

# INDEPENDENT MONITORING BOARD REPORT

1 April 2020 - 31 March 2021

## ISLE OF MAN PRISON, CUSTODY SUITES & HOLDING CELLS

The Independent Monitoring Board (IMB) is a statutory body established to monitor the welfare of detainees in the Isle of Man to ensure that they are properly cared for whilst in custody and detention.

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#### **SECTION 1: STATUTORY ROLE OF THE BOARD**

**The Custody Rules 2015** require the Isle of Man Prison to be monitored by an Independent Monitoring Board appointed by the Minister of the Department of Home Affairs from members of the community.

#### The Board is specifically charged to:

- Satisfy itself as to the state of the premises of the institution, the administration of the institution, and the treatment of the detainees.
- Inquire into and report upon any matter into which the Department asks it to enquire.
- Direct the attention of the Governor to any matter which calls for the Governor's attention, and report to the Department any matter which the Board considers expedient to report.
- Inform the Department immediately of any abuse which comes to its knowledge.
- Consult the Governor in relation to any matter which may affect discipline before exercising any power under these rules.
- Report annually to the Minister of the Department of Home Affairs on the state of the institution and its administration, and also give advice and such recommendations as it considers appropriate.

To enable the Board to carry out these duties effectively its members have the right of access to every detainee and every part of the Prison, and also to the Prison's records.

### The Criminal Justice, Police Courts Act 2007, requires the Independent Monitoring Board to:

• Inspect any cell or any part of a Custody Suite in any Police Station or institution and see every prisoner in Police detention.

## The Prisoners Escort Act 2008 2(1) (a), (2) (a) (b), directs the Independent Monitoring Board to:

- Keep prisoner escort arrangements under review and report them to the Department.
- Monitor conditions in which prisoners are transported and make recommendations to the Department.
- Investigate and report to the Department any allegations made against Prison Custody Officers by prisoners under escort.
- Investigate any alleged breaches of discipline on the part of prisoners being escorted.

#### **SECTION 2: DESCRIPTION OF THE PRISON**

The Isle of Man Prison is a secure, enclosed building taking up some 11.5 acres within the perimeter walls. It was built to Category 'B' Specifications. The Prison was opened in April 2008 and the first detainee was received on 14<sup>th</sup> August 2008. It is a non-smoking establishment.

There are 5 Residential Wings and 1 Close Supervision Unit (CSU). Altogether, there is certified normal accommodation for up to 138 detainees. Each wing provides single cell accommodation with integral sanitation, wash basin and cell power. There is no separate wing for detainees on remand or for young detainees.

- A & B Wings house adult and young male detainees; each wing can hold 42 detainees.
- C Wing houses vulnerable detainees; it has a capacity of 26.
- D Wing is able to house up to 16 adult and young female detainees and has its own Close Supervision Cell.
- E Wing, the male Close Supervision Unit (CSU), can hold 9 detainees.
- F Wing can house 16 reception and pre-release detainees as well as those going out to work on Resettlement Day Release (RDR). However, during the COVID-19 pandemic it was used mainly to accommodate and isolate new receptions.

A, B, C, D, and F Wings each have a laundry for personal items, and a servery. Detainees can eat either communally at tables or in cell. The wings have shower units and telephone facilities. In addition, there is a 'buddy' cell, which also provides suitable access for detainees who are disabled.

The CSU also contains a dedicated Mandatory Drug Testing Suite and Adjudication Room - this area does not form part of the certified normal accommodation. It has been modified recently to include a small kitchen servery unit to facilitate food service and a laundry facility.

Healthcare can be found adjacent to E Wing. The unit contains offices, treatment rooms, a drug store, dental surgery, consulting room, and other facilities including toilet and shower areas. There is no in-patient facility or 24 hours health cover. The unit is managed by Primary Healthcare through the Department of Health and Social Care Primary Care Directorate.

The Education area has 6 classrooms; each is able to accommodate up to 6 detainees per class. There are also 3 offices and a Library. One of the offices is allocated to the Resettlement Team.

Education is delivered by a dedicated group of University College Isle of Man staff under the leadership of an Education Manager. This level also has areas associated with staff training, legal visits, and the 'Live Link' to the Isle of Man Courts of Justice as well as a Visits Hall for

domestic or family visits. The hall can seat 70 visitors and 24 detainees at any one time.

Standing apart from the main building is a Visits Centre where visitors are processed before being escorted to the main Visits Hall. In the Gatehouse, entrance security checks are undertaken.

Within the perimeter of the Prison there is also the Dog Unit, Works Department, Training Workshops, Sport Pitches and Horticultural Areas.

#### **SECTION 3: EXECUTIVE SUMMARY**

This has been both a difficult and unusual year for the Prison. The reporting year started with the Prison in a lockdown Black Regime which was relaxed to Red and then Amber before reverting back to Black at the beginning of 2021. This meant that no outside agencies or visitors were permitted to enter the main Prison buildings for large portions of the year. The Prison was classified in the same grouping as Care Homes with "bubbles" created for each individual wing. During this time, contact with detainees by the Board was maintained by telephone, e-mail and written applications. This mode of operation was facilitated by the Board Clerk together with senior Prison staff and worked very well. The Board requested access to MS Teams in order to improve communications, however, this was deemed low priority and it was only towards the end of the reporting year that this was instigated. Once MS Teams was introduced, Prison staff facilitated access to computers on each wing to enable private face to face discussion between Board Members and detainees when required. This assistance from staff during extremely difficult times was very much appreciated by both the Board and detainees.

The issue of detainee transfers to the UK became a significant area of concern, particularly in respect of female detainees with young families in the UK. Whilst the Isle of Man Prison made every effort to facilitate this operation, the UK Prisons refused to allow movement. In one instance, the transfer of three detainees was stopped on the day it was due to take place due to an outbreak of COVID-19 in the receiving UK prison.

The introduction of in-cell telephony provided detainees with a more controllable access to their families during lockdowns due to the pandemic and assisted in maintaining family links. The Board is disappointed that it took a major global pandemic for funding to be made available for something so clearly of benefit which had been requested for some time.

Staff shortages remained an issue throughout the year and many activities were curtailed due to this. It was pleasing to see that a recruitment programme was underway at the end of the reporting year.

It remains a major concern that Juveniles in the Court Custody Suite were held in cells adjacent to adult detainees whilst awaiting their Court Hearing. This situation is not acceptable and communications between Government Departments need improving to resolve this.

The programme of Resettlement Day Release (RDR) and Resettlement Overnight Release (ROR) remains the target to achieve for detainees during the period prior to their release. Establishing the work ethic together with maintaining family ties remain crucial to permit detainees to re-enter the community successfully at the conclusion of their sentence. It is noticeable and disappointing that no opportunities have arisen for detainees' employment in Government Departments or Training Schemes. All placements have been in the private sector.

It continues to be disappointing that whilst it is expected that detainees are returned to society ready and prepared to make an active contribution, there is a reluctance by Government to allocate funding to provide the educational opportunities which can lead to this.

Whilst regular clinics for detainees with mental health issues are held, it remains disappointing that the only facility on the Island deemed suitable for those with significant mental health issues is the Prison. Whilst staff work tirelessly to monitor and care for this group, they are not qualified mental health professionals. The Board is still concerned that this is an accident waiting to happen.

Once again, the Board is disappointed to report that despite the efforts of one particular DHA Departmental Member, the overall progress of the Justice Reform Bill has been slow. Detainees continue to be given short sentences which create difficulties for both the Prison (which cannot programme in rehabilitation or education) and the detainees whose lives are potentially ruined. The Board urges the Minister to both actively progress this Bill and explore alternative sentencing options to short periods of incarceration.

The ageing fabric and equipment within the Prison continue to be an issue and the Government should prepare to allocate a budget to ensure that this can be repaired or replaced as required in order to maintain the high standards set within the establishment. The Board congratulates the Governor on the successful impact of the planned maintenance programme which keeps the Prison structure effective, but unfortunately, the funding deficit creates a reduction in the overall Prison Budget.

It is disappointing to note that whilst the Government made the decision to move the Prison from a central, easily accessible location to a remote one, the public transport system which enabled families to maintain vital contact was not maintained.

Throughout this difficult year the Board is pleased to report that the swift action taken by Prison staff in a constantly changing situation ensured that the Prison operated in a safe and clean manner for detainees, staff and visitors.

#### **SECTION 4: ISSUES FOR THE MINISTER**

 The Board would urge the Minister to work with his colleagues in the Department of Infrastructure to ensure an adequate public transport system is available to enable regular and important family contact for detainees to be maintained.

- The Board would again urge the Minister to make sufficient funding available to deal
  with any repairs, replacement and structural issues which continue to arise now that
  the Prison is 13 years old.
- The Board acknowledges the significant progress that has been made with the Mental Health Pathway and would urge the Minister to continue to support and fund this.
- Whilst applauding the progress mentioned above, the Board remains concerned that there is no Secure Mental Health facility on the Island. Vulnerable detainees with serious mental health issues are still being sent to the Prison which is not a safe or suitable place for them and could in certain circumstances be seen as a breach of their Human Rights. All too often, the Officers in the Close Supervision Unit have the extremely difficult task of safely managing and supporting these detainees. This is not acceptable. The Board would ask the Minister to consult his ministerial colleagues and reconsider the provision of an on Island Secure Mental Health Facility.
- The Board was concerned that the delivery of the COVID-19 vaccination to detainees and staff was not given greater priority even though the Prison was considered to be a 'Care Home' environment in every other respect.
- The Board would urge the Minister to publicly acknowledge and recognise the contribution that Prison staff and detainees have made during the COVID-19 emergency, through for example, meals for the Food Bank and the support given to Noble's Hospital.
- It remains the case that the Budget for Education in the Prison has not increased for many
  years, yet the yearly running costs of the Education Department in the Prison are increasing
  constantly. Once more, the Board would urge the Minister to release additional funds for this
  vital aid to rehabilitation and also to support the Education Manager's efforts to obtain
  funding for the refurbishment of the Prison Workshops for vocational training.
- The continuing high numbers of detainees serving short sentences for non COVID-19 related
  offences remains a concern to the Board. As highlighted in the previous three Annual
  Reports, the Board would ask the Minister to continue to press for priority in the legislative
  programme for such vital legislation. Alternatives to custody are an essential tool to
  encourage offenders to become productive members of society.
- The Board is concerned about the failure of the Department of Home Affairs to meet many of the 4-year Programme for Government targets and would urge the Minister to ensure these are given effort and resources they deserve.
- The Board is concerned that failure to recognise the community-wide safeguards that a ringfenced Resettlement Team brings, may lead to further adverse events. The potential consequence of slow recruitment and budget saving measures has led to Resettlement barely functioning despite the best efforts of a hard working team. Detainees are not completing interventions or being properly prepared for re-integration to society. This is a grave concern.
- The Board would urge the Minister to provide resources for a comprehensive review of progress in rehabilitation against the Karran Report recommendations and to continue to support innovative ideas and training for Probation staff.

- The Board would ask the Department of Home Affairs to continue to ensure that funding is available to train and develop both new and existing Independent monitoring Board Members. The Board would also hope to see greater media coverage to publicise and promote its role and encourage greater public awareness. These measures are essential if the Board is to recruit, develop and maintain sufficient members as specified in the Custody Rules 2015 Section 82(1).
- The Board would also ask the Minister to consult his colleagues in Government to push for consideration to be given to pro-actively supporting IMB Members working in Government ensuring parity with those in other voluntary roles.
- The Board would ask the Minister to ensure that members of all the Boards who form part of the OPCAT National Preventative Mechanism (NPM) attend its meetings and contribute to its monitoring role.
- The Board would also ask the Minister to consult his Cabinet Office colleagues with a view to reviewing the structure and composition of the membership of the NPM.
- The Board is concerned that it is becoming increasingly difficult for Officers in the Police Custody Suite and Court Cells to obtain the services of 'Appropriate Adults' for young and vulnerable detainees. The Board would urge the Minister to liaise with his Ministerial colleagues responsible for Adult Services to ensure a swift resolution to this problem which is putting the most vulnerable at risk.
- The Board is concerned that the Juvenile Suite at the Court Custody Suite is not being used and would urge all parties to bring a swift resolution to this. The adult cells in the Court Custody Suite are not a suitable environment for young, vulnerable people and their use breaches the Custody Rules.
- The absence of CCTV in the cells in the Court Custody Suite, particularly the multi-occupancy
  cell is of concern to the Board as it places both staff and detainees at risk. The Board would
  urge the Minister to liaise with his colleagues to resolve this before a serious incident occurs.
- The Board is concerned that detainees in the Court Custody Suite do not have the same level of access to medication as those detained in the Prison and the Police Custody Suite.

#### **SECTION 5: ISSUES FOR THE GOVERNOR**

- The Board is pleased to note that efforts are being made to install CCTV cameras in the Kitchen. The Board also supports efforts to improve the quality of CCTV in other areas of the Prison and hopes that this vital aid to safety and security will progress once restrictions related to the pandemic ease. Given the importance of this, it is difficult to understand why contractors performing this function were not considered to be "Key Workers."
- The Board was concerned to learn of a number of occasions when detainees have been kept for lengthy periods in either the Court Custody Suite or the transport van outside the Prison Gatehouse due to the non-availability of reception staff. The Board appreciates that staff shortages and the extra pressure on visiting days have an

- impact, but would urge the Governor to find a solution to this problem which is detrimental to the safety and welfare of both detainees and escort contract staff.
- The Board appreciates the need to have comprehensive Induction Compacts but remains concerned that some detainees struggle to fully understand them. The Board would suggest that the language used in the compacts could be simpler to aid understanding.
- Whilst applauding the progress made in this area, the Board hopes that the role of the Custody Support Officers will be further developed, with particular emphasis on increasing interaction with detainees held in the CSU. Whilst such interactions should be part of all discussions with detainees, the Board would still like to see consideration being given to a protected time slot for Officers to achieve this.
- The Board would urge the Governor to continue to support the Education Manager's efforts to
  obtain funding to enable full use of the Prison Workshops for vocational training. Should this
  initial bid be successful, the Board hopes that the Minister and the Governor will be able to
  identify and allocate sufficient funds to sustain such a vital initiative.
- The Board applauds the efforts of the Senior Management Team (SMT) to maintain
  work activities under difficult circumstances throughout the year. The Board would
  continue to encourage the SMT to look at increasing options for work and possible
  Resettlement Day Release (RDR) opportunities for more detainees. Whilst
  acknowledging the progress made during the reporting year, female detainees
  remain a concern as the female prison population continues at a high level.
- The Board would also continue to support the ongoing use of Resettlement Overnight Release (ROR) wherever possible. The desire to achieve both RDR and ROR is very evident and the detainees who have reached this level of trust have shown great enthusiasm and application.
- The Board continues to encourage the SMT to bring changes and concerns that impinge on the routine and safety of detainees, to the 'Jurby Advocates' for early notification and discussion. The Board also applauds the efforts of the SMT to encourage increased detainee engagement in suggested changes and new initiatives and hopes that the success in this area will not lose momentum. The value of such detainee engagement was evident during the pandemic.
- The attendance of Senior Officers from all areas of the Prison at 'Jurby Advocates'
  meetings is encouraged to give detainees a greater understanding of decisions made
  by the Prison Team. More regular attendance or a written submission if unable to
  attend would be helpful.
- The Board would continue to urge the Governor to encourage the attendance of a Community Probation Officer at the monthly Safer Custody Meeting to assist with continuity for detainees following their release.
- The Board remains concerned about the increase in the number of Folder 5 files being opened.

- Whilst acknowledging that the delays are due to the pandemic and its impact upon UK Prisons, the Board would urge the Governor to expedite the transfer of those detainees awaiting a move to a UK Prison as soon as the COVID-19 restrictions are eased.
- The Board would hope to see continued support and encouragement for the Officers involved in the Assessor Training project.
- As mentioned in previous Annual Reports, the Library is not being fully utilised and is closed for most of the week. If the Library could be developed as a research and study facility, this would be particularly useful to detainees undertaking Distance Learning courses.
- As ever, the Board remains of the opinion that the introduction of Voluntary Drug Testing would be beneficial.
- As reported in previous years, there remains a need for a more suitable area for private discussions with detainees held on CSU.
- Whilst understanding the pandemic demands have restricted opportunities to offer agreed Resettlement functions, the need for maintaining KPI's to assess progress on long term goals, is essential.
- The need to almost constantly re-assign members of the Resettlement Team to general
  duties is a very serious concern. The Board would urge the Governor to rectify this as soon as
  possible.
- The Board would continue to encourage the Governor to ensure Interventions Officers are given protected times so they are able to achieve both timely and high quality interventions with detainees. The return of personnel to their ring-fenced roles is imperative to ensure the safe release into the community of detainees who have completed the required number of interventions and where necessary, completed modules to support their parole applications in a timely manner.
- The Board welcomes the greatly increased use of the "Live Link" to the Courts and would urge the Governor to continue to press for the facility to be used more frequently to reduce the need for detainee escorts to Court.
- The Board thanks the Governor and his staff for their support and hard work to bring about a change in the conditions in the Court Custody Suite. The Board is encouraged by the improved communication between all the parties involved and hopes that this will continue and develop in the coming months.
- The Board is concerned that the Juvenile Suite at the Court Custody Suite is not being used and would urge all parties to bring a swift resolution to this. The main Court Custody Suite is not a suitable environment for young, vulnerable people and use of it breaches the Custody Rules.

#### **SECTION 6: RESIDENTIAL SERVICES**

**Wings:** During March 2020, changes to the Prison Regime in response to the Coronavirus pandemic dominated the Prison agenda. F Wing changed from an Induction,

RDR and Detainee Pre-Release Wing into a Reception and Isolation Wing; changes that have remained in place in some form for the full reporting year. Those requiring isolation and new receptions of those breaching COVID-19 restrictions put pressure on F Wing with all new receptions having to be isolated on that wing for varying periods to comply with current legislation throughout the reporting year. At the end of the reporting year, the wing was still being used as the COVID-19 reception and Isolation Wing.

The Board has evidenced that the Healthcare and Prison staff have responded and adapted very well to the demands of the Coronavirus pandemic, going above and beyond the call of duty to ensure a safe and secure environment for both new detainees held in isolation and the rest of the Prison population.

All the wings have been kept in good order during the reporting year; regular maintenance and cleaning ensure they are fresh and clean at all times.

The prison is now 13 years old and the commercial machines throughout the Prison are showing their age. The Board has witnessed the Works Department going the extra mile to maintain and repair this equipment, replacing some of the less frequently used commercial machines with domestic machines to keep costs to the Prison at a minimum. The decommissioned machines are used for spare parts. The Board is pleased to note an improved system for the replacement of appliances coming to the end of their useful life to ensure suitable use and safety.

Cell and wing cleanliness are very good and the heightened cleaning regime throughout the reporting year is evident. The introduction of e-cigarettes has more or less obliterated the smell of other smoking materials on the wings and continues to be widely welcomed by the detainees.

**Communications (in-cell telephony):** For long periods during each of the lockdowns all visiting was suspended at the Prison. The Board witnessed Prison Officers going above and beyond what could ever have been expected of them to implement video calls very quickly (to take the place of face-to-face visits). The Board also supports the Prison's decision to introduce telephones to be used in cell by new receptions, those in medical isolation, and well-behaved detainees. This allowed detainees (especially those in isolation) to communicate directly with family members and loved ones. The mobile telephones are 'closed handsets' which allow detainees to call 'security approved' and 'pre-authorised' telephone numbers only.

**Staffing:** Staff shortages due to isolation after contact tracing and suspected illness (COVID-like symptoms) in line with Government guidelines occurred repeatedly throughout the reporting year as well as general illness. Staff were put under considerable extra pressure and dealt with this brilliantly. The Board witnessed them stepping up to cover colleagues' absences at very short notice, to the benefit of the detainees and the Prison as a whole. The Board witnessed regular evidence of staff working on days off or cancelling time off to report for duty. Inevitably, there was disruption and changes to the normal regime as well as to Gym sessions, but mitigations

were put in place including providing exercise equipment on the wings and varying routines which formed part of the Prison contingency planning. The Board commends staff for their co-operation and flexibility in the face of increasing pressure as the pandemic progressed.

Succession Planning is still a priority within the Strategic Planning work and is ongoing.

Monthly Training Days were postponed on occasions throughout the pandemic but where possible training continued. The Board was invited to join in where possible and this was much appreciated by those who attended.

The Staff Care Team continues its valuable work of supporting colleagues behind the scenes with integrity and compassion.

Morning Handover Briefings and Daily Operational Briefings continue to be held and further entries on the Prison Database (PIMS) allow staff to be continually updated on the Prison and detainees. It does still appear that some staff take a little time to catch up with events after periods of absence and this may have an impact on detainees.

At the start of the pandemic the daily briefings were moved to the large Multi-Faith Room and were also conducted via MS Teams as part of the COVID-19 contingency planning to allow for proper social distancing to take place.

**Custody Support Officers:** The Custody Support Officer Scheme was re-launched in June 2018 and has been a welcome means of encouraging positive engagement between Officers and detainees. Officers normally have 6 detainees to support, and these detainees can be spread throughout different wings.

Due to the pandemic, the role was modified during the reporting year to try to ensure that detainees were not disadvantaged by changes to staffing routines and the regime. Wing Officers as well as Custody Support Officers are now responsible for ensuring that regular entries are logged for every detainee. These entries are monitored by the SMT. The Board believes there is still room for more interaction and improved skills when it comes to report writing.

The Board remains concerned about the level of engagement with those detainees who are housed in the Close Supervision Unit (CSU) for lengthy periods. Whilst this was better in some cases during the reporting year, the Board feels there is room for further improvement. These detainees are particularly vulnerable and require ongoing support.

**Stores/Canteen:** This is a very well-managed area of the Prison offering a high level of service to detainees and officers which adapted well to the changing demands and requirements of the pandemic.

**Kitchen:** During the reporting year the Kitchen has struggled with one Officer on long term sick leave for a period and the need to divert Officers to cover operational duties on the wings. However, even when the Kitchen has been short-staffed it is run well and efficient.

The Kitchen has also been left short-staffed on occasions due to detainees being released or moving to other roles to improve their security level and prepare for Resettlement Day Release (RDR). To counter this and provide a more realistic working environment, the Kitchen now employs detainees on a full-time basis which was seen as a positive step by both the Officers and the detainees.

The Board is very pleased to note how the Kitchen workers pull together during staff shortages, offering to work extra shifts to maintain the standard of service.

Kitchen staff and detainees have worked hard during the reporting year providing meals for the Food Bank (see the section on Purposeful Work).

The Board is pleased to report there have been no applications concerning the Kitchen and food during the reporting period.

The Board is also pleased that consideration is now been given the use of cameras in the Kitchen area. The Board understands CCTV will be re-purposed for use in the Kitchen as part of the CCTV upgrades and looks forward to this happening during the next reporting year.

**Reception:** The manner in which detainees are received into the Prison forms a very important part of the Safer Custody Strategy. The process helps to recognise and identify any of the various risks to a detainee's well-being and to enhance, where possible, the safety and security of the detainee.

Detainees are brought to the Isle of Man Prison either directly by the Police, as in the case of fine defaulters, or by a civilianised service provided by a contractor who transports detainees to and from the Courts, Police Custody Suite, and the Hospital or other medical visits. Detainees arriving at the Prison are already handcuffed and remain so until they are located within the security of the Reception Area.

Reception has a well-mapped procedure of security checks including searching and screening as well as assessments of health, safety, and vulnerability. Officially, Reception is open seven days a week from 07:30 hours to 19:00 hours, and until 14:30 hours at the weekend. However, in practice severe staff shortages have meant detainees cannot be processed over the lunch period or during visiting times and on occasions, detainees have been left sitting outside the Prison in the van; an unacceptable situation. Reception may remain open at other exceptional times; e.g., the Courts sitting late or the potential recall of a person on Licence. The Prison is advised of any late sittings at the Courts by the Escort Contractor. In this event, Reception will stay open even if it means the night staff taking over the running of the area.

The reception process is the responsibility of the Operations Group who carry out an extensive and thorough search of both the new detainee and any property brought in. Every new reception is subject to a full search. A strip search is conducted in such a manner as to endeavour to preserve the dignity of the prisoner. A full search is always undertaken by staff of the same gender as the detainee. Electronic scanning procedures are also carried out. In the previous reporting year, the Prison installed new scanning equipment which helps greatly with detecting concealed mobile telephones, drugs and

other prohibited items.

The Board has witnessed Reception staff carrying out their responsibilities and dealing with detainees in a dignified and respectful manner. Throughout the reporting year, various changes have had to take place in the reception process when dealing with suspected COVID-19 positive detainees. The Board has witnessed this process whilst carrying out COVID-19 Regime "virtual" prison visits by monitoring CCTV in the Control Room and through feedback from Officers and detainees. All those monitored in person have been compliant with the procedures within the Reception Area. Detainees who give cause for concern may spend an initial period on the Close Supervision Unit (CSU) before going to the Induction Wing and ultimately, a Residential Wing.

Alongside the Reception process there is a 1:1 Assessment Interview with the detainee which is carried out by a Reception Officer. The purpose of this is to gather a range of information to ensure the safety and well-being of the detainee as much as is possible, to facilitate their integration into the Prison environment, to identify any safety concerns, and to establish any possible security issues. At this point, first indicators are assessed as to whether the detainee should be considered to be a vulnerable person with concerns regarding their well-being or safety, which will determine which accommodation wing would be most appropriate. Healthcare staff also see detainees on Reception to assess their healthcare needs.

**Induction:** The Prison ensures that all detainees receive a series of induction sessions after completing the reception process. During the reporting year, detainees who did not require isolation under COVID-19 restrictions would be taken directly to a Residential Wing for induction to begin. Those requiring isolation would be housed on F Wing either until the required number of negative COVID-19 tests had been completed or until the required period of isolation had elapsed. In some circumstances, relating to breaches of COVID-19 regulations offences, detainees would serve all their sentence on F Wing.

The induction process entails a paperwork pack containing a series of compacts to be worked through with the Wing Officers. The detainee has to sign to say they understand the Prison Rules. These are explained to them in a 1:1 session with the Wing Officer and include agreements to be well behaved and to keep good order and discipline at all times.

During the induction process, detainees should be introduced to their assigned Custody Support Officers as well as being allocated to a Residential Wing. The Board has evidenced a number of occasions when the former has not happened or detainees appear unaware of who their Custody Support Officers might be. Detainees normally remain on F Wing for about three days to complete their induction but this period can be extended if it is felt necessary.

Whilst the induction process is very comprehensive, the Board feels some vulnerable detainees may struggle to take in all the information given to them. There is a large number of compacts to understand and many rules and regulations to assimilate during what can be

a very stressful time for the detainee. The Board would also suggest that the language used in the compacts could be simpler to aid understanding.

#### **SECTION 7: HEALTHCARE**

The 2020 - 2021 reporting year has been challenging in all settings. The Prison is no exception. Due to the ongoing COVID-19 pandemic, the Prison Management Team had a difficult task to perform. This was to continue providing custodial care for all detainees, to support staff and maintain high standards.

If the Coronavirus had been introduced into the Prison, it is highly likely that it would have spread rapidly within the Prison population. The Prison received a number of detainees who were convicted of breaking Emergency Powers Regulations and were given a custodial sentence. This meant that special isolation arrangements had to be put in place to protect both detainees and staff. The Prison devised a policy whereby, depending on circumstances, one of three regimes could be introduced; green, red or black. Staff rotas and work were organised accordingly.

The Healthcare Department continued to provide essential services under pressurised and difficult circumstances. The Prison Governor and his team must be commended for their efficient, smooth and safe delivery of custodial care.

Despite the challenging year, several developments have taken place in Healthcare. These included:

- The introduction of Step 1 4 Mental Health In-reach Services; this includes Counselling, Targeted Group Therapy, Community Mental Health Nursing, Specialist Forensic Psychiatry, and Drug & Alcohol Team support.
- A review of policies around the supply of medication was carried out, resulting in a plan for increased use of 'in possession' medication and the installation of medicine lockers in cells or on the wing to facilitate the safe storage of medicines.
- The introduction of monthly Physiotherapy Clinics, working alongside Physical Education Instructors who had recently completed their Exercise Referral qualification, to enable detainees to undertake physiotherapy prescribed exercises in between physiotherapy visits.
- The introduction of liquid Pregabalin to reduce unauthorised sharing of medication on the wings.
- The purchase of a new 12-lead ECG machine which connects to the Department of Health and Social Care (DHSC) iECG system to allow remote review of ECG's by the Cardiorespiratory Department or Emergency Department.
- The purchase of Microsoft Surface Pro and a mobile cart to facilitate telemedicine consultations with hospital consultants and off-island specialists to reduce the need for transport out of the Prison to attend appointments.

Current Service Provision: A good number of clinics are held in the Prison including:

- Mental Health Nurse weekly clinic.
- Drug & Alcohol Team (DAT) Consultant Clinic held one afternoon per week.
- A DAT Key Worker visits one day per week.

- Occupational Therapist (OT) Clinic weekly.
- Counsellors' sessions fortnightly.
- GP Clinics held 3 mornings per week.
- Dentist one morning per week.
- Optician every 6 weeks.
- Motiv8 one morning per week.

In addition, Clinics are run by members of the in-house Nursing Team; for example, a well person clinic and a diet club.

Vaccinations are provided and minor injuries/illnesses treated.

Currently, there is one NMP (Non- Medical Prescriber) in the team. More are needed.

**The Healthcare Team:** After a difficult period, the team is now almost fully staffed and work is ongoing to ensure that adequate staffing levels are in place. Most recently a Senior Prison Nurse has been appointed as Manager on a fixed term contract to lead and upskill the team.

**Examples of Good Practice/Innovation:** Patient Group Directives (PGD) are now in place to administer Dihydrocodeine and Librium. These have made a positive difference to detainees and staff who can issue this medication without having to wait for a Medical Practitioner to prescribe it.

One part-time Registered Nurse is qualified in Mental Health.

**Achievements:** A good level of training has been delivered despite the interruptions due to the COVID-19 pandemic. Staff received ECG training, Personality Disorder training, Ear Wax Removal (EWO), and Nicotine Replacement Therapy (NRT) training.

After a period of staff changes and shortages, Healthcare management and leadership has been strengthened.

**Areas for Development:** Whilst much has been achieved, certain areas require further development:

- More staff should be trained in NMP (V300). Unfortunately, numbers are limited on the course and Prison Nurses were not given a place on this year's cohort due to a high level of applicants from other healthcare settings.
- The planned administration of medicine on the wings did not progress after an initial trial. Another approach involving "in possession" medication and the introduction of medicine lockers will be adopted instead.
- Planned pharmacy provision based on new contract is still being progressed.

**The Custodial Pathway Project:** The main objective of this pathway will be to ensure that people serving custodial sentences receive effective, end-to end service provision based on a thorough assessment of need and risk, in order to reintegrate them into the community. To do this, the following need to be in place:

- Case management which supports continuous service delivery throughout the resettlement process.
- Delivery of appropriate interventions based on the individual need, risk of self- harm and harm to others of each young person.
- Partnership working and the timely exchange of relevant information.
- Participation of detainees and their families or carers in the resettlement process.
- Thorough multi-agency assessment of the risk factors associated with offending and the individual needs of each person.
- One plan tailored to address the identified risks and needs of each person, focused from the outset on promoting a sustainable and safe return to the community.
- Co-ordination of the contribution of different agencies, ensuring that services are sustained beyond the period served in custody and beyond the end of the licence.
- Timely exchange of information.

This worthy initiative was planned to take shape in 2021. Due to a number of lockdowns, changes within the Department of Health & Social Security and the introduction of Manx Care, this initiative has been put on hold temporarily. It is hoped that the project will be restarted in the near future.

#### **SECTION 8: PURPOSEFUL ACTIVITY**

There are several works activities carried out daily within the Prison. These include wing cleaning, kitchen work, servery and laundry work, all of which are performed within the main Prison complex. Other work such as Horticulture, Recycling, Log Splitting and Bee-Keeping is carried out within the inner environs of the Prison.

In addition, trusted detainees who have met stringent security requirements are given the opportunity to work outside the prison on community projects or in businesses. These individuals are granted Resettlement Day Release (RDR) which involves release on temporary licence (ROTL) or working in supervised work parties. These opportunities encourage trust and self-reliance as well as giving these individuals the ability to gain skills and experience a 'normal' work regime while contributing to their community. Unfortunately, this year because of the COVID-19 Restrictions, the external work opportunities for RDR and work parties had to be curtailed due to external lockdowns and the necessary changes in Prison Regimes to the more restricted Red or Black status. The Board is encouraged that the Senior Management Team (SMT) continues to support the scheme and actively seeks work opportunities for RDR and Work Parties.

Work opportunities remain predominantly male, but the Board is pleased to acknowledge that the SMT is making efforts to address the imbalance and seek work opportunities for female detainees. The Board encourages the Prison Management Team in their ongoing efforts to generate meaningful work for all detainees including females. Female work opportunities are even more important now as the female population has remained high during the reporting year.

The Board is pleased to note that during the reporting year RDR has resulted in offers of employment after work experience and interviews with prospective employers. Additionally,

it has enabled detainees to attend University College, Isle of Man (UCM) to study various apprenticeship courses, thereby improving their prospects for rehabilitation after release.

Last year the Board was pleased to note that proposals to refurbish the Vocational Workshops within the Prison were re-submitted. Unfortunately, because of budgetary constraints and the onset of the pandemic, these plans did not come to fruition. Towards the end of this reporting year it was encouraging to learn that the use of the Workshops for Trades Training was being explored once more and a Budget sought. Over the years, the Board has pressed consistently for better use of the Workshops to give detainees additional work opportunities within the Prison as well as the skills to enable them to re-integrate more effectively and easily with their communities after release. The Board hopes that these proposals will meet with approval and that a suitable budget will be allocated to set up and provide ongoing support for this important initiative.

Horticulture activities continue to produce a variety of quality vegetables, salad crops and herbs. A donation from a charity has enabled the purchase of power tools and a new polytunnel this year, increasing production. Potatoes, leeks, onions, broccoli, cauliflower, marrows, cucumbers, lettuce and spring onions were some of the crops grown. These together with chilli peppers, parsley, thyme and other herbs were used to supplement stores in the Prison Kitchen. The detainees engaged in Horticulture are justifiably proud of their efforts and devote much time and energy to producing and improving their crops.

During the 2020-2021 reporting period, over 300 man-days of work were undertaken by detainees working on RDR and Work Party Community Projects identified by the SMT. This compares with over 1,200 during 2019-2020 and 750 the year before. Clearly, this is a major reduction when compared to previous years and is due entirely to the COVID-19 lockdowns and restrictions which prevailed for most of the year. Work has included painting, beach cleaning, plastering and laundry work. Some detainees have worked in businesses outside the Prison, subject to COVID-19 Restrictions.

As in previous years, the detainees continue to make Morse Bags and Bags for Life. This year, however, the detainees have also been making face masks and scrubs for Noble's Hospital in response to the COVID-19 outbreak.

Last year, the Prison Kitchen moved to full-time working for the detainees employed there. The change was to better reflect working life outside the Prison and prepare detainees for work regimes when released. The initiative has proved to be successful. Efforts are being made in other areas of work in the Prison to move to a similar model so that detainees' daily activities more closely mirror the outside world.

During the 2020-2021 reporting year, the Board was pleased to note that the Kitchen Team continued to make meals for the Food Bank in Douglas and also produced meals, this year, for Ramsey's Food Bank. The Kitchen produced a substantial number of meals for the Food Bank around Christmas and in the run up to the holiday season. A total of over 2,700 meals were prepared during the reporting year. This total would have been even greater but, as with other areas, the Kitchen Team was constrained by COVID-19 Restrictions and lockdowns.

As has been noted above, the Coronavirus pandemic has affected work activities in many areas and the Board would like to place on record its gratitude for the efforts made by the Prison SMT, Officers and detainees through their "can-do" response and hard work during this difficult period. At the end of this reporting period, it is clear that the impact of the pandemic has been substantial and that the opportunities for RDR and Work Party activities may continue to be affected during the 2021 - 2022 reporting year.

## SECTION 9: THE 'JURBY ADVOCATES' (PREVIOUSLY KNOWN AS THE PRISONERS' COUNCIL)

The Prisoners' Council was established in March 2015. In May 2019, it was agreed to change the Council's name to the 'Jurby Advocates', a name chosen by the detainees.

Meetings are normally held every other month with regular pre-meetings and interim meetings held between Wing Representatives and members of the Senior Management Team (SMT) to review items raised by detainees and agree the Agenda for the next meeting. Since 2018 – 2019, detainees have been responsible for chairing meetings and producing the Agenda. They also produced the minutes for a time, but this is now done by a member of the Prison Administration Team. Representatives are encouraged to research and suggest solutions to perceived problems and present a well-argued case for any proposed changes rather than simply producing a "Wish List".

Unfortunately, during this reporting year, the 'Jurby Advocates' meetings had to be cancelled at various times due to COVID-19 Restrictions. During 2020 – 2021, only three meetings were held out of a possible six. Irrespective of the lack of formal meetings, the SMT maintained links, where possible, given COVID-19 Restrictions, with the Committee of the 'Jurby Advocates'. The Board was pleased to note that the detainees were kept informed of the ongoing situation both within and outside the Prison, with the 'Jurby Advocates' being a major part of this process. It is believed that this helped to defuse any adverse speculation and reaction to necessary changes to the Prison Regime.

In the past, subjects covered in the 'Jurby Advocates' meetings have been many and various. For example, e-cigarettes, education, monies into and out of the prison, healthier food options, diabetes, changes to the Incentive & Earned Privileges (IEP) process, additions to the Facilities List (items allowed in cells), telephone costs, the copying of incoming mail and the introduction of new processes and equipment. One subject raised was access to cold and 'flu remedies. Whilst this could not be accommodated due to the possibilities of accidental overdosing, it did lead to concerns regarding vaccinations for the Coronavirus. It had been stated that the Prison was to be treated as a 'Care Home' environment, but in the event, the vaccination of staff and detainees was only available in line with the roll-out in the wider community.

The Board was pleased to note the continued attendance of Governor Grades and Senior Officers at Jurby Advocates' meetings which emphasizes the importance the SMT attaches to these meetings. Additionally, Senior Officers from different Departments attended from time to time to give reasons for delays in answering queries or explain why certain ideas or

suggestions must be rejected. Having said that, there is room for improvement in the attendance by certain Departments and it is to be hoped that this will be rectified during the 2021 - 2022 reporting period.

#### **SECTION 10: SAFER CUSTODY**

Like all aspects of Prison life, Safer Custody has been affected by the COVID-19 pandemic, with meetings held online and some activities curtailed due to the extraordinary circumstances of the past year.

**Meetings:** Multi-disciplinary Safer Custody meetings have continued. The Agenda typically consists of discussions about Folder 5 detainees (those detainees at particular risk of self-harm), Bullying Incident Reports (BIR's), detainees due for sentencing/transfer/release, detainees of special concern (particularly new admissions), and reports from the Security Department, Healthcare, Probation, Education, Disability Co-ordinator, The Samaritans, Veterans in Custody and the Independent Monitoring Board (IMB).

There are also fortnightly Safeguarding Forums comprising Senior Officers, Healthcare, Education, and a member of the Resettlement Team which, according to a report in late November 2020 were "working well, productive, and beneficial".

**Incentives and Earned Privileges (IEP):** The IEP Scheme continues to be reviewed and revised. This live system encourages detainees to engage fully in their rehabilitation path as opposed to just behaving well to gain progression through the stages; the ultimate goal being to participate in RDR and/or ROR.

At the end of this reporting period, the percentage of detainees on each level when compared to the previous three years was as follows:

	March '21	March'20	March'19	March'18
Basic	0%	01%	09%	04%
Standard	35%	33%	49.5%	52%
Enhanced	65%	66%	41.5%	44%

The Board is delighted to report that the levels on the Standard and Enhanced Regimes have remained high. The zero value for those on Basic Level is due to the temporary suspension of downgrading during the more restricted COVID-19 Regimes.

**Bullying Incident Reports (BIR's):** After a significant rise in the number of cases in the previous reporting year, the numbers reported have decreased by a third:

2018 - 2019 = 18 cases 2019 - 2020 = 24 cases 2020 - 2021 = 16 cases **Folder 5:** The number of detainees on Folder 5 has increased significantly this year:

2018 - 2019 = 34 cases 2019 - 2020 = 38 cases2020 - 2021 = 59 cases

The changes in the above numbers may be indicative of better staff observation and reporting. There has also been an increase in detainees facing their first time in custody, mostly as a result of breaches of Emergency Regulations. The restrictions due to the pandemic were also particularly difficult for certain detainees.

**The Samaritans:** There are posters in many places in the Prison giving the telephone number for the Samaritans. The Samaritans also visit the Prison at the weekends. The number of calls made is low:

2018 - 2019 = 5 calls 2019 - 2020 = 6 calls2020 - 2021 = 4 calls

Apparently, one of these calls rang and rang but was not answered. This was brought to the attention of a Samaritans representative.

**Long Term Detainees:** This year has seen the return from the UK of three detainees sentenced to life imprisonment. These detainees are of particular concern due to the length of time they have spent and will spend in custody.

**Staffing Levels**: The October IMB meeting noted how staff shortages due to sickness and COVID-19 isolation have impacted detainee access to evening association, outside exercise, and sessions in the gymnasium (although some gym equipment was placed on the wings where it was very much appreciated). Access to Education was also affected, although the activities of the Education Department were heavily curtailed during the pandemic (see Section 12). Low staffing levels also impacted areas, i.e. security and cell searches, but recruitment itself has been hampered by the travel and other restrictions faced by the Island this year.

**Custody Support Officers:** Over the course of this year's visits, Board Members noticed that some detainees were unaware of their allocated Custody Support Officers (CSO). Officers were unable to move freely between wings during COVID-19 restrictions, and this being the case, unless the CSO happened to work on the same wing as the detainee assigned to him/her they were unable to meet up. This was brought to the attention of the Prison Governor at IMB meetings and recent months have seen some improvement.

**Supported Living Plan (SLP):** One detainee has a SLP and there do not seem to be any concerns about his ability to cope in Prison.

**Overnight Concerns:** Reporting of Overnight Concerns has increased this year, perhaps because staff are better trained. Peer Support Arrangements, where a particular detainee will support a fellow detainee are also in place, with an average of about five ongoing at any one time.

**COVID-19 Concerns:** Although the detainees in the 70+ age group were slightly later receiving their vaccinations than the general population, and Prison staff did not count as essential workers to be vaccinated early as a priority, the July 2020 IMB meeting recorded positive feedback from many detainees relating to how safe they felt throughout the COVID-19 pandemic, and staff are to be congratulated for that.

**Security:** Prison Security is reviewed and updated constantly. There has been information relating to letters being smuggled out via discharged detainees, so it is important that proper searches of possessions must be carried out. There are new signs for visitors about prohibited articles in the Gatehouse.

**Staff Training:** Staff training in Control & Restraint and other subjects impacting on safer custody has continued, COVID-19 permitting.

**Death in Custody:** Enquiries continue into the death in custody which occurred in March 2020. The Board understands that the Inquest is likely to take place in 2022.

Good communication between all disciplines within the Prison is vital for the safe and productive custody of detainees and the Prison Governor and his staff work very hard to constantly assess and improve the safety and quality of life for the detainees in their care.

#### **SECTION 11: EQUALITY & DIVERSITY**

The Senior Management Team (SMT) at the Prison is fully committed to ensuring compliance with the Isle of Man Equality Act 2017 which affects both detainees and staff alike. However, during the reporting year due to COVID-19, delays in recruitment, long term sickness and staffing shortages, attendance at the Department of Home Affairs (DHA) meetings has been shared between a number of staff. This has given the opportunity for staff who "acted up" as Senior Officers to attend and gain experience. On those occasions where attendance was not possible, the meeting minutes were received and read by staff. The Acting Governor had confidence in leaving this responsibility to Senior Officers and consulted with them as necessary, but he has a wealth of knowledge in this area himself due to his operational experience across the UK Prison Estate.

Policy reviews are at a standstill temporarily due to the unprecedented staffing difficulties faced. However, staff are trained in Equality & Diversity Awareness at Entry Level, undertake online courses through Isle of Man Government Learning and Development (LEaD), and also participate in in-house training. The Board is confident that every effort is made to try to ensure equal treatment of detainees.

Staff recruitment and employment matters have been dealt with or advised on by Government Human Resources centrally. The current leadership is more understanding and tolerant to the issues faced directly or indirectly by staff in their personal lives. Reviews of detailing and re-profiling of staff are due to take place and an Impact Assessment will be carried out alongside the proposed changes.

**Equality and Diversity, Disability, Foreign Nationals, Veterans:** Equality and diversity develop continually as the detainees change but it is fair to say there has been no evidence

of serious discrimination on grounds of age, disability, gender, race, religious beliefs or sexual orientation.

A significant number of detainees have complex health needs and various disabilities. The Disability Liaison Officers Group has undergone some changes during the reporting year, due to staff leaving or being on long term sick leave. The policy is currently under review as is the training for those involved. The Board understands that the SMT intends to advertise for these positions with a view to successful Officers becoming part of the Safer Custody Team. At present, any person entering the Prison will be seen on induction by the Induction Staff, a Safer Custody Team Member, Healthcare, and Education. Healthcare will work with staff if they have any concerns, and will put in place any appropriate adjustments required.

Female Detainees: The female prison population has continued at a high level during the reporting year. At times, it has been a volatile mix of detainees with challenging personalities, behaviour and healthcare needs. The wing is always spotlessly clean and tidy and certain detainees have gone out of their way to support those struggling in a custodial setting. Female prisoners do have additional needs. Until recently, they had the use of a bath; however, this was halted due to a repeated self-harm scenario but it will be reviewed periodically. They also have access to female-specific toiletries, a varied clothing allowance and their own Horticultural area in line with the main population and vulnerable prisoners. A Women's Group has been introduced by Probation and the Interventions Hub has a Women's Programme to address confidence, assertiveness and self-esteem issues. As far as employment goes, one female detainee is on Resettlement Day Release, attending both University College Isle of Man (UCM) and a part-time job. In addition, the Education Orderly, 'Street Cleaner' and Administration Orderly jobs have been filled by female applicants during the reporting year. This is positive progress for the female detainees because in the past, they have experienced less job diversity than their male counterparts. Work Allocation Board (WAB) meetings look at an individual's suitability for the role rather than gender placement where possible and a Board Member has attended these meetings in a monitoring capacity.

Any progress to provide more varied work and educational opportunities is welcomed because the female prison population seemed to struggle particularly hard during the COVID-19 lockdowns. Female detainees with young children found the restrictions on visits and social contact very difficult to cope with, as did their families. A number of them have been accepted for a transfer to a UK Prison but the pandemic has halted all such movements. The efforts of Officers to develop more varied and rewarding employment and social options is to be applauded, especially given the COVID-19 Lockdown Restrictions.

**'COVID-19' Detainees:** As mentioned elsewhere in the report, throughout the reporting year there has been a number of detainees who have broken the COVID-19 Emergency Regulations. The efforts of Officers who staffed the wing where these detainees were isolated from the main Prison population has to be applauded, as agreeing to work on the wing was a voluntary decision by each Officer.

**Chaplaincy:** The Chaplaincy Team represents the Roman Catholic, Church of England and Baptist Faiths. Normally, a member of the team would visit the Prison daily and interdenominational services are held weekly for those detainees who wish to attend. The Board recognises that the Chaplaincy Team offers compassionate pastoral support to detainees and their families as well as assisting all faith groups to practise their religions. A member of the Chaplaincy Team attends the 'Jurby Advocates' Meetings regularly and the team also provides input to other meetings whenever possible. Unfortunately, the Chaplaincy Team

had to suspend visits to the Prison during COVID-19 lockdown periods but the Board is pleased to report that the Chaplains are now back to normal visits/rounds.

From time to time, the Chaplaincy Team assists detainees of non-Christian Faiths. This happened during the reporting year when the team contacted the local Imam to visit a Muslim detainee to provide support in faith-related matters and also advise Prison staff.

#### **SECTION 12: EDUCATION**

The Education Department at the Prison opened its doors again after the first COVID lockdown in May 2020. Unfortunately, it proved necessary to lockdown on a number of occasions since then. Each time, the Officers were ready to accommodate the change. The Education Department created in-cell activity packs for the detainees to keep their spirits and minds occupied by providing crosswords, word searches etc. After each period of lockdown, the Education Department issued a survey to the detainees asking them about their preferences for classes and for ideas on what they would like to see offered. This invited students to think about their future and encouraged them to make changes and better choices.

The number of detainees attending Education Classes averaged just over 50% during the reporting year.

Literacy and Numeracy Assessments are issued to all new receptions along with information about the Education options offered in the Prison.

Classes for 2020/2021 included:

Art, Book Club, Cookery, Craft, Crocheting Skills, Driving Theory Practice, One-to-One English Lessons, English/Creative Writing, Poetry and Stories, English iGCSE, Information Technology (IT), One-to-One Mathematics Tuition, Mathematics GCSE, Psychology, Yoga and Basic Skills (a new course for Functional Skills Mathematics and English sourced from University College Isle of Man).

There has been a high demand for the service offered by volunteer tutors providing invaluable one-to-one tuition for detainees in Mathematics and English.

Four detainees were approved to receive Prison Education Trust Support and the subjects to be studied are as follows:

- Snack Bar Café and Fast Food Management.
- Book-keeping.
- Business Start-up Parts 1 and 2.
- Proofreading and Copy Editing.

Although lockdown stopped Education in its tracks, those detainees ready for examinations were able to take some GCSE examinations in October and November 2020 with excellent results:

- iGCSE English Passes (1 x A, 1 x B, 3 x C, and 1 x D).
- GCSE Mathematics Pass (1 x C).

In addition, four detainees were awarded Mathematics GCSE Grade C, based on their work in cell during the first lockdown.

A UCM Dyslexia Specialist provided screening services for examination candidates to ensure that detainees were able to access appropriate arrangements for their examinations as would be the case in the community.

Five City and Guilds ITQ assessment submissions were submitted to the Awarding Body including PowerPoint (Level 1), Excel (Level 2), and Access software (Level 2). All were graded as a Distinction.

One detainee began a Plumbing Course at UCM in September 2020 and another began a course in Hospitality and Catering, as well as spending additional hours volunteering in the Refectory. Both detainees attended UCM on day release, settled in well, and made excellent progress. A detainee also secured additional work at the weekend to help save for eventual release and a more secure future.

Spanish Lessons commenced in the New Year on one of the male wings. The Tutor is a volunteer. It is proposed that these lessons will be extended to include all wings.

During the year, the female detainees attended a session run by 'Care for the Family' ('Wisdom House'). This was successful and the participants were issued with a copy of the book and hand-outs to work on in their own time. The Education Department is looking at extending this to the other wings.

A volunteer who works within Government organised a Karaoke session for the female detainees which was received very well. Everyone joined in and thoroughly enjoyed the experience. The volunteer very kindly donated an old karaoke system to the Prison so that these sessions can be offered more frequently to enable the experience to be delivered on other wings.

Two enhanced (trusted) detainees attended the UCM Online Testing Centre to sit their Driving Theory Test and another is scheduled to do so (subject to COVID-19 Restrictions).

A new Young Offenders Programme began in September 2020 with classes offered in Careers/Employability Skills, Crafts, English, and IT. All young Offenders were offered screening tests to assess their Numeracy and Literacy Skills. Based on the results, 14 Young Offenders attended full-time Education in the Prison under the Young Offenders Programme. A representative from the Careers Service conducted one-to-one interviews with all Young Offenders to enable them to prepare individual plans to meet any future career goals. Welfare Officers from UCM also attended. The UCM Dyslexia Specialists screened the detainees as and when needed. The Education Department worked with the Young Offenders on their plans for what they would hope to do on release and assisted and encouraged them to fill in applications for College Courses. Two young offenders received distinctions in their IT examination. The Young Offenders also helped the English Tutor to wrap presents for the Samaritans' Christmas boxes out of education hours. Whilst some aspects of the programme were successful, the level of engagement varied and in December 2020 the Young Offenders chose to continue full-time education alongside the other detainees and the programme stopped.

The Christmas Tree Competition was a great success with twelve entries submitted.

In March 2021, 55 detainees were entered for the Koestler Awards, which are open to all those in custody in the British Isles. Work towards these awards continued during the third lockdown with the Art Tutor setting projects for the detainees to work on. Some detainees also entered the Prison Reform Trust Writing Competition for short stories and poems.

Currently, eleven Officers are working towards Assessors' qualifications. These will enable them to teach detainees so that they can leave Prison with a qualification in Cleaning or Gym work.

UCM continues to provide support and the link between the Education Manager and UCM has been invaluable. The Education Manager and her Assistant continue to divide their time between UCM and the Prison. The Education Budget has not increased for many years but the yearly running cost of the Education Department continues to increase. The Education Manager continues to juggle resources and has very successfully found volunteers within Government, UCM, and other areas to enable the Department to expand the Curriculum. However, this is no substitute for proper funding.

The proposed Works Project to use the greatly under-used Workshops would be a huge asset to Prison Education. At the beginning of 2020, an application was made to the Lottery Trust for funding and the initial signs were very encouraging. However, due to policy changes introduced during the first lockdown, a fresh application had to be submitted. The Education Manager has been working hard to put together a Business Plan to introduce construction units in the Prison including the delivery of the units and staffing required based on new plans to resurrect the construction block initiative. As the reporting year came to an end, there was news that the Business Case had gone forward to the Economic Recovery Group. Initial signs are promising; the Senior Management Team met with the group and they are keen to fund the project. The funding would mean that the Prison could begin teaching Joinery, Plastering and Floor & Wall Tiling at Level 1. According to the Construction Federation, these are all trades where there is a shortage on the Island. If approved, this could be established and running by the end of 2021 and provide a welcome addition to the Education Programme at the Prison.

The Careers Service attended the Prison and interviewed detainees to give invaluable advice and guidance about which qualifications to aim for whilst in Prison in order to enhance their future employment prospects. An official from the Job Centre continues to provide support into securing employment including guidance on preparing Curricular Vitaes.

**The Library:** Unfortunately, due to ongoing COVID-19 Restrictions the Library was closed for much of the reporting year. However, boxes of books were delivered to all the wings and the detainees were able to accesses them daily. The books were changed on a weekly basis to give the detainees plenty of new reading material. As the Prison returns to a normal regime, the Library will be made available to detainees on Sundays.

**Storybook Parents:** Due to staff changes at the Children's Centre who organise the recordings for the Prison, this resource has not been available this year. The Children's Centre is looking into training other staff members so they can take over the recording equipment and the process.

#### **SECTION 13: ADJUDICATIONS**

**Prison Governor Adjudications:** Adjudications are carried out by the Governor or a Deputy Governor when a detainee has allegedly committed a breach of the disciplinary code of the Prison. If an offence is deemed serious the matter will be referred to an Independent Adjudicator. Where there is an alleged breach of Isle of Man Law it will also be referred to the Police. During periods of lockdown, the Prison Policy was amended and Adjudications were routinely opened and adjourned. This was to prevent unnecessary movements and reduce the risk to the detainees throughout the Prison. Whilst not ideal, the Board fully supported this change. The process restarted once lockdown restrictions had been lifted.

When the charge in an Adjudication is found proven, the detainee is given what is known as an award which will be determined by the nature of the offence and the detainee's previous behaviour. The award may also include being detained in the Close Supervision Unit (CSU) for a specified period.

The outcome of Adjudications is an important aspect of the management information within the Prison and is also important to the Board's role of monitoring the treatment of detainees.

Significantly fewer Adjudications were brought against detainees during the reporting year, 148 in total of which 117 were awarded against the detainee, 6 Adjudications were referred to the Police due to the serious nature of the offence, 25 detainees had Adjudications dismissed of which12 were deemed medically unfit to proceed, 8 returned MDT (Mandatory Drug Tests) below the cut-off levels, 3 detainees were released before the Hearing and 2 found not guilty.

The Board believes the decrease in the number of Adjudications is due in part to the varying levels of COVID-19 Regime in operation throughout the reporting year.

Board Members attended several Governors' Adjudications this year with the consent of the detainee. In all cases, Board Members were satisfied that the Adjudications were administered professionally and the detainees treated fairly in both the process and the award. Adjudication paperwork was also reviewed on a regular basis to ensure correct procedures were being followed.

**Independent Adjudicator:** In July 2017, the Prison introduced a new Regime after a change in the Custody Rules allowing an Independent Adjudicator to preside over Adjudications of a more serious nature. Previously, this role had been undertaken by a panel of Board members. The Board felt this role was wholly inappropriate and petitioned for many years for the rules to be changed.

The Independent Adjudicator is a legally qualified impartial person and the Prison currently has two such Adjudicators available to ensure that all detainees are adjudicated upon in a fair and proper manner. The Board welcomed the introduction of the role and

believes it adds credibility to the Adjudication process for serious breaches of Prison Rules.

Awards made by the Independent Adjudicator are based on a tariff for each type of offence to ensure consistency. The sentences awarded often include additional days in custody and the number of additional days awarded had increased significantly during the 2019 -2020 reporting year. The Board was satisfied that they were just and fair awards.

Detainees can apply directly to the Prison Governor for a reduction in sentences of additional days awarded by the Independent Adjudicator after a sustained period of at least six months' good behaviour has been proven. The Governor has the authority to reduce the award by up to 50%.

During the reporting year, no Adjudications were referred to the Independent Adjudicator because the legislation surrounding the process is under review. The Board continues to fully support the use of the Independent Adjudicator by the Prison to deal with more serious breaches of the Custody Rules.

#### **SECTION 14: DRUG TESTING**

Dealing with detainees who have taken controlled drugs or other substances is important within the Prison. Testing for this is a demanding role.

Testing for drugs is through a Mandatory Drug Test (MDT) and more predominantly, suspicion testing. It determines those who have or have not taken controlled drugs. Additionally, New Psychoactive Substances (NPS) now have to be taken into account.

The use of intelligence-led drug testing has increased with a reduction in the number of MDTs for the general population.

The Board has witnessed intelligence-led testing being used effectively to maintain good order and discipline and to stem the use of drugs in the prison. Historically, Random Testing also had the role of monitoring the monthly percentage of the numbers who had passed or failed Controlled Drugs Tests. However, changes of policy by the Prison led to Suspicion Testing becoming the central focus. This was based on most testing being directed to those more likely to fail the MDT. This is a demanding role and reflects the current climate. The Board understands the reasons for the changes but would wish to stress the importance of receiving a regular update on the number of detainees who have failed and passed drugs tests.

Throughout the reporting year, there was a reduced volume of drug testing due to the constant changes in the Prison Regime which led to long periods of no visitors and no interwing contact between prisoners. The Board was still concerned to see no drug testing taking place for seven of the months of the reporting year.

A number of previous IMB Annual Reports have included discussion about the possibility of introducing Voluntary Testing. This would be for detainees who wish to have regular testing to confirm they are not involved in drug offences and would increase the incentive to stay away from illegal substances. It would also have a positive impact on applications for parole and would help to establish suitability for other activities such as RDR. To date, Voluntary Testing has not been introduced due to insufficient staff and equipment. However, the Board remains of the opinion that an option for Voluntary Testing could lead to improved relationships within the Prison as well as reducing use of controlled drugs.

The Board commends the staff involved in the demanding role of Drug Testing and dealing with the results. This includes Officers, Healthcare Team, and the medical and support systems outside the Prison.

#### **SECTION 15: THE CLOSE SUPERVISION UNIT (CSU)**

The Close Supervision Unit is used to closely monitor and support detainees for their safety and for the safety of others. Staff on the CSU have worked hard to introduce and develop a more structured regime on the wing to give detainees goals to work towards and better prepare them for a return to the main residential wings.

Predominantly, detainees are removed from their normal Residential Wing and placed in the CSU to separate them from other detainees. The majority of detainees are sent to the CSU having breached Prison Custody Rules. Occasionally, detainees who have been received at the Prison are placed in this wing due to concerns they may have hidden items that are unacceptable or illegal.

There is a similar single cell within the Female Wing for female detainees who require close support. However, there has been minimal use of this cell for behavioural issues throughout the reporting year but an increase in its use as a support tool, for example, to monitor Folder 5 detainees or isolate detainees prior to medical procedures.

The CSU is also used for a variety of other reasons including security, medical reasons, and periods of observation or detainee support.

The Board did note that the use of the CSU decreased during the reporting year, however, the CSU was closed for prolonged periods whilst the general population was under COVID-19 Restrictions. Any general statistics on the use of CSU during the reporting year would be inconclusive as a comparator.

The Board believes there is still room for improvement in the frequency with which Custody Support Officers visit detainees in the CSU. Although they have a responsibility to maintain contact with the detainee, the Board has evidenced that, on occasions, there is limited written evidence from a Custody Support Officer of the support given to a detainee once they are moved to the CSU. This is not helped by the absence of a suitable venue in the CSU where the meeting with the Custody Support Officer can be held. The

current layout of the wing does not necessarily allow discussion in private. Further thought could be given as to where the discussion might take place.

During the reporting year the Board has been concerned about certain detainees who have been segregated for long periods. In the current reporting year, several detainees have spent lengthy periods in the CSU for diverse reasons and Officers have worked tirelessly to return them to the normal prison regime. Finding a solution to deal with this problem is difficult and the many challenges faced by the Officers have been witnessed by the Board.

The Board feels that, on occasions, the CSU is being used to house detainees who would benefit from access to a Secure Mental Health facility. In the absence of such a facility on the Island, the Board feels that the Prison is still, on occasions, being used as **'the safest place we have'** to house those suffering from serious mental health issues. The Board believes these detainees would be treated differently if they were in a Secure Mental Health facility.

The Board is exceptionally impressed by the work of the Officers on the CSU. They are exposed to many risks and episodes of challenging behaviour and their work is highly demanding. The support they give to Board Members when on the wing is very much appreciated.

#### **SECTION 16: CRIMINAL JUSTICE SYSTEM (CJS)**

Criminal Justice System (CJS) legislation went out to consultation in July 2016 and the Board responded on the terms of custody, probation, sentencing flexibility, and intermittent and/or alternatives to custody. The full results of the consultation were made public in April 2017. A further consultation in respect of offender management, sentencing, and domestic abuse concluded in August 2018.

The Justice Committee (a Standing Committee of Tynwald) produced a report in April 2019 following oral evidence given by the Minister and Interim Chief Executive of the Department of Home Affairs (DHA) in January 2019. The report highlighted the lack of progress in the implementation of the CJS strategy which was approved in December 2012 with the following aims: fewer people entering the CJS, reducing the time taken to get offenders to Court and the number of offences going through Court, providing an effective system for victims and reducing offending rates. Whilst acknowledging the work invested in bringing any legislation to fruition, the DHA has not seemed to get any legislative priority until this year. The Justice Reform Bill should support many of the fundamental changes outlined by the Criminal Justice strategy.

The "re-start" of legislative plans for Domestic Abuse, Sexual Offences and Obscene Publications, and Justice Reform Bills was announced by the new DHA Minister in July 2020. The underlying effort to make progress for the Justice Reform Bill is attributed to the Member for Douglas East and it passed its Third Reading on 8th December 2020. Therefore, the Board can report that this has been a better year for legislative progress, although this is yet to be translated into change on the ground such as the extension of the use of cautions and fixed penalties, which could reduce the Prison population. The Sexual Offences Bill has been passed for Royal Assent and Domestic Abuse Bill has also progressed.

Given the persistence of elevated detainee numbers in the Prison throughout the past two years, continued delay to Justice Reform is a concern. The Board would suggest that detainees with short sentences would have benefitted far more from a non-custodial alternative had it been an option. The consequences of the COVID-19 Emergency Powers upon operational activity at the Prison have been extremely disruptive to detainees and staff alike and were tolerated with remarkable fortitude by all involved, but particularly the detainees.

The Board also remains concerned about the paucity of published data to evidence the progress that has been made. Nearly all of the 12 Programme for Government actions set in April 2017 for the DHA were "amended' in April 2019 for completion by late 2020, and extended again to July 2021 in most cases. Four actions were removed altogether in April 2020 (these included "20.03 Prevention and Early Intervention Team for Young People at Risk, 20.04 Reduce Offending through Community Rehabilitation and RJ (Restorative Justice) Programmes, 20.05 Drive Digital Transformation within the CJS and 20.06 Amendment of Jury Arrangements recommended in November 2016).

As part of the Programme for Government, additional Key Performance Indicators (KPI's) are collated by the Prison for the DHA. These include Safety (absconds or breaches and Control and Restraint (C&R) training), Respect (clean and decent conditions), Resettlement (help and support to maintain links with families), and Purposeful Activity (expanded KPI data this year includes the percentage of offenders attending work or education), but again, these figures are not communicated widely.

The Board remains unconvinced that any attempts to reduce re-offending have been successful. It would have to observe that its interactions with new receptions into Prison involve many familiar names and faces. Statistics were not available to the Board to verify progress.

Meanwhile, as reported in the Resettlement and Probation Sections of this report, the good progress the Prison & Probation Service had made in the area of addressing offender behaviour has been decimated by the twin adversities of ring-fenced staff being transferred into regular wing duties due to pandemic and general recruitment issues, and increased time in cell for detainees. The Resettlement Day Release (RDR) and Resettlement Overnight Release (ROR) Licences which include overnight and holiday period release as permitted within the limitations of the current legislation continued, but the restrictions imposed due to the pandemic severely curtailed the number of work days achieved.

#### **SECTION 17: OFFENDER MANAGEMENT/RESETTLEMENT**

This reporting period has been very challenging for the Resettlement Team, largely due to the twin concerns of poor ongoing prison-wide succession planning and COVID-19 restrictions. On a positive note, most of the dedicated key personnel continue in their roles. However, in reality most of them are carrying out their Resettlement duties as best they can, on top of Operational Wing Officer duties. Despite the hope for the re-start of a more normal regime in April 2021, the chronic staff shortage, late recruitment cycle and priority given to other areas of the regime, there is limited capacity for a dedicated team to recommence their 'ring-fenced' roles. The effect upon detainees of not obtaining timely

interventions and work opportunities, and thus being insufficiently prepared for reintegration into society is of deep concern to the Board.

The 2019 expansion of the Resettlement Team to include a Horticulture Officer and two Intervention Hub Officers was partially constructed as a response to recommendations from a Parole System inquiry in 2017. The central core of rehabilitation being essential to protect the wider community was acknowledged. Within a year of the promised expansion, one Resettlement Officer was not replaced. The dedicated Officer for Horticulture improved opportunities for detainees and 3 National Vocational Qualifications (NVQ's) in Horticulture were achieved by detainees in 2020 despite COVID-19 restrictions. The recorded quantities of fruit and vegetables supplied to the Kitchen are testament to all the hard work being achieved outside on a year-round basis.

The most recent lockdown and ongoing severe staff shortages have adversely affected the preparation and maintenance of all outside growing spaces for the 2021 season. Only detainee expertise within C Wing has ensured ongoing success. A & B Wing Horticultural space has not survived the lack of Officer supervision well. Female detainees were offered seeds and tools but there was insufficient interest for this to be continued and equipment has now been re-allocated to the other wings.

The two Intervention Hub (IH) Officer posts were halved when one occupant moved to an external Probation role. The remaining Officer, despite valiant efforts to continue with interventions and indeed the introduction of a Young Offender (YO) Training Scheme in September 2020, has been unable to maintain even last year's low level of Interventions. It was also intended that the expanded team would include a Trades Officer. This vital role was approved in 2019 but despite a genuine applicant, with Education struggling to attract funding and no appointment being made, this continues be a disappointment to many detainees who had high hopes for this long-awaited provision. Given that the Island has acute skills shortages in many Trades, a further reconsideration of this option is now required urgently.

The Resettlement Team has continued to build upon team working with both Probation and Education. The scheduling issues between Education, Gym and re-profiling have been a challenge, and these together with the staffing crisis were central to the demise of the YO Programme. The willingness of the team to provide support to Prison staffing in general and Probation, in particular, must be acknowledged. The latter has again suffered severe staffing shortages during the past year, although a permanent in-house appointment was made in December 2020.

The competing pressures of general staffing shortages and insufficient Probation coverage, has also led to failure to achieve planned Intervention Hub (IH) modules. In an average month for example, 85 hours of relief staffing equated to non-completion of 9 Intervention Hub modules in vital subjects such as Cannabis awareness. The idea of teaching IH modules with keyboards has been abandoned and focus is back upon face-to-face learning, which the detainees largely prefer. Only 26 IH modules (compared to over 100 in 2019 - 2020), were

completed throughout the reporting year across all available subjects, but this did include a Women's Programme module. The Board noted that module completions were minimal in the last quarter of the reporting period as general Prison staffing came under intense pressure. On a positive note, ongoing funding from the DHA for the IH programme has been secured for future years.

IMB Members attended an Intervention and a weekly Resettlement meeting during the reporting year to observe mid-sentence Custody Planning (CP2 & CP3) and Pre-release Planning (CP4). These are now held in the larger Multi-Faith Room which provides a better atmosphere. The Board is concerned that the impact of COVID-19 has resulted in the weekly meeting not being held for extended periods from April to August 2020 and January to March 2021. Most CP1 on Reception and CP4 requirements are being met through herculean efforts by the Resettlement Officer whilst also carrying out normal wing duties with support from in-house Probation. The Resettlement Team members' pro-active visits to the wings have greatly assisted the process. Nevertheless, the dominance of Regime needs over Intervention opportunity has meant detainees have not been able to complete Interventions to build supporting evidence for a Parole Application. Resettlement, as a strategic priority to prepare detainees for release, is severely diminished. Detainees with long sentences seem the most disadvantaged in this regard.

The input from Probation to the limited number of meetings held has improved, despite not having the continuity of a post-holder for over 12 months. Licence conditions need timely and thorough explanation rather than being carried out at the cell door. This has an impact upon the Resettlement Team who have often had to fill the gap in this regard. Arrangements made for the first external Probation appointment should be confirmed by an appointment letter given to the detainee at the Pre-release meeting but these have been largely casual this year. Detainees have had less access to information about support services and benefits available to them (DHSS, Drug & Alcohol, Job Centre, accommodation agencies etc). Healthcare staff had limited input and were often unable to attend. Detainees should be encouraged to maintain a healthy lifestyle through the National Sports Centre (NSC) Scheme. It is vital that this funding continues for the foreseeable future.

Overall, engagement between staff and detainees is being maintained. Daily interactions on the wings by Custody Support Officers through methods such as "Five Minute Interventions" should be encouraged by Senior Officers but in the current environment, understandably, this is not a regular activity.

A wider range of overnight and extended home visits with thorough and well communicated risk assessments has been achieved, with a focus on detainees retaining employment through extended release during COVID-19 lockdown periods. The range of individually paid work placements and work party activity in a wider range of settings has been another victim of lockdowns, though the team continues to seek new work opportunities in the community.

Whilst the Board is pleased to commend the Resettlement Team for their efforts under the extreme restrictions of COVID-19 lockdowns and fundamental staff shortages during the reporting year, there are serious areas of concern.

As reported elsewhere in this document, there is still no Voluntary Drugs Testing available for those detainees building evidence for their Parole Hearing. Custody Support Officer entries have been inconsistent, exacerbated by wing bubble restrictions. There is certainly room for greater participation by Officers in the Resettlement Meetings. A copy of the Custody Support Officer Report for the detainee might be of benefit to aid reflection. The introduction of a checklist for the Resettlement Meeting might also help to ensure that nothing important is missed. Parole Committee decisions have been problematical. This has a knock-on impact upon an already overstretched Resettlement Team who have shown determination and flexibility to support detainees within Prison and improve their chances for a successful release into the community.

#### **SECTION 18: PROBATION**

The Probation Service, as a whole, has had another difficult year with ongoing recruitment, retention and long-term sickness issues, despite measures to grow and train qualified staffing on Island in collaboration with a UK University. The Board hopes that this new initiative combined with updated training, will combat these long-standing issues and aid Succession Planning. The staffing shortage has been compounded by the difficulties arising from the pandemic with the three lockdowns bringing different challenges and the recruitment of less qualified staff with a view to upskilling is understood.

The Board must congratulate all those involved in the Homeless Project based at the Sefton Express and Athol House during the first lockdown in Spring 2020. It offered a reasonable level of support to the vulnerable, and exposed to a wider audience the fact that homelessness is a complex issue, broader than just housing provision. The Board feels that the need for ongoing pan-government and third sector collaboration should not be forgotten and the lack of such provision during the two lockdowns in 2021 was a concern.

External Probation services are based at Tromode House which opened up to parole, other discharged detainees and Court Bailees from 30<sup>th</sup> September 2019, although its official opening was substantially delayed until December 2020. Recently, it was renamed Community Rehabilitation Centre Accommodation (CRCA) to reflect its range of activities. It has twelve bedrooms and includes accommodation for up to three females and one disabled room. Occupancy has been variable throughout the year due to a combination of pandemic related limitations and risk aversion. Although issues with security and absconds remain, the procedures have been refined continually. Almost immediately at full occupancy, the initial layout of ten rooms was reconfigured to add two extra bedrooms, making the current total of twelve. Having reported since 2012 about new "bail hostel" facilities being imminent, the Board was pleased to see this important section of the offender journey has matured, and notes that the hard work of off-Island appointees is starting to benefit those residing in this accommodation, preparing them for a safe release into the community. Thorough planning and the ongoing review of procedures is evident and the delivery of face to face and hub-based interventions as well as classes in Guitar, Cookery, and Art remain in place. Partnership visits such as the monthly nurse attendance all add to the facilities.

The regular attendance of Probation Officers at Court twice weekly was pandemic impacted, but additional telephone advice has reduced the pressure on written Social Enquiry Reports (SER's). Even so, report writing and face to face engagement with detainees and Bailees is a difficult balance for an under-resourced team. Modernisation of the Criminal Justice Reform Act is long overdue to free time up for appropriate interventions to reduce re-offending.

Probation, within the custodial setting, presents a similar picture; a daily dedicated presence has not been available since November 2019, although improved continuity in attendance is notable this year and line management has been within the Prison since February 2021. A rise in Community Sentences and the challenge of more Receptions during the reporting year, plus the pandemic restrictions have led to less than perfect conditions for the more challenging Sexual and Violent Offender work. The absence of a full time Prison Probation Officer can make prompt assessment of receptions difficult. Good teamwork is more evident and in spite of lockdowns, the Probation and Resettlement Teams continue to work together to support detainees throughout their sentence and beyond the gate.

PEPS (Problem Solving, Effective Thinking, Perspective Taking, Social Skills) courses for detainees have continued to be carried out externally and within the Prison with some modules being delivered by an Intervention Officer under close supervision by Probation and overseen by a Forensic Psychologist. Intervention sessions within F Wing on a regular basis proved difficult with the demands of Induction and the various pandemic restrictions, with many inductions being delivered on a Residential Wing. Understandably, the anticipated roll out of a large quantity and greater variety of Intervention Hub modules has not occurred yet. Fewer than 40 Interventions were completed in 8 categories, with 3 new modules being added this year.

The Board continues to believe that technology is not a cheap substitute for face to face interaction with a detainee in a well conducted Intervention and, despite a dedicated Intervention Officer role, this activity has had to be severely reduced due to staff shortages. The pandemic caused a further decrease in opportunities to carry out many ring-fenced roles. The consequences of this lack of time for rehabilitation over a long period may be evident going forward. The Board hopes that the Karran Report recommendations will be re-visited to assess progress and reset objectives in the post-pandemic environment.

The Prison was realistic in accepting the impact of the pandemic upon its RDR and ROR Programmes. This reporting period has seen custodial detainees spending fewer than 400 days working in the community. Much praise is due for completed projects that have been achieved between lockdowns. Detainees on long sentences have resumed trips outside the Prison to secure accommodation, attend interviews and secure benefit arrangements. The advent of the pandemic resulted in 4 detainees being granted Home Detention Curfew to permit their work placements to continue. All were risk-assessed by Probation and finally assessed by the Prison Security Department before any Licence was granted.

In conclusion, overall staffing pressures as well as specific Probation recruitment and retention issues have impacted upon day to day activity to the detriment of detainees at all stages of the offender journey. The timely notification of parole decisions and conditions is a particular ongoing concern although some increased communication is evident. Probation work with the three life sentence detainees returned to the Prison from the UK in November 2020 seems to have been managed well with qualified Victim Liaison Officers trained, and Intervention work being achieved.

#### **SECTION 19: LEGAL VISITS & 'LIVE LINK'**

**Legal Visits:** During the period 1 April 2020 to 31 March 2021, visits to detainees including Advocates, Children's Services, Coroner's Officer, Tromode House, Education, Housing, Police Interviews, and Probation Services totalled 161 visiting a total number of 328 detainees.

**'Live Link':** During the period 1 April 2020 to 31 March 2021, the facility was used 718 times, a dramatic increase, due in part to the COVID-19 pandemic, as well as the fact that the Judiciary and Advocates appear to have embraced the system acknowledging its benefits.

The breakdown shows that the Courts used the system a total of 354 times over the reporting period as opposed to 79 times over the previous reporting period, whilst others (Advocates, Tromode House/Probation and the Police) totalled 364 times, an increase of 24.

The Board is pleased to see the overall increase in usage of such a valuable resource, especially by the Courts. It is hoped that this facility will continue to be utilised frequently thus hopefully further reducing the number of detainees who need to travel from Jurby to the Courts.

#### **SECTION 20: DISCHARGES**

Under the normal operating regime, female detainees are discharged from the Female Wing and male detainees are moved to F Wing the day before release but are kept separate from new receptions and RDR detainees. This is done to enable them to complete any necessary discharge paperwork and remove the temptation for general "ribbing" or celebration on the wing prior to discharge.

During the reporting year, the Board has witnessed numerous changes to the discharge regime including:

- Release directly from the Residential Wings.
- Release directly from the Isolation Wing.
- Release and transport to a designated isolation address.
- Release directly to the ferry with an Exclusion and COVID-19 Isolation Order.
- Release of detainees when COVID-related travel restrictions and car sharing options did not allow detainees to be collected by a friend or family member upon release.

The Board witnessed the Resettlement Team going above and beyond what was expected of them to make sure all detainees had as safe a transition as possible when being released, no matter what the circumstances. The Board attempts to speak to all detainees who are about to be discharged and has found that many can be apprehensive about release. The Resettlement Team works hard to counteract this, but lengthy periods in custody in a controlled environment with limited or no contact with the outside world are bound to take their toll.

The Board has witnessed the release of detainees who have had the opportunity for RDR and ROR and has found that they are much more settled and better prepared for integration back into society.

#### **SECTION 21: THE WORK OF THE BOARD**

Minimum complement of mambage (so year Custody Dulce)	10
Minimum complement of members (as per Custody Rules)	10
Number at start of reporting period	15
Number at end of reporting period	13
Number of new members during period	0
Number of members leaving during period	2
Number of 'in person' rota visits to the Prison	47
Average hours per visit	4.5
Number of 'virtual' rota visits to the Prison	17
Average hours per visit	2.4
Number of visits to attend additional meetings (Safer Custody,	34
'Jurby Advocates', Escort Contractor, Healthcare etc).	
Average hours per visit	2.25
Number of Board Meetings	10*
Number of meetings with the Minister	2
Number of meetings with the Police Custody Inspector	2**
OPCAT meetings	3
Number of Significant Incidents – advisory	42
Number of Significant Incidents – attendance	1

<sup>\*</sup> Two Board Meetings had to be cancelled at short notice due to COVID-19 lockdown restrictions. Of the 10 meetings held, 7 were 'in person' and 3 via CISCO Meeting Room or MS Teams.

\* \*The meeting scheduled for March 2021 had to be postponed due to the third lockdown. A meeting via MS Teams was held in April 2021.

The restrictions of the first COVID-19 lockdown in 2020 severely impacted the Board's ability to conduct 'in person' visits but an "on call" Incident Rota was maintained for both the Prison and the Custody Suite at Police Headquarters. Detainees were also able to write to the Board at all times and regular contact was maintained with the Prison Senior Management Team. Less rigorous restrictions during the 2021 lockdowns allowed individual members to conduct 'virtual visits' from the Board's office in the Gatehouse including talking to detainees by telephone should they wish to discuss anything. In March 2021, Government Technology Services finally provided remote working facilities and MS Teams to the Board meaning that the option of a video chat was possible with those detainees wishing to use it. Had these facilities been available earlier in the pandemic, the Board could certainly have achieved more.

Visits to the Prison to attend additional meetings were fewer during the reporting year due to COVID-19 lockdown restrictions necessitating the cancellation of many regular meetings. Having said that, Board Members were in contact with the Prison regularly via e-mail, telephone. and eventually, MS Teams.

The statistics for visits to the Custody Suite at Police Headquarters and the Court Custody Suite can be found within the relevant sections of the report (Sections 23 and 24).

The recruitment of new members in early 2020 allowed the Board to resume twice weekly visits at the Prison and expand the visiting programme for the Court and Police Custody Suites to twice a month when lockdown restrictions did not apply. Unfortunately, two of the new members had to resign during the reporting period due to changes in personal circumstances.

Training of new and existing Board Members resumed after the first lockdown. Members completed 163.5 hours of training during the reporting period. This included Induction and Key Training for new members, training for visiting the Police Custody Suite and a Conditioning and Coercion Awareness Course. In addition, many hours of "on the job training" have been completed during visits. The Board has also received updates on areas such as Education and Healthcare in the Prison during the monthly Board Meetings.

It has certainly been another challenging year for the Board. The number of Notifiable Incidents has reduced slightly but remains high. Detainee numbers remain consistently in three figures and rota visits can be lengthy and intense. Members give their time on a voluntary basis, the level of commitment required is significant, and the duties can be emotionally and physically demanding at times.

The recruitment of so many new members in 2020 has brought into focus an issue that has troubled the Board for many years. A number of members past and present have struggled to combine the demands of the role with full or even part-time employment. If the Board is to continue to exist and fulfil its necessary and important role, it must be able to recruit new and younger members. The Isle of Man Government is a major employer on the Island and over the years a significant number of Board Members have been Government employees. Whilst the Government is very supportive of employees who give up their time for other important voluntary roles such as the Territorial Army, Retained Firefighters, Lifeboat Crew etc., the same support has never been available to Independent Monitoring Board Members. Many employers in the private sector actively encourage their staff to volunteer and the

general trend is towards more flexible working. The pandemic has brought the community together and emphasised the need to help the vulnerable so perhaps it is time that Government Departments review their policies regarding support for other voluntary positions?

#### **Applications to the Board:**

Total No of Applications:	55
Miscellaneous	7
Confidential access to the Chairperson	0
Request/Complaints to Transport Contractor	0
Staff/Detainee concerns re Bullying	2
Transfers to other Establishments	1
Sentence related, RDR (Day Release), Parole, ROCG (Release on Compassionate Grounds)	3
Canteen, Facilities, Catalogues	2
Property - Police	2
Property - Prison	3
Health related	21
Visits, Telephone	5
Food/Kitchen related	0
Finance, Pay, Funds Received	0
Education, Employment, IEP	1
Equality/Diversity including Religion, Finance & Pay	0
Adjudications/Prison Rules	6
Accommodation	2

The number of applications has increased by almost 25% during the reporting period but is still well below the figure for 2018 -2019. The number of detainees has remained high and part of the increase is due to multiple applications and complaints from one detainee, many of which had no foundation. Health matters still account for the largest number of applications and have increased significantly, but many detainees have serious health and/or

addiction issues. Several detainees made repeated applications due to ongoing health issues and changes in Healthcare Policies. It has also been a challenging year for the Healthcare Team who have had to deal with the pandemic, staff shortages, and changes.

Applications concerning bullying decreased by more than half for the second year running. This is probably due to more robust reporting/monitoring procedures and increased efforts to tackle this.

As always, we thank our Clerk for her continued unfailing support and efficiency.

#### **SECTION 22: OPCAT**

Involvement in the National Preventative Mechanism (NPM)/OPCAT has created a greatly increased workload for both the Chairperson and Vice-Chairperson of the Prison Independent Monitoring Board (IMB). This has been as a direct result of the COVID-19 pandemic and the effect this had on residents of the Isle of Man returning from overseas trips. A further problem was the lack of representation from the IMB for the Juvenile Secure Care Home and poor attendance from representatives of the Mental Health Commission which left a greatly reduced membership.

The Cabinet Office failed to notify the NPM of the plan requiring returning residents to quarantine at the Comis Hotel and comply with a strictly enforced set of conditions. This oversight prevented the NPM from viewing the facilities and plans prior to returning residents being located at the hotel. Once they were within the hotel there was then no opportunity for the committee to visit whilst complying with the lockdown restrictions. The Chief Secretary wrote to the NPM to apologise for not informing them of the location of the holding centre and the conditions to be applied.

Complaints were made to the NPM by 12 sets of returning residents. These related to their stay at the Comis Hotel; their processing on arrival, and transportation from the boat to hotel. The NPM is defined by OPCAT as a monitoring body and not an investigative one; however, because the opportunity to monitor was taken away due to the Cabinet Office oversight, the committee decided that an amount of investigation was required. This resulted in three full committee meetings involving both the Chairperson and Vice-Chairperson of the Prison IMB. The Chairperson also met with legal representatives on three occasions in order to verify that the decisions reached by the committee were in accordance with international law and the Island's own Emergency Powers Act.

It was agreed that in moving forward, a Memorandum of Understanding (MOU) between the NPM and the Isle of Man Government was required because as stated in two previous Annual Reports, the NPM had been pressed into existence with no discussion between the Cabinet Office and the relevant Monitoring Boards. This memorandum was eventually drawn up and agreed towards the end of this reporting period.

The issues arising as a result of the quarantining of returning residents in the Comis Hotel has created an unprecedented amount of work for the Chairperson of the Prison's Independent Monitoring Board at a time when the Board's principle role to monitor the treatment of detainees in custody was particularly important. The level of communication from the Cabinet Office was poor and created many of the problems experienced by the NPM. It is hoped that the MOU will ensure that this situation does not arise in the future.

Whilst currently the NPM comprises representatives from three Monitoring Boards, it is felt by the members that a more practical solution would be to appoint a committee independent of these Boards comprising suitably qualified individuals.

#### **SECTION 23: POLICE CUSTODY SUITE**

Members of the Board act to safeguard the interests of detainees prior to any custodial sentence.

The premises monitored are Isle of Man Constabulary Custody Suite at Police Headquarters and any other institution so delegated.

The Board visits, unannounced and in pairs, throughout the year with a minimum visit frequency of once a month. All matters affecting the care and treatment of detainees are monitored, offering a level of protection both to those detained and to the staff entrusted with that responsibility. A report is written after each visit which is circulated within the Board, and to the Inspector in charge of the Police Custody Suite.

There are regular reporting meetings between the Board and a Senior Officer appointed by the Police Authority. These take place at the Isle of Man Prison three times a year or more frequently if thought to be necessary.

As the IMB is not represented on the various policy making committees the Board relies on the Custody Inspector to disseminate relevant information.

**Statistics:** During the  $1^{st}$  April  $2020 - 31^{st}$  March 2021 reporting period there were 1982 arrests. The breakdown follows:

Month	<24	>24 Hrs	>48 hrs	<b>All Arrests</b>
April 2020	132	1		133
May	147	2		149
June	180	2		182
July	246	2		248
Aug	205	1		206
Sep	168	2		170
Oct	155	3		158
Nov	187	2		189
Dec	179	1		180
Jan 2021	145	2		147
Feb	119	0		119
Mar	100	1		101
Total	1963	19		1982

For reference, these figures are always calculated (by the Police) based on cumulative time in custody, and it is *possible* that a number of the arrests calculated as exceeding 24 hours did not achieve this in one continuous period.

Under an agreement with the Police, members of the Board are available by rota to be called by the Custody Sergeant when it is thought that a detainee is likely to be held for up to or beyond 48 hours before appearing before the Courts. Where practical, a member will endeavour to attend the Suite to ascertain and confirm that the detainee in question is being cared for and treated justly, fairly and with humanity whilst in custody. During this reporting period, members of the Board were called 22 times and attended on 20 occasions.

The notification of 48 hours detainees improved during the reporting period but there were two occasions when notification was received too late for a Board Member to attend.

It is disappointing that the new CONNECT Computer System only highlights that a detainee is approaching 48 hours in custody one hour before 48 hours detention is reached, so the onus to ensure the Board is notified still rests with individual Custody Officers who are frequently extremely busy.

During this reporting period, there were thirteen unscheduled rota visits, including two induction visits for newly appointed members. The average visit duration was approximately 61 minutes. Visits were undertaken at a variety of times during the day. Visiting was suspended from March 2020 until June 2020 and again for most of January and March 2021 due to the Coronavirus, but members remained available to monitor detainees held for up to 48 hours.

Staff members were invariably co-operative and helpful despite their often heavy workload.

**Treatment of Detainees:** Detainees in the Police Custody Suite can be volatile, unpredictable, and demanding. In general, detainees were well treated in a considerate and fair manner, and most commented positively on their treatment. During visits, unless specifically advised to the contrary, an Officer will introduce the members of the Board and offer the opportunity for detainees to speak in private out of the Officer's hearing.

The Board observed that the provision of drinks, food, blankets, and reading materials was adequate.

First Aid Kits, anti-ligature knives, anti-suicide blankets and clothes, were in positions known to staff. Food stocks were satisfactory, and it was noted that there were supplies to cater for vegetarians and those of different religious faiths.

**Space, Cleanliness and Function:** The suite is bright, fresh and appears to be easy to clean and maintain to a high standard. Its freshness and cleanliness are often commented on in IMB visit reports.

The Suite works on an open plan system for "booking in" detainees.

It is noted that generally, the temperature problems commented on in the last report have been rectified. There have been a few problems during the reporting period but these appear to have been handled by staff moving detainees to different cells when necessary.

Generally, the cells are in good condition and are fit for purpose. Occasionally a cell is reported as being "out of service." When this has happened it has been rectified promptly.

It has been noted that the Suite has endeavoured to go "paperless" and a computer system known as CONNECT was introduced in June 2019. The implementation was not without problems and the system continues to appear problematical on occasions. During this reporting period, the Board has been made aware of CONNECT's failings on a number of occasions. The Board understands that when the system "goes down" Officers revert to a paper system which is later scanned into the CONNECT system once it is running again. However, the Board has concerns regarding the accurate recording of medication for detainees when switching from computerised to paper records. This was drawn to the attention of the liaison Inspector and safeguards have been put in place.

Established members of the Board have received a demonstration of CONNECT and Custody Officers have been very patient when explaining the system, particularly at busy times. The system is not without its problems, but it is a credit to the Police Authority that it has implemented new technology to try to conserve resources.

**Mental Health & Other Services:** The Custody Suite is regularly a temporary home to many detainees with mental health issues which is a concern to both the Board and the Police Authority. The lack of a suitable Secure Mental Health facility on the Island where vulnerable and potentially violent detainees can be held in a place of safety remains a major concern. The number of Police attendances to people with Mental Health issues remains at a high level, and a great deal of Police time is taken up dealing with these issues to the detriment of other policing work. The fact that there are now six Rapid Assessment Service (RAS) personnel (previously called the CRISIS Referral Team), with responsibility to visit the Custody Suite and provide 24 hours coverage helps.

There are "Appropriate Adults" trained and available to help both the very vulnerable and younger detainees. Difficulty with finding Appropriate Adults able to attend at certain times has been mentioned to Board members during a number of visits and this is a concern. It would appear that Adult Services are responsible for providing appropriate adults, not the Police. The Board understands that the Police are now asked to endeavour to secure the services firstly of an immediate family member (but invariably they can be either a victim or a witness) then extended family, then friends, and if that fails they can contact Adult Services. If they could not supply someone then it was for Adult Services to provide a Social Worker. A long-winded process which can be to the detriment of the detainee.

The Board would like to take this opportunity to compliment the Custody staff on their ability to deal with vulnerable and "high maintenance" detainees in a calm, professional and compassionate manner. There appears to be good support from the RAS (Mental Health Team).

**Training:** The Board underwent training, attending a one-day course entitled IMB Custody Familiarisation.

#### **SECTION 24: COURT CUSTODY SUITES & HOLDING CELLS**

**Introduction:** Members of the Independent Monitoring Board (IMB) visit in pairs. The visits to the Custody Suite at the Isle of Man Courts of Justice take place at least once each month and without prior notice. At least one member of the Board also attends the regular meetings held between the senior management of the Isle of Man Prison and the company holding the Escort Contract. Unfortunately, the pandemic has meant that these meetings have been less frequent during the reporting year.

**Statistics:** During the April 2020 to March 2021 reporting period, there were nine visits made, during various times of the working day. The average visit duration was approximately 45 minutes. Two visits were made as part of the induction process for new Board Members. Visiting was suspended from March 2020 until June 2020 and again for most of January and March 2021 due to the COVID-19 pandemic.

During visits, members are introduced to detainees who have the opportunity to talk to them in private. The majority are happy to discuss their treatment which has generally reflected well on the staff; occasionally detainees have declined.

**Juveniles:** On a number of occasions, Juveniles have been held in the Suite. There is a dedicated Juvenile area close to the main Custody Suite which has been refurbished. However, this has not been utilised as currently there is no CCTV coverage. The Board understands that the introduction of Body Cameras will mean that finally this area can be used. Previously, Juveniles have been held in part of the main Court Custody Suite which was both a cause for concern and contrary to the Custody Rules.

The Board understands that there are six fully qualified Officers who are able to look after detained Juveniles.

**Maintenance of the Suite & Fittings:** The Department of Infrastructure (DoI) is the Landlord of the Court Custody Suite.

During the reporting period, significant improvements were carried out mainly with the assistance of the Prison Governor and the Prison Works Department. The temperature in the Suite is now manageable. However, there is still no "privacy" film on the office windows, which might allow detainees to see files on the office desk possibly breaching GDPR Regulations.

The furniture in the Advocates' Room and additional Interview Room has been secured to the floor and both rooms are fit for use.

The company holding the Escort Contract continues to take responsibility for the cleanliness of the Suite and the Board is pleased to note that the Suite is cleaned to a good standard and is generally fresh smelling.

The COVID-19 pandemic has presented considerable difficulties with the need to utilise Video Courts, meaning that Court Custody Staff have had to man Video Courts at Police Headquarters in addition to their other duties. This has also presented problems with the

transportation of detainees to and from the Prison. There have been reports to the Board of a lack of communication between Court Custody, and Prison staff in respect of medical escorts, as well as issues regarding the time of arrival of detainees at the Prison, particularly on visiting days. On occasions, detainees and escort staff have spent lengthy periods in the secure vehicle outside the Prison without access to toilet facilities or food and drink. Many of these problems have been exacerbated by the impact of the pandemic and a shortage of staff at times due to self-isolation requirements. The Board also recognises that at times, the Courts have been sitting later than usual. This can have a "knock-on" effect as detainees are delivered to the Prison very late. If Healthcare and other facilities are not available, this could mean that a detainee has to be held in the CSU (Segregation Unit) overnight to facilitate the necessary close observation to ensure their safety and well-being.

The Board recognises these issues and has highlighted the need for closer communication during these difficult times.

Critical materials (First Aid kits, anti-ligature knives, anti-suicide blankets, cuffs, etc.) were in positions known to staff and were easily accessible.

**Detainees:** Most detainees volunteered that they were satisfied with the way they had been treated by the staff. No detainees reported adverse treatment. The Board's visit reports consistently comment on the helpfulness and courtesy of staff in the Suite and on Reception, both towards the detainees, and Board Members. The staff are frequently very busy but are always happy to help.

The Board has noted that there is an adequate supply of First Aid equipment, spare clothing, toiletries, blankets, and reading materials.

The Board remains concerned about access to medication and Healthcare Practitioners for detainees whilst they are in the Court Custody Suite. It is understood that this is being reviewed by Healthcare professionals at the moment and the Board hopes that a solution can be found quickly.

**Detainee Transport:** Generally, the vehicles used have been specialised vans and cars. The vans contain a pod/box facility for specific detainees who require more secure or separate transport. All the vehicles have been fitted with updated CCTV and Defibrillators and staff have been trained in the use of such equipment. There is a vehicle used primarily for juveniles and medical escorts; this is also equipped with CCTV.

**Staff:** The management of detainees in the Custody Suite and their transport to and from the Prison and hospital, including some bed watch duties, were the responsibility of the Escort Contractor throughout this reporting period. The Board's visit reports consistently comment on the sensitivity and professionalism of the staff and Managers.

The Board was very pleased to see how the staff faced the challenges presented by the pandemic with a very positive approach. Their continued efforts are to be applauded. They

have had to deal with COVID-19 positive or potentially positive detainees often in difficult circumstances.

**Prisoner Escort Bill:** Under the Prisoner Escort Bill dated 2007 the IMB is tasked with reviewing escort arrangements and the handling of detainees whilst being escorted to and from appointments. These have been noted to be of a satisfactory level.

**Fire Alarm / Evacuation:** The Board is aware that a Fire Alarm is sounded at 09:00 hours every Thursday. However, a practice building evacuation in the event of a fire does not appear to be conducted on a regular basis, if at all.

for & on behalf of the Independent Monitoring Board

**Mr BOB RINGHAM** 

Chairperson

20 July 2021