



OFFENDING AGAINST PRISON STAFF AND PROPERTY

BY INMATES AT I.O.M PRISON, JURBY

Introduction

This protocol is introduced because it is acknowledged that offences against prison staff and property by inmates are, and always will be, regarded as particularly serious by H.M. Attorney General.

There has been an increase in the trend of offending against prison staff and property, and if not firmly addressed, it can perpetuate further offending and, more importantly, compromise the safety of the prison staff.

Policy

It is agreed, as a matter of policy, that offending taking place within the prison environment at Jurby will, other than in exceptional circumstances, be prosecuted, and that the welfare and safety of the staff will be considered as being of paramount importance.

Protocols

The following Protocols have been agreed by the Prison Officer Association (POA) Committee, the Government Officers Association (GOA) and the Prison Governor with Attorney General of the Isle of Man.

1. Protocol in relation to the Charging Decision

Whilst it is agreed each case must be assessed upon its own particular merits, it is agreed that offending against officers and property will always be considered as serious, and if the evidential test is passed, it is more likely than not that a decision will be made to prosecute. There is therefore a presumption in favour of charge in each case. There is also presumption that it will generally always be in the public interest to charge.

It is agreed that before the final charge is decided, that the Director of Prosecutions will be consulted, or in his absence, with the Attorney General or Solicitor General.

It is agreed that the final decision as to charge cannot be reached without first consulting the aforementioned.

It is also agreed that once the charging decision has been reached by the Prosecution, within 5 days of that decision, the Prosecution will briefly set out in writing their reasoning as to the decided charge, and this document (the Decision document) will be forwarded to the relevant parties (being POA or GOA, and always to the Prison Governor).

2. Protocol as to Case Management Conferences (CMC)

It is agreed that within 10 working days of a trial date being fixed, there will be a meeting held between the Officer in the Case, the allocated Prosecutor, and the Complainant and it is the intention of *all* parties that by following this procedure, the Complainant will feel confident and encouraged by the process as a whole.

It is also agreed that at the CMC, if it is the wish of the Complainant, that a Representative from the Complainant's Union may attend.

It is agreed that if it is the Complainants preference not to attend the Case Management Conference, then their decision must be documented and within 5 working days this document must be forwarded to the Prosecution and placed upon the Prosecution file for future reference.

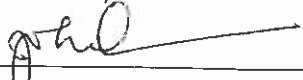
3. Protocol where it is decided not to proceed to Charge

If a Prosecutor, despite the overall presumption of charge, considers there are exceptional reasons not to pursue the matter, before any final decision is made, it is agreed that the Prosecutor must consult the Director of Prosecutions (or in his absence the Attorney General or Solicitor General), who should ultimately make the final decision as to discontinuance or otherwise.

It is agreed that cases of this nature cannot be discontinued without the aforementioned consultation taking place. If, exceptionally, discontinuance does occur, the reasons for discontinuance are to be documented by the Prosecutor within 5 working days and that document is then to be sent to the POA or the GOA, and always the Governor.

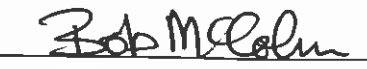
**OFFENDING AGAINST PRISON STAFF AND PROPERTY
BY INMATES AT IOM PRISON JURBY
POLICY AGREEMENT**

Acting Attorney General

Sign 
Print JOHN L.M. QUINN

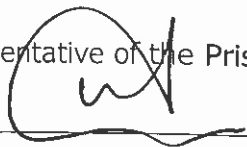
Date 16 June 2017

Prison Governor

Sign 
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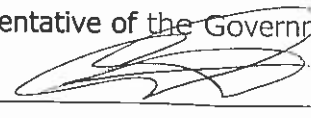
Date 16 June 2016

Representative of the Prison Officers Association (POA)

Sign 
Print M. CRUTCHLEY

Date 11th June 2016.

Representative of the Government Officers Association (GOA)

Sign 
Print G Ross

Date 11th June 2016.