If the mental health assessment or treatment in the UK is expected to take longer than 24 hours the Prison Officers are able to return to the Island and the UK staff will take over responsibility for the prisoner's detention, until a time that they are released or able to return to the Island.

## 11. Challenges during the first year of operation

- 11.1 The Board has struggled due to a lack of administrative support through its first year of operation. At the time of writing, this issue remains unresolved though the Chief Officer for the Community and Constitutional Affairs Department has committed to prioritising a resource in 2018. Similarly, for 2017 the Board was without a permanent office base at HMP La Moye, which complicated the Board's operation. It is hoped that this issue will be resolved in the immediate future with the provision of an independent office facility located in the gate building.
- 11.2 As stated, in the early months of the Board's existence, clarification was provided as to its responsibility with regards the 'administration of the prison'. While this clarification is helpful, the Board feel in the future an amendment to the Regulations removing or redefining this aspect would be of benefit to avoid confusion and to focus the Board's efforts on its core functions: the welfare of prisoners and the state of the premises.

## 12. Her Majesty's Inspectorate of Prisons Report

- 12.1 The Chair of the IPMB met with the Team Leader of the inspection team in September 2017. The IPMB will review the HM Inspectorate of Prisons Report and will be keen to consider the findings and recommendations in the forthcoming months.

## 13. Chair's Summary

### 13.1 Overview

- 13.1.1 The Board Members have worked in a diligent and enthusiastic manner since being brought together as a new independent Board in April 2017. Considerable progress has been made since the IPMB became operational, but there is still much work to do so that the Board has a robust framework in place which is fully supported by the Minister for Home Affairs and the Prison Governor. A conservative estimate of over 800 hours of voluntary service has been generously given by Board Members throughout 2017.
- 13.1.2 From the work the IPMB has undertaken, I am pleased to be in a position to report that the Board does not have major concerns regarding the treatment and welfare of prisoners; nor does it have major concerns regarding the state of the premises of the prison.
- 13.1.3 It was interesting to note the comments made to me by the visiting members of the England and Wales Independent Monitoring Boards (IMB) when they visited HMP La Moye. On that occasion they highlighted how impressed they were with the positive atmosphere on the wings and also the high standard of cleanliness at the prison in comparison with the England prison estate.

### 13.2 Areas of Focus for 2018

- 13.2.1 It is acknowledged there are a number of areas that need to be improved which have already been identified within this annual report. Priorities to focus on include both the work opportunities and recreational activities available for prisoners as this is becoming more of a priority especially with the changing profile of the prison population. The main categories for attention are female prisoners, newly admitted prisoners and prisoners that are post-retirement age as these groups often identify the lack of work or recreational activities as being problematic and having a negative impact on them. The Board is keen to see positive steps being taken to address these issues in the short-term.
- 13.2.2 The lack of effective administration support has created considerable additional work for the Board and this situation has now become onerous and totally unacceptable. At the time of writing the report the Board has been given assurance by the Minister for Home Affairs that this problem will be addressed as a matter of urgency. The additional issues of office accommodation and budgetary support for the Board also need to be resolved.
- 13.2.3 The Board has worked well as a team and has developed a professional working relationship with the Governor and his team at HMP La Moye. I wish to thank the Governor and all staff that the Board has come into contact with, as it is recognised that the IPMB works in a different manner to that of the previous Board of Visitors and therefore has required additional input and assistance.
- 13.2.4 Moving forward the Board is keen to build on the excellent work already undertaken and it is imperative that the problematic issues already identified are fully addressed in 2018.

Andrew Baudains

## Community and Constitutional Affairs

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Mr Andrew Baudains  
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25 August 2017

Dear Andrew

### Independent Prison Monitoring Board – scope of duties

Thank you for meeting with the Department yesterday to discuss the scope of the duties of the Monitoring Board now that the Prison (Independent Prison Monitoring Board) (Jersey) Regulations 2017 are in force.

We agreed that I would write to clarify the policy intent, in order that the Regulations, and more specifically the function of the Monitoring Board in respect of Regulation 2(2)(c) 'the administration of the prison', can be understood in the correct context.

The Regulations were created to ensure that Jersey complies with the requirements of the United Nations Optional Protocol to the UN Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment ("OPCAT"). The objective of OPCAT is to require the establishment of regular visits undertaken by independent bodies where people are deprived of their liberty, in order to prevent torture and other cruel, inhuman or degrading treatment or punishment. Part IV of OPCAT specifies the requirement for such 'national preventative mechanisms'<sup>1</sup>.

Regulations 7 (powers and duties) and 9 (annual and other reports) are intended to ensure that the Monitoring Board meets the requirements of OPCAT in relation to the Prison. These Regulations specify a number of duties that *must* be performed in relation to the treatment and welfare of prisoners, and other duties *may* be performed in this same context in order to provide advice to the Prison Governor or the Minister.

Where Regulation 2 refers to the 'administration of the prison', this is intended to be read in relation to the treatment and welfare of prisoners (the core purpose for which the Monitoring Board has been established). The overall management and governance of the States of Jersey Prison Service, including efficiency and effectiveness, remains the responsibility of the Minister for Home Affairs and myself as Chief Officer.

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<sup>1</sup> <http://www.ohchr.org/EN/ProfessionalInterest/Pages/OPCAT.aspx>

I hope this is of assistance in explaining the core policy principles behind the Regulations.

Yours sincerely

Tom Walker  
**Chief Officer – Community and Constitutional Affairs**