

Issues for the Minister

- It was a great disappointment to the Board that last year's Annual Report was only made available to the public 7 months after it was submitted to the Minister and his Department. The Board act as a public watch dog; the public have a right to know what is taking place inside a custodial setting and what issues are being raised on their behalf. We can see no reason why an independent report was withheld for this lengthy period of time and would hope this will not be repeated in future years. Ministerial and Prison Governor responses to the issues raised should follow on after the publishing of the report, if not, they are not immediately available and should not be allowed to hold up report publication.

Response

I accept that the publication of the IMB Report should not be delayed by 7 months and this was most regrettable. However, I considered it important that the responses from both the Prison Governor and I, as Minister, should be published at the same time in order that the public can see the whole picture. The 2015/16 IMB Report was received on the 21st July, 2016, and although this was in the midst of the holiday period, I have given a commitment to publish both the report and the responses by the end of September 2016 a period of just over 2 months which does not seem unreasonable.

- We would encourage the Minister to extend his knowledge of the situation involving detainees who have severe mental health or social problems and have been segregated. This could be done through discussion with the Senior Management Team and the segregation prison staff, who could expand on the difficulties and extreme pressures they have faced during the last 2 years. Consideration could then be given to talks with Health & Social Services and other Departments to ensure previously agreed policies are instituted promptly.

Consideration could also be given to any other policies that could mitigate this exceptionally difficult problem.

Response

As Minister I have expanded my knowledge re severe mental health and social problems through meeting with the relevant professionals from DHA, DHSC and IMB. With my officers I continue to work with the DHSC to improve in particular mental health provision, which it is accepted is not without its problems. I take the matter of prisoner welfare very seriously, and I am grateful to the IMB for raising this with me and I will ensure this matter is brought to the attention of the new Minister.

- In order to increase the deterrent impact of failed drug tests, consideration should be given to changing the Custody Rules to allow a wider range of punishments. The Custody Rules Amendments (2016) Bill allow for the introduction of an Independent Adjudicator but awards available will need to be included in a future review of the Custody Rules. We would ask the Minister to pursue this urgent matter with all haste.

Response

The drafting of new Custody Rules to provide for the Independent Adjudicator will enable a broader range of testing for drugs. Additionally the independent adjudicator will be empowered to consider all offences with a higher level of punishment, and an increase in the days of confinement the Governor may give will increase the deterrent effect.

- The percentage of detainees who have “controlled drug” offences and also the growth in the use of New Psychoactive Substances (“legal highs” or NPS), result in a difficult situation. There is a need for significant intervention, both to help the detainees overcome their problem and to reduce re-offending. This requires discussion with other government departments and third sector organisations to increase their contact within the prison.

Response

The Department has been working through the Drugs and Alcohol Steering Group to ensure urgent action is taken to reduce the threat of psychoactive substances. This has resulted in the Treasury introducing controls on the import, export, production, and possession with the intent to supply psychoactive substances.

Although possession is not yet an offence this is an important development. The Custody Rules make it a criminal offence to bring psychoactive substances into a prison. The Custody Rules 2015 cannot make it a criminal offence for any person to possess such substances within the prison. A prisoner/detainee who is found to possess such a prescribed article can be disciplined, but this would not be a criminal offence under the legislation at present.

As a result the Department has asked the DHSC to progress statute to introduce a criminal offence of possessing a psychoactive substance in a custodial institution to close this gap in our law.

In addition, work with other Government Departments and third sector organisations will continue to assist detainees with drug problems.

- It is disappointing that there are no comparative KPI data available this year to measure against previously agreed targets. Whilst the data may have been difficult to verify, it would still have contributed to a 4 year trend in areas where detainees struggle, such as finding education, employment or training, as well as in monitoring whether all discharges find appropriate accommodation on release.

I understand that whilst this information is no longer included in the reported KPI data, it is still recorded by the Resettlement team and, if requested, can be provided on a monthly basis to the IMB.

- Whilst funding new initiatives is both complex and financially challenging, the Board is keen to support both the Interventions Hub and N-Force proposals as it believes

that a detainee taking personal responsibility within the daily regime is both rewarding and cost effective.

Both of these initiatives have been taken forward to the Criminal Justice Modernisation Digital Strategy Group (DSG) for review and possible inclusion in the three year implementation plan. The Interventions hub and the N-Force proposal (Prisoners' "self-service" consoles) will both require comprehensive business cases, including detailed cost benefit analyses, which once completed will be reviewed by the DSG and, if approved, the initiatives will be included in the Criminal Justice Modernisation Implementation plan. I have seen these work in Jersey and have been impressed. It will allow prisoners to make better use of 'lock up' time.

- Consideration should be given to the amendment of the Custody Rules so that secure E-cigarettes can be used as an aid to help detainees stop smoking and reduce the use of NPS's.

Response

This matter was previously considered by the Department and it was decided to await medical evidence that E-cigarettes were safe from the World Health Organisation. Consideration will be given again to what evidence is now available in order to decide whether the Custody Rules should be amended to allow the introduction of E-cigarettes.

- Consideration should be given to the further use of the 'Live Link' by the Courts of Justice. Presently, detainees are required to attend Court for minor enquiries/matters, and remand renewals. These could be carried out through the 'Live Link' saving unnecessary journeys to and from the prison and reducing detainee anxiety.

Response

I agree. However, although the Department has made additional legislative provision to increase use regrettably this has not proved as successful as was hoped. We will look at the possibility of introducing more compulsion in the law but this may well result in conflicts with human rights statute. I also understand consideration is to given to how detainees can receive more information on the benefits of using the live link to encourage use.

- In last year's Annual Report, we raised concerns with regard to the absence of a long overdue policy for the correct and decent handling of juveniles. Your response suggested that various actions were to take place which would form a Service Level Agreement regarding the management of young people. Disappointingly, after a year, we still await a resolution to this urgent matter.

Response

This matter is being progressed and the draft Criminal Justice, Sentencing, and Offender Management Bill includes provisions to increase the age of juveniles to 18 and to put the

Youth Justice Team on a Statutory footing. These changes will provide the legal basis for delivering the policy to which the IMB refer.

- We look forward to the opening of the long-anticipated facility being built by the Department of Health & Social Care which should improve secure provision for those with acute mental health needs. However, the prison continues to receive significant numbers of people who have serious mental health illnesses and for whom the prison is not a suitable environment. The Board feel that these people should not be sent to prison but should, instead, be diverted by Police and Court Liaison Services or supported adequately by the Island's Mental Health Services. A developed network of Court and Police Liaison Schemes should have performance targets and suitable funding. Police, Court Officials, and Magistrates should have regular training in understanding mental illness and learning difficulties.

Response

I agree, however, it should be noted that the new facility is not suitable for dealing with all conditions, especially the most acute.