



Isle of Man Prison

INDEPENDENT MONITORING BOARD

Report for the Year 2010

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

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SECTION 1:

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 prisoner was received on 14 August 2008. It is a non-smoking establishment.

There are five residential wings and one segregation unit. Altogether, there is certified normal accommodation for 138. Each wing provides single cell accommodation with integral sanitation, wash basin and cell power. There is no separate wing for prisoners on remand.

- 'A' and 'B' Wings house adult males; each of these wings can hold 42 prisoners.
- 'C' Wing houses vulnerable prisoners; it has a capacity of 26.
- 'D' Wing is able to house 16 female prisoners.
- 'E' Wing, the Segregation Unit, can hold 9 prisoners.
- 'F' Wing can house 16 young offenders.

'A', 'B', 'C', 'D' and 'F' Wings each have a laundry, for personal items, and a servery. Prisoners 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 prisoners who are disabled. 'E' Wing contains the Mandatory Drug Testing Suite and Adjudication Room. This area does not form part of the certified normal accommodation.

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. The unit is managed by Primary Healthcare, through the Department of Health, Primary Care Directorate.

The education area has six classrooms and each is capable of accommodating up to six prisoners per class. There are three offices and a library. Education is delivered by a dedicated group of Isle of Man College staff under the leadership of an education manager.

This level also provides for areas associated with staff training, legal visits the 'live link' to the Isle of Man Courts of Justice, and a visits hall for domestic or family visits. The hall can seat 70 visitors and 24 prisoners at any 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 are a dog unit, works department and training rooms, sports pitch and horticultural area.

SECTION 2:

EXECUTIVE SUMMARY

I am pleased to present the Report of the Independent Monitoring Board of the Isle of Man Prison for the year 2010.

The new prison has transformed the conditions of those who are held in custody and the working environment of the staff. It has led to noticeable changes in attitude which can only be for the best. All this has been appreciated by those who may visit frequently or on an ad hoc basis.

The Board recognises the contribution made by the staff at all levels, and their daily commitment to the welfare and respect of the prisoners held in their care. Board members would like to thank the Governor - her energy and vision are crucial in driving forward changes and initiatives and ensuring that there is no loss of focus on the priorities. It must be remembered, by all, that the prison is a work in progress and much has yet to be achieved. The staff cannot be expected to accomplish this in isolation, tucked away from the island's community. As an Independent Monitoring Board, we have to stress that the management both deserve and need the full support of the Manx Government. Also, they require the substantial input, of all appropriate agencies, if they are to be expected to halt the well trodden path made by a high proportion of prisoners who are released only to return to custodial care.

In spite of the Island's worrying financial climate, the staff have so far successfully met and dealt with the budgetary and organisational challenges of the year under review but face greater pressure in the years ahead.

In 2010, there have been many positive developments with others in the pipeline. However, there is still the need for new training and work initiatives for prisoners, which will provide recognised qualifications and skills for those about to be released.

The Government's introduction of no smoking in all Government establishments still presents staff and prisoners with continual challenges.....the staff attempting to prevent smoking and the prisoners trying to find ways around it. All of this has a negative impact on the prison regime and absorbs too much valuable staff time.

2010 has seen many changes in the makeup of the prison population. Whilst accommodating juveniles, young offenders, male and females, there has been an increase in the number of elderly prisoners, and also those with physical and mental disabilities. The year has also seen increasing numbers of prisoners of different race and culture. It is clear that the issue of diversity is understated, with a reactive rather than a proactive approach. The Board would hope to see this important area developed in 2011.

In terms of security, more work has been done to prevent and deter visitors from bringing forbidden items into the prison, including the use of search dogs, more searches by prison staff and a closer working partnership with the Police Force.

The Board would like to bring the following issues to the attention of the Minister of the Department of Home Affairs and the Prison Governor.

ISSUES FOR THE MINISTER

- Revision of the outdated Custody Rules is still outstanding. Under Rule 46 (6) (a) (b) and 46 (7), the Board has an adjudication role which conflicts with its monitoring role. Although the

Department of Home Affairs has recognised the need for change, the matter needs to be taken forward with all haste. Many of the rules, which are applicable to the Board, are also in need of revision.

- There is a need to appoint an Independent Adjudicator who has the power to award additional days for a wider spectrum of offences; in particular for assaults and for failure of Mandatory Drug Tests.
- The number of prisoners held on remand continues to increase. During one period a third of those held in custody were from this group; some being in custody for over a year. The Board feels there is an urgent need for the introduction of a Bail Act / Custody Limit. The long delays damage the prisoner, their family, jobs and housing prospects. A prisoner on remand, is not eligible for the courses which are run by Probation to address their offending behaviour, and some prisoners could be innocent. However, if they are later convicted then valuable time has been lost in obtaining the benefit of these courses.

Another side effect is the pressure on accommodation on the adult male wings. Both these wings have been at almost full capacity for all of 2010.

- During 2010 there was a noticeable increase in the awarding of lengthy custodial sentences by the Courts. Consideration, perhaps, should be given to this and the effect on prisoners, family relationships, the victim, the pressure on the accommodation within the prison and resources needed when these detainees are finally released back into society.
- There needs to be a much greater involvement and support from the Isle of Man Government and agencies in the resettlement of prisoners. The staff of the prison and prisoners due for release must be given every support possible, if we are to boast of a 'Freedom to Flourish' society. Without the necessary input prisoners are at very high risk of re-offending and treading the well worn path back to serve another custodial sentence.
- The lack of accommodation for the newly released prisoner is a major concern. Whilst appreciative of the work done at the 'David Gray House' bail hostel and the excellent work carried out by The Salvation Army, there is a need for a modern and larger hostel in which that work might continue and even be enhanced. There is little in the way of 'move on' accommodation apart from some provision met by David Gray House and The Salvation Army. Also, there is little housing in the public sector which is affordable and of a reasonable standard which might suit a newly released prisoner.
- Under no circumstances, should Juveniles be held in an adult prison. The Board is given to understand that this situation is due to change before the end of this reporting year.
- There is a need for more resources and services available to prisoners through Psychological Services and Mental Health Care.
- Unfortunately there was a death in custody in 2010, albeit at Noble's Hospital, Douglas. There has been a long period of time from the death of the prisoner to the Inquest, which, at the time of this Report, has still to be carried out. This excessive delay creates unnecessary stress for the family of the deceased and the Prison Staff.

- Legislation in relation to the live 'Video Link' between the Prison and the Isle of Man Courts of Justice requires urgent revision. Current rules do not encourage its use by prisoners.
- Taking into account its construction date (1979), design and facilities, the Custody Suite at Police Headquarters is no longer fit for purpose. The limit of 10 holding cells is less than adequate and on almost weekly occasions the cells at the Lord Street Station have to be used in order to accommodate the overflow of detainees. The Lord Street cells can only be accessed by lift which necessitates risk assessment of those to be held there. A new build, with at least 20 cells and associated facilities is essential.

Although court times have been adjusted in order to help reduce the pressure, the Custody Suite at the Isle of Man Courts of Justice is too small for the increasing numbers of detainees who use it. There are numerous design shortcomings which the Board has reported to the Department previously. Serious consideration needs to be given to looking into ways of improving this less than adequate provision.

ISSUES FOR THE GOVERNOR

- There is still a need for the creation of a Review Board for those prisoners who are held in the Segregation Unit for some time or those who are repeated users of the unit. The membership of the Review Board needs to include a Governor Grade, Unit Staff, Personal Officer, Healthcare member and members from other agencies considered as being appropriate for the particular needs of the prisoner in question.

The Board have concerns that Custody Rules:

39(2) - Removal from Association

42(2) – Temporary Confinement,

43(2) and 43(4) - Restraints

all of which relate to the duties of the Board, are being ignored or activated retrospectively. The rules need to be followed and activated as they serve as an important check and scrutiny tool for both management and prisoner alike.

- The Healthcare team must fulfil their duty in the timely completion of paperwork in relation to prisoners held in Cellular Confinement. The Board continues to evidence occasions where no documents have been signed by the Healthcare team. We consider this to be less than satisfactory. The Board has not been able to evidence the criteria used by the Healthcare team to assess whether a prisoner is fit for Cellular Confinement.
- In 2010, there was a significant increase in the number of prisoners held in the Segregation Unit. The Board feels there is a need for a review on the current deterrent value of the Unit.
- A review of the value of removing bedding from the cell of a prisoner awarded Cellular Confinement would be beneficial. However, we do recognise a need for this action if a prisoner refuses to leave his bed during the day.
- There is a need to ensure there is no ambiguity or inconsistency in data relating to those prisoners refusing Mandatory Drug Tests (MDT). All refusals for MDT's need to be recorded in the data.

The prison should be continually developing a policy which will assist in:

- Denying prisoners access to illegal drugs to help it to meet stipulated targets.

- Prioritising the introduction of a Voluntary Drug Testing Programme when resources allow. This will be a positive aid to those prisoners who are ready for parole.
- Maintaining pressure on the Department of Home Affairs for increased support from the Drug and Alcohol Team, the Psychological Services and Mental Health Services.
- There needs to be a review of the booklet entitled 'Prisoners Guide.'
- The Prison needs to consider whether the number of adjudications carried out in 2010 is at an acceptable level for a prison this size and review the system if the number is found to be excessive.
- There is a need to develop a more consistent method to decide on the awards to be given at Governor Grade adjudications. It is also essential to ensure that the description and coding of offences are consistent with all adjudicators. The records of reasons for dismissal of offences need to offer much more detail than at present in order to allow a greater scrutiny of the adjudication process.
- Over a quarter of adjudications relate to the smoking of illegal materials and paraphernalia associated with smoking. The Board feels there should be a more robust supervision and response by Prison Staff to reduce these high figures.
- There is a high level of abuse of Nicotine Replacement Patches by prisoners. Few prisoners engage in the therapies offered to them. Their focus is purely on the misuse of the patches. There needs to be a greater engagement with the prisoners by prison staff and the Healthcare Team.
- There is a perceived lack of support for Prison Officers from the Healthcare Team with regard to prisoners with mental health and disability issues. Constructive dialogue and help are often lacking as they can be hidden away under the guise of 'breaking patient confidentiality'. The Board is aware that staff would appreciate more guidance so that they too can fulfil their role of care.
- Library opening times remain inadequate due to staffing levels. The Board feels that priority should be given to this when resources allow.
- The variety of activities and jobs available are not fully meeting the needs of many of the prisoners and in particular those on the female wing.
- Both female and vulnerable prisoners have an equal right to travel to Court in the same manner as other categories of prisoner. On most occasions they are confined in the 'cubicle' of the escort van and although not seen by other prisoners, they are open to verbal abuse.
- The cell design for disabled prisoners has serious shortcomings in relation to users of wheel chairs, i.e. the hand rails by the toilet are in an awkward position, the mirror is above eye level, there is no light switch by the bed therefore using the wheel chair during the night has to be executed in darkness. The wooden threshold at the doorway means the chair has to be 'bumped' over it. This presents a hazard if the prisoner wishes to eat in the cell and has the meal tray on their lap.
- For a variety of valid reasons, the Workshops were little used during 2010. Serious thought needs to be given to their future use if prisoners are to benefit from attaining vocational

qualifications. This type of qualification can only be of benefit to prisoners on their release back into society.

- Greater use needs to be made of the Education Unit if the present level of funding is to be maintained. Higher numbers of prisoners must be encouraged to engage in classes and a greater variety of subjects should be offered to them. These will help prisoners achieve both vocational and life skill qualifications.

SECTION 3:

RECEPTION & INDUCTION

RECEPTION

During 2010 there have been approximately 300 new arrivals at the Isle of Man Prison. This can be a rather daunting first experience and as such it is pleasing to note that the Reception Staff appear to be considerate and understanding in their dealings with new arrivals.

There is a very detailed and comprehensive process and system in place which is concerned with the reception of remand and convicted prisoners. It deals with the issues relating to security, safety and the well being of prisoners.

Reception is open seven days each week and the normal close down point is 19:30 hours, except in the event of the courts sitting late, when staff will be alerted to this situation by G4S Staff. In this event, Reception remains open, even if the night staff have to take over the running of the area.

The reception processes are known, understood and followed by all staff within this area.

We have evidenced this from discussions with staff and by the fact that there have been very few applications to the Board relating to Reception and the treatment received there.

Prisoners arriving at the prison are handcuffed until they are located within Reception. They will have come from police custody, via the courts under escort by G4S or directly from the police, if they are fine defaulters.

Every reception is subjected to the special search (strip search). Female detainees will be processed through this by female officers.

Wheel chair training has been given to staff for the effective handling of prisoners in need of that type of assistance.

The special search has, in the past, caused a few prisoners some concern, and this was brought to the attention of the Board. However, for some prisoners, the Board found that a visit to court is regarded as an opportunity for "having a day out", or a "change of scenery". This seems to have become of more importance and there have been no complaints this year.

The necessity for the special search is always explained to new prisoners. The need for complete security is of paramount importance. We know it is conducted in such a manner as to endeavour to preserve the dignity of the prisoner.

For new admissions the detailed reception process, including the important storage of valuables and property is followed. In the case of valuables only two Reception Officers "for the day" hold keys to the Valuables Locker, thus ensuring a checking process is in place.

As part of the admission of new prisoners, a healthcare check and assessment is made. There is a Medical Room designated within the Reception Area, which is used in conjunction with the facilities within the Healthcare Wing.

A useful pack containing information is given to each prisoner. This offers relevant and helpful information to assist with the process of settling into prison life.

All information gathered as part of the admission process is referred to the appropriate departments, e.g. the kitchen, to ensure there is a meal for any prisoner new to the wings. Administration is given any monies prisoners may have brought in with them. The induction interview also ascertains the most suitable location in which the prisoner should be housed.

Prisoners returning to the prison from medical appointments, courts, or outside working parties, are also subject to the special searches. Our observations have proved that movements are efficiently recorded on the prison's computer system.

Throughout all these processes, staff are seen to be sensitive to the situations in which prisoners find themselves and they endeavour to ensure the smooth and efficient running of the prison.

It is important that prisoners are processed through the reception area as quickly as possible. We feel that at certain busy times, a second dedicated interview area would be beneficial to this process.

PROPERTY

Within the reception area is the designated Property Storage Store. This is a suitably sized and well organised facility. The area has clearly designated zones for stored property, incoming property and a locked cupboard for valuable property. The effectiveness of this facility is evidenced by the small number of applications to the Board concerning missing property.

There is also an effective system for the prisoners to retrieve their property. This is done by means of prisoners accessing their property through an application system. Each wing is allocated two days within the week on which they may request and receive their property. At each stage of this process we found that security measures and checks, giving a clear audit trail, are in place.

When prisoners arrive at the prison, their property is checked, in front of the prisoner, and carefully listed.

With regard to general "in possession" property, prisoners are allowed an allocated number of clothing articles – ten tops, six bottoms, and two pairs of shoes and, within reason, unlimited underwear. All other items are stored in their own allocated property box.

A health / hygiene pack (with items relevant to females and males) is given out, as well as a pack of canteen items to see them through their first days in prison. Included in the pack are an envelope, paper and pen for the important first link with home and family.

During our visits we noted that the Valuable Property store is very secure. Items are logged and kept in the safe, covered by CCTV observation. All money is passed on to Administration to be logged and accounted for on the prison computer system.

From time to time, visitors may bring in property and money for the prisoner; this will be recorded within the prisoner's personal on-going record.

Information concerning property is clearly outlined in the booklet 'A Rough Guide to the Isle of Man Prison' This is useful information and an aide-memoire for prisoners, particularly those new and unfamiliar with the prison organisation.

LEGAL VISITS

During the period 1 January 2010 to 1 January 2011 Professional / Police / Legal Visits to the prisoners totalled 597 visits:

Jan 2010	61	Feb 2010	71	Mar 2010	69
Apr 2010	61	May 2010	35	Jun 2010	35
Jul 2010	51	Aug 2010	44	Sept 2010	45
Oct 2010	39	Nov 2010	51	Dec 2010	35

Video 'Live Link' was used on 245 occasions and the time in use was 9280 minutes; a considerable increase from last year's 26 occasions and 354 minutes. However, the Board noted that much of the usage was for legal consultations with advocates, while its use for court appearance still remains woefully low.

SECTION 4:

REGIME

SOCIAL VISITS

Visits take place on Tuesday, Thursday, Friday, Saturday and Sunday afternoons. We noted that very few visitors arrive at the prison during the week; they mostly arrive at weekends. Even at the weekend the numbers of visitors is low and has not yet warranted a second visit session. The exceptions to the second visit are the families visiting from off the island.

The Board has investigated the low numbers during the week and has noted that this is due to the extremely long time it takes to travel to the prison by public transport. It would seem that the majority of visitors at the weekend arrange private transport from friends and relatives who are not working on these days.

There is a bus shelter close to the Visitors Centre.

The Visits Hall is large, with ample light. There are 24 tables, the majority being capable of seating three visitors and the prisoner. Staff are sensitive to potential conflicts in visits and seating arrangements are made so that a smooth visit is ensured.

There is wheelchair access and a small play area staffed, at weekends by volunteers from the Mothers Union. This area contains a selection of toys and games to keep the children occupied long enough for the visit to take place.

The Officers on duty in the Hall ensure a calm atmosphere, due to their skill, knowledge and expertise. Visitors are treated with courtesy and respect and subjected to the minimum of intervention. A prisoner's contact with his family is an important part of his resettlement.

The Board observed that all visitors are seated first and then prisoners are brought into the Hall. This procedure ensures that prisoners are not embarrassed by waiting for 'no show' visitors.

Visits last for one hour. Extended visits accommodate visitors from off the island who find travelling difficult. In these exceptional cases the visit is longer and lasts for one and a half hours.

If a Manx prisoner is serving a sentence in the United Kingdom, they are allowed to return to the island twice a year for accumulated visits. When this happens the prisoner is allowed visitors every visiting day. The total time allowed on the island for visits is three weeks. In 2010 two prisoners from the United Kingdom returned to the island for this purpose.

The total number of social visits per month averages out at approximately 200.

FAMILY DAYS

In addition to Social Visits, Family Days were made available in 2009 and continued this year.

These visits are made available to small groups of prisoners serving long sentences and they enable them to spend more time with their children, thus strengthening family bonds. No more than eight prisoners per session are permitted. To qualify for this benefit the prisoner must be on Enhanced Status and have been nominated by officers or other agency personnel. The sessions held during 2010 were Easter, Summer and Christmas. The Board has observed the very encouraging benefits of these days and positive feedback has been received. The Rotary Club fund meals. The Children's Centre runs a compulsory course called 'Through the Eyes of a Child' which the prisoner must attend. They also provide half the staff for the day. The Mothers Union make up the rest of the

helpers. On the day, valuable input was also given by the staff of the P.E. Department, the Prison's Catering Department and also Prison Officers.

CLOSED VISITS

These visits are usually the result of disciplinary action against the prisoner, or as a result of the visitor being suspected of carrying some illegal substance into the prison; often a sniffer dog has picked up on the carrier. The visitor, if stopped, is asked if they wish to proceed with a closed visit or to leave the prison immediately. If the visitor wishes to proceed with the visit they are placed in a cubicle outside the room and allowed to continue the visit. The prisoner and visitor are separated by a screen so that no physical contact is possible. There are three such closed visit booths. The Board has found that fewer than five of these visits took place in 2010.

LETTERS

All prisoners are entitled to send one letter per week which is paid for by the prison. After that, each prisoner can purchase stamps from the Canteen for which they pay. Letters in and out of the prison are monitored by staff and checked by sniffer dogs. One prisoner complained to the Board that he thought the staff on the Wing were reading his post. Five percent of letters are opened randomly to ensure the contents are safe and conform to the relevant regulations within the prison. All letters are checked for enclosures. The only exception to this is a letter to or from the prisoner's advocate which is clearly labelled "RULE 60". Incoming envelopes must be clearly identifiable and marked by the advocates.

TELEPHONE

There is an adequate number of telephones on all the wings. The larger wings have four and the smaller wings two. All telephones carry a pre-recorded message advising all parties that the conversation is being monitored. Once again, five per cent of all calls are checked at random; however this can be increased if there are any suspicions.

Prisoners can purchase telephone credit through the Canteen. This system uses pin codes to clearly identify the caller and the amount of credit available.

Prisoners supply the prison with a list of a maximum of ten telephone contacts. The numbers can only be dialled once the prison is satisfied that the receiver is content to receive the calls.

The Board has noted that the current telephone system works well and only two applications from prisoners concerning the system were received in 2010. The Board also noted that some of the 'Privacy Hoods' over the telephones require replacement.

CANTEEN / PRISON SHOP

There is an individual distribution of a canteen sheet once a week on a Monday. All prisoners are supplied with this sheet which gives a list of everything available, a price per item and how much they can spend. Special purchases can be requested, (DVD's etc.), however this list is limited. Once the prisoner has completed the sheet and it has been returned, the actual issue takes place on a Wednesday. All items are packed in a see through bag and issued by the Officers. The prisoner can check the contents against the list without having to open the bag. The Canteen Officer is assisted by a prisoner. The canteen offers a wide variety of items and there is also a limited range of consumables available.

EXERCISE, ASSOCIATION AND PHYSICAL EDUCATION

There are two periods of exercise a day, one in the morning and the other in the afternoon. If the weather is inclement then exercise is taken on the Wing. This exercise can be taken by all, including those on a basic regime or under a disciplinary regime.

All prisoners are allowed to associate with their friends and colleagues who reside on the same wing. There are two periods each week day, one in the afternoon and one in the evening. There is only afternoon association at the weekends and the prisoners are locked up from 17:30 hours over those two days. There are many activities available to prisoners including pool, table tennis, darts, board games, television and radio. The Board noted that these activities can be withdrawn, if there is a breach of discipline at any time and for a period of 28 days.

There is a minimum entitlement to Physical Education (PE) for all prisoners. Additional sessions, including evenings, are available according to the prisoners' privilege level. The PE sessions consist of a range of cardio vascular equipment, weight training, badminton, football or for those not of a physical leaning, there is a walk and talk exercise available. There are activities which are especially devised to suit the female prisoners. All exercises available aim to encourage a certain level of fitness and a healthier lifestyle.

The gymnasium is managed by a Senior Officer and five other officers. The officers cannot offer any training for a qualification due to the numbers going into the gymnasium. We found that they did offer training in Healthy Educational Lifestyle.

The Board has noticed over the year that the gym classes have decreased due to staffing issues. Given the severe monetary restraints at the moment, this seems unlikely to improve.

INCENTIVES AND EARNED PRIVILEGES (I E P)

The overall objective of the Incentive and Earned Privileges Scheme is to provide encouragement and rewards for the prisoners who behave in an acceptable manner whilst in prison. It aims to provide a credible system which adequately rewards those who meet the standards required, and clearly states the steps involved to achieve the Enhanced Level for prisoners who exceed Standard behaviours. Conversely, it also makes clear the stages for those who are not meeting the standards required of their current level. The three levels are Basic, Standard and Enhanced. All prisoners enter the scheme on Standard.

The IEP scheme should encourage good behaviour, discourage poor behaviour and assist staff in the task of managing prisoners in a safe and constructive environment. IEP warnings can be given by staff to prisoners who break their compact. Regular reviews are held for prisoners with excessive warnings. Should they be found to have failed to achieve their targets, then they are moved down a level. Prisoners can also apply to the review board if they feel they are meeting the required behaviour levels and deserve to be moved up a level. The higher the level achieved the greater the number of privileges; e.g. prisoners on Enhanced level have extra stations available on their TV's, kettle and extra gym sessions as a part of their entitlement.

LIBRARY

The library is purpose built and situated alongside the Education Suite. It is under the charge of the Education Manager. It is run by a competent and trusted detainee who is helped by a civilian volunteer. Prisoners have access to the library one afternoon a week. Each wing has a 20 minute slot. Those attending education classes are able to use the library as part of their education time.

There is a good selection of material. It is provided through the education budget, donations and the mobile library. This year we noted that the input from the latter is less than in 2009. They now

visit only every nine to ten months as the library is established and they supply about 250 instead of 2,000 books; however, individual requests can be fulfilled at any time from this source.

The reading material broadly reflects the cultural needs of the prison population. The book shelves are well signed and attractive containing fiction, non-fiction, Manx interest, self-help editions, talking books and some foreign language editions. There are 'quick reads' which are aimed at the less competent readers. The periodical called 'Inside Times' is available.

Prisoners in the Segregation Unit have no access to the library. Here, there is a book trolley and we are of the opinion that the material is changed about every two months or on individual request. We found that library statistics have only started to be recorded in the last quarter of the year. From these we were able to ascertain that an average of three to four prisoners per wing use the library on a Wednesday. Each user can take up to six books. The most popular reads are: fiction, factual books and crime stories.

It is unfortunate that due to staffing priorities and funding limitations the library cannot be made accessible to detainees on a daily basis.

Areas of Concern:

- Limited availability to detainees. A 20 minute period once a week is too short.
- Lack of periodicals and magazines and up to date reference books.
- Lack of prison literature such as Prison Rules, Custody Rules, Governor's Notices, although 'Archbold's Pleading' can be obtained on request. Unfortunately, there is not a notice in the room to state this.

Positive Statements:

- Enthusiastic and helpful staff and workers.
- Posters which recommend 'good reads' and display detainees book reviews.
- A 'Request a Book' form.
- Development of 'Library Introduction' sessions for detainees.
- Plans to encourage the less confident readers to use the facility.
- Policy and Procedure document on Prisoners' Library Provision due out in 2011.

SECTION 5:

FOOD & THE PRISON ENVIRONMENT

FOOD & FOOD HYGIENE

The kitchen benefits from being newly built and is therefore fitted out with modern equipment. It is kept spotless and maintained to the highest standards. The kitchen serves both the prison inmates and the officers' canteen.

A three weekly menu cycle operates, whereby the prisoners have both lunch and dinner choices including a vegetarian choice. Vegetables from the prison garden now supplement the fresh produce; an initiative begun this year.

All meals are delivered to the Wings using heated trolleys. The temperature of the food is regularly recorded at each servery and we have found that the required standards are being met.

The kitchen is staffed both by Prison Officers and Prisoners. The Prisoners regard this as a highly prized job. NVQ qualifications can now be pursued which is a big advantage to a prisoner when searching for a job on release.

A satisfaction survey was carried out this year and of those who responded, a high percentage thought they had a good choice from the menus and the quality of food was good.

Under Rule 79 (2), the Board has a duty to regularly sample the food on the Wings.

PHYSICAL WELFARE

Prisoners are encouraged and generally have good standards of personal hygiene. The showers on the Wings are well used by the prisoners and maintained to a high standard by the Works Department. There are washing machines on each Wing which the prisoners can use to wash personal items. A main Laundry Room, run by prisoners, caters for all bedding and any other items.

Prisoners are issued with prison clothing as and when necessary, i.e. if on Basic Level on the I.E.P. Scheme. However, the rest are permitted to wear their own clothing whilst on the Wing. All are able to wear their own clothing for attending Court.

ENVIRONMENTAL HEALTH

The cells are single occupancy, of a reasonable size, adequately furnished, with toilet facilities and a wash basin.

The communal areas of the Wings are generally kept clean and are well used both for association and the eating of meals.

The biggest complaint made to the Board is the total smoking ban within the Prison. This results in many prisoners smoking whatever materials they can, with the result that many are placed on report.

GENERAL HEALTH & SAFETY

The Health and Safety (H and S) Policy is available to all Staff. The H and S committee meets quarterly with a H and S Co-ordinator and a Deputy.

Managers are responsible for the risk assessment of equipment and materials used by prisoners and for the training required in relation to their use. Prisoners are required to sign a 'contract' which states they have been trained in the use of the same and that they will comply with the instructions given before and during use. The Board is given to understand that records of such instructions and training are carefully recorded on the Prison's computer system.

Any exceptional H and S matters, which require a financial input and are outside the Departmental budget are referred to the committee and, if required, a business case submission for extra funding can be made to the Department of Home Affairs, (D.H.A.)

During 2010 there were 59 incidents which involved both prisoners and officers. These incidents are recorded in the Prison's Accident Book. The majority of these can be grouped as "slips and trips". However, three were more serious: electric shock, broken wrist and a back injury

Senior Officers are required to attend a one day H and S course, especially designed for the Prison. The programme is put together in consultation with a member from the Institute of Occupational Health. A record is made of both attendance and the level of achievement attained.

FIRST AID

First Aid Kits are purchased by the Healthcare Team and are distributed to all areas of the Prison including Wings and Prison vehicles. The Healthcare Team will replace out of date items, but they are not responsible for checking the kits.

All Healthcare staff are able to deliver First Aid along with 60 Officers who are 'in date' for use of defibrillator equipment. Training in the use of this equipment is the only First Aid training undertaken.

FIRE & EMERGENCY EVACUATION

The Prison has a fire alarm system which is tested on a weekly basis. An evacuation drill is scheduled to take place at regular intervals throughout the year. In 2010, the Board noted that three such drills took place.

Initially, the fire drill procedure was established in consultation with the Isle of Man Fire Service. However, because of the specialist nature of the establishment, the procedure is now managed by the Prison's Fire Officer and his appointed Deputy. The officers who would be involved in the case of a fire are all trained and in-date. By early 2011 all training will have been completed.

During 2010, there were a number of occasions when the alarm sounded. However, these were false alarms caused by prisoners attempting to smoke illegal substances.

The Prison falls under the jurisdiction of the Ramsey and Kirk Michael Fire Brigades; accordingly, there were four visits by representatives of each Station during 2010.

The sprinkler system is tested weekly and is subject to a Contract. This ensures that the equipment is maintained to the highest level.

WORKS

The Prison Works Department has an ongoing maintenance programme. However, the redecoration of some of the Wings has been slow to take place owing to the high occupancy levels. The general quality of the paint, initially used in the new build, has been found to be of an inferior standard. This has resulted in the need for each Wing to be systematically re-decorated.

SECTION 6:

HEALTH

HEALTHCARE

Healthcare is delivered by the Department of Health through a dedicated primary care team based at the prison.

The Board is pleased to report that during 2010, the Healthcare provision at the prison has continued to develop and improve, with the aim of providing inmates with the same range of healthcare as other members of the community.

The Prison Healthcare Department is staffed from 07:30 hours - 20:30 hours Monday to Friday and 08:30 hours - 17:30 hours Saturday, Sunday and Bank Holidays, i.e. when the Wings are in unlock state.

The Healthcare team is led by a Clinical Manager, assisted, since September, by a Deputy Clinical Manager who is a Registered Mental Nurse, (RMN). Other members of the team include a RMN, two Registered General Nurses (RGN) and a Paramedic. The ratio of female to male staff is 2:1.

Two of the team are qualified non – medical (nurse) prescribers. Specific areas of responsibility are held, e.g. sexual health, chronic disease management, mental health and minor injuries and illnesses. An in-house health promotion magazine is produced quarterly and distributed to all the wings. However, the Board feels that more work could be done to in the area of health promotion by recognizing the National Health Days within the prison.

All prisoners are registered with Ramsey West Practice which provides General Medical Services to the prison. Three named General Practitioners hold clinics on Monday and Friday mornings and Wednesday afternoon. These practitioners are also responsible for telephone support during the day. Extra visits are carried out on request from the Healthcare team. Out of hours service is covered by the Medical Emergency Doctors Service (MEDS). Access to a female General Practitioner (GP), can also be arranged for female prisoners. On release, if required, the prisoner can be assigned a G.P. who is based in their local area.

After problems encountered at the beginning of the year, due to the resignation of the dentist, there was a six week period with no dental cover. The service has recommenced with a dentist attending the prison one afternoon a week. If emergency treatment is required a visit to an outside dentist is arranged.

Members of the Drug and Alcohol Team visit weekly. A forensic clinical psychologist and a psychiatrist are available, but budget constraints have restricted the use of such specialists. There is liaison with social workers and the Criminal Justice Mental Health staff.

A local optician now attends the prison every six weeks which is a great improvement from the previous ad hoc service.

Most prisoners are seen for health screening by Healthcare within two hours of admission. If health screening alerts a need for a care plan it is put in place. The Board has evidenced that prisoners are now involved in the planning of their own care.

Health Promotion, "Well- Women" and "Well –Men" programmes are welcome initiatives. Nurse led appointments are carried out on a one to one basis, by invitation or self referral. Sexual health advice, given on a one to one basis, has a good uptake with the younger prisoners. On a positive

note, elderly prisoners are now being invited to attend a personal session. All prisoners are offered full screening and Hepatitis B vaccine.

Protocols to assist with smoking cessation in the prison are the same as in the community but still continue to be problematic. All prisoners who smoke are offered a programme. Only a small number are willing to engage in the therapies offered to them as their focus rests upon the nicotine replacement patch. The patches are given out on a daily basis in order to prevent any abuse. This is not always effective as the high number of Adjudications reveal.

The Influenza Vaccine was made available to all prisoners who are elderly, have chronic diseases or a physical condition. There was a disappointing take up for this service at less than 50 per cent.

Female Prisoners can partake in routine cervical smears and mammograms. They can be arranged if necessary.

Nurse led relaxation classes and anxiety management classes are due to recommence in 2011.

All areas of Primary Care had a clinical notes audit in which the Prison's Healthcare Department was found to be 96% compliant. The Board would like to acknowledge this achievement.

Regular Automated External Defibrillator / Basic Life Support Courses are run by the paramedic in order to keep Prison Officers and Prison Staff regularly updated. 51 members of staff attended the course in 2010.

Pharmacy drug control checks are now being carried out on a regular basis by a pharmacist from the community. Further Policies and Standard Operating Procedures are currently in draft form and are due to be ratified in early 2011.

A Doctor, from Public Health, carried out the long overdue Health Needs Assessment. The outcomes are due in early 2011.

The Board does have concerns over the lack of any Psychology services in the prison. Currently, prisoners have to wait until they are released before being referred to this service. The Board feels this puts long term prisoners at a disadvantage.

SUBSTANCE ABUSE

With the increasing number of prisoners being detained with substance and alcohol abuse the Drug and Alcohol Team (DAT) service provision has continued to be inadequate, with only fortnightly sessions being held with a Psychiatrist. A review of the Drug and Alcohol service is due in 2011.

The Board was pleased to note that towards the end of the year, a Probation Officer, attached to the DAT team, commenced weekly clinics, working on sentence planning, relapse prevention, discharge planning and rehabilitation. This has been well received by the prisoners.

MENTAL HEALTH

Difficulties still arise with the lack of an adult secure psychiatric unit and no in-patient facility on the Island.

A Standard Operating Procedure and a Mental Health Care Pathway are currently being developed. If, on admission, a prisoner has an existing care co-coordinator within the Mental Health Service, then that carer retains responsibility for up to three months, thus ensuring continuity of care. However, Prison Officers would welcome more liaison and direction from Healthcare when dealing with patients who are mentally ill.

CHAPLAINCY

There is a Multi-Faith room located in the prison and there are three dedicated chaplains on duty, on a rota basis, representing the Church of England, Catholic and Free Churches. Each wing is visited at least weekly by a member of the chaplaincy team on duty and apart from a shortage due to holiday periods there will be a visit from the chaplaincy to the prison on a daily basis. Representatives from Jehovah's Witnesses, Mormons, Baptist, Methodist and Evangelical have been escorted into the prison by the Free Church Chaplain when a prisoner has made a request to see someone from a particular denomination. Prisoners can make a request to see a member of the Chaplaincy outside the usual visit times and the Board has noted that this has happened on a few occasions. Services are held each Saturday morning and attendance is encouragingly consistent. Guest musicians are particularly well received and speakers are appreciated as long as they are sensitive to the prison environment. The Board understands that two Memorial Services have been held in the Multi-Faith room during the reporting period.

MANDATORY DRUG TESTING

Mandatory Drug Testing (MDT) takes place in a dedicated suite adjacent to the Segregation Unit. The venue meets the objectives of the, "Policy and Procedures - Mandatory Drug Testing" document and also the general expectations for such a facility. The procedure was explained fully to the Board at a monthly meeting and appears to be accurate and robust. The Policy was updated at the start of 2010 which overcame some of the difficulties recognised in our 2009 Annual Report. The exception to this was January 2010, when only four tests were conducted. There has also been a pleasing improvement in the availability of data.

Over the year 118 tests were conducted of which there were 22 failures. This included 5 refusals to take the test. This accounts for 40% of all adjudications for drug offences and represents a failure rate of 18.6% which exceeds the Key Performance Indicator (KPI) of 10%.

It is relevant to point out here that the Board has witnessed the frustration of prison management, when they have limited awards to give to prisoners who are found guilty of drug offences. The present Custody Rules are outdated and there is an urgent need for the appointment of an Independent Adjudicator who can award additional days for such offences. Through the first half of the year the majority of the MDT failures were for Bensedrine, however, the second half of the year has seen an increase in the amount of Subutex, a detox aid, used instead of Methadone. Subutex is no longer prescribed within the prison and there is a raised awareness of this drug coming into the prison. There is a small inconsistency in the data in those refusing tests, as numbers being recorded as refusing MDT are lower than the number of adjudications for the offence. The Board feels that there is a need to ensure that all refusals for MDT are recorded in the data.

One area identified by the prison is the benefit of a Voluntary Drug Testing (VDT) procedure. The MDT policy states: "IOM Prison Service is committed to making available a voluntary testing programme." And that one of its elements is: "a regular drug testing programme."

The Board would fully support a VDT procedure, as it is felt that it has a positive impact on those who are suitable for it. However, at present there is no programme due to staff limitations. This is exacerbated by the limitation that staff who are trained for MDT cannot undertake VDT because it creates a conflict of interest. Within MDT, prisoners can sign up for a "Frequent Testing" programme, the results of which can be used in relation to parole and privileges. Although this is an attempt to deal with staffing constraints it would be beneficial if the possibility of a discreet voluntary testing programme was seen as a priority, if and when staffing levels allow.

Another area of concern to the prison and the Board is the follow up to test failure. One aim of MDT stated in the "Prisoners' Guide to Mandatory Drug Testing" is:-

“find out if you, (those who fail the test), need help with your drug problems and we will put you in touch with people who can help.”

There is limited scope within the prison Healthcare provision to offer the level of guidance and support required. The Board’s 2009 Annual Report identified the lack of support from the Isle of Man Drug and Alcohol Team, (DAT). This continued through most of 2010. However, due to the pressure from the Board and the prison management, there is now a weekly visit to the prison by a member of DAT. We hope that the identification of the need for such intervention will result in more resources being made available by Government on a scale which reflects the significant proportion of the prison population who are detained for drug offences.

The booklet on drug testing procedure is welcomed. The Board feels that improvement could be made if it were to include information on the availability and potential benefits of enrolling for the “Frequent Testing” programme. Also, given the wide variety of intellectual ability levels of the prisoners, thought should be given to the readability level of the document, as it will currently exclude a significant number of prisoners from fully understanding its content.

SECTION 7:

SAFER CUSTODY

SAFER CUSTODY

The safety and well-being of prisoners in custody is high on the agenda of the prison management team. The staff and outside agencies recognise a 'duty of care' to all prisoners. The Board is encouraged that monthly meetings are now being held to assist in identifying those prisoners who may be considered particularly at risk and consider options available in order to provide a safe environment for those concerned. These meetings are attended by staff from various departments along with a representative from the Samaritans and the prison chaplaincy. The Samaritans visit the prison weekly offering a confidential listening service. The Board benefits from having a regular attendance at the Safer Custody meetings and has been impressed by the approach to serious issues and the teamwork of all involved in the care of prisoners who are considered to be 'at risk'.

SUICIDE PREVENTION AND SELF HARM

A paper document file (Folder 5) is opened and brought into force for individual prisoners during periods of risk. It is used for intensive recording and timed observations of a prisoner's demeanour. The file is under constant review. The Board is satisfied that when in operation the use of Folder 5 is carried out diligently and with compassion, even though it can prove time intensive when there is a shortage of staff. We have observed that the most frequent interval was every 15 minutes which could be somewhat predictable to a prisoner who is threatening self harm or suicide. A number of 'times' per hour could be more staff instigated giving a more protective measure.

We look forward to a more simplified, streamlined, less time intensive Folder 5 procedure which is in progress and on target to being introduced in 2011.

Various members of staff are ASIST (Applied Suicide Intervention Skills Training) trained and it is the intention to make further courses available in the near future.

BULLYING

There are many different guises of bullying and it is difficult to eradicate totally. The Board recognises that the prison maintains a 'zero tolerance' attitude towards anti-social behaviour including, but not exhaustively, physical, psychological and verbal forms of bullying. Monthly Reports covering both perpetrators and victims of bullying are made available to all the attendees of the Safer Custody meetings. All staff have access to these meetings in addition to an Anti-Bullying Guidance Policy which complements the Violence Reduction Strategy.

DEATH IN CUSTODY

Unfortunately the Board must report there was one death in custody in August 2010, the prisoner dying after transfer to Noble's Hospital. Senior Management liaised with the prisoner's family at the time of death. The Board is concerned by the seemingly long period which will lapse between the date of death and the holding of an inquest. This could potentially put a strain on family members, and prison staff.

SECTION 8:

SPECIAL CATEGORIES

REMAND

Convicted and un-convicted prisoners are accommodated on the same Wing. They have an option not to work, but many choose to do so. They can send and receive as many letters as they wish. The Prison pays for a Visiting Order and a letter may be included in this. Two social visits are allowed each week.

Un-convicted prisoners can carry out most of their business activities, but books and stationery have to be supplied at their own expense. They are able to see their own Doctor or Dentist provided they meet the cost.

The Board has found that the period spent on remand can be excessive and clearly demonstrates an urgent need for the introduction of a Custody Limit and/or a Bail Act. In 2010, one prisoner spent 340 days on remand. This can only damage family relationships and the physical and mental state of the prisoner. It also puts pressure on the number of accommodation units available on the Wings.

The Board has noted that the two adult male Wings continued to operate at almost full capacity throughout 2010 because of the high number of remand prisoners and the awarding, by the Courts, of longer custodial sentences. Between 25% and 30% of the prison population is made up of remand prisoners.

JUVENILES

The Isle of Man classification of an adult is anyone from the age of 18 upwards. Regrettably, juveniles were again held in custody at the prison in 2010. This is totally unacceptable. These vulnerable young people put considerable pressure on the staff looking after them. Juveniles should be held in the I.O.M. Secure Care Home. Fortunately, the prison staff shows excellent care and consideration for the particular needs of juveniles even though they are given no special training for this category of prisoner.

YOUNG OFFENDERS (Y. O.'s)

All Y.O.'s arrive at Reception with relevant documentation and receive basic information about their rights and obligations. Each is assigned a Personal Officer, as is every prisoner, but the effectiveness of such a system is dependent upon the prisoner, some of who choose to avail themselves or not depending upon his or her needs.

There are adequate, well planned, Gym sessions which are enthusiastically attended by this group. Y.O.'s with special needs are screened after Reception by the Education Department. The library stocks some, but not many, easy reads, suitable for those with reading difficulties.

Those who receive a punishment of removal from the Wing are accommodated in the Segregation Unit along with adult males. Females are accommodated in the Special Cell located on the Female Wing.

LIFE SENTENCED PRISONERS

No life sentenced prisoners are held for their entire sentence at the I.O.M. Prison. After sentencing, they are assessed and later transferred to an appropriate prison in England depending on their particular category. There are six life prisoners in this group, one of whom is a woman. The senior

staff spend some considerable time explaining the life sentence system to the prisoner and their families which is much to the credit of management.

Category A prisoners are not able to return to the island for visits. A grant of £400 maximum per year is available to help their families with travel and accommodation. Those prisoners not in category A may return to the I.O.M. Prison for accumulated visits. A three week stay period is allowed every six months and social visits are permitted every day.

WOMEN PRISONERS

The Reception process addresses the needs of women who arrive in Prison with unresolved domestic issues. Both the Prison Probation Officers and outside agencies are also very much involved.

Two female officers are always present during a strip search, when these are carried out. The Board recognises the need for complete security checks and have found that these are carried out in such a way as to preserve the dignity of the prisoner. In 2010, the number of female prisoners varied from seven to ten.

On the Wing, the ratio of male to female officers is appropriate. The Board notes that the women's regime does not offer enough appropriate activities and work to address identified needs and interests. However, in 2010, the Mothers Union were running a successful and beneficial craft class which takes place on the Wing.

In 2010, women were able to wash and iron their own clothes. Sanitary products are available without having to ask a male officer. The Board has evidenced that one shower, adjacent to the dais, is less used than the shower on the upper landing, particularly when there is a male officer on duty at the dais. We have never found any inappropriate behaviour on behalf of the staff to cause this pattern.

Other needs are met through Healthcare who administer a "Well- Woman" Clinic. Prisoners can be referred for Cervical Smears and Mammograms and a female doctor is available on request.

The catering staff are aware of the needs for a weight loss diet and supply meals accordingly. Menus change every three weeks.

Women's beauty products, which are not supplied by the Canteen, are now available through the use of a catalogue and this is a welcome initiative by the Prison.

There is a limited degree of counselling and therapy available through Healthcare. The Board feels that some incidents of self harm require a more robust response with more follow up help than is available at present.

The Board is pleased to note that there have been a minimal number of applications from women prisoners, concerning their treatment by the officers on this Wing. Most female prisoners hold the officers in high regard.

One worrying concern, however, is the transportation of women to Court. Depending on numbers of prisoners attending Court, women sometimes have to travel in the cubicle in the escort van. Although out of sight from other prisoners, they are open to verbal abuse from other prisoners travelling in the van. The Board feels they have a right to be treated on an equal basis with other prisoners and should not have to travel in this way.

DISABLED PRISONERS

In 2010 there was no policy statement which addressed the needs of disabled prisoners held in custody. A brief assessment is made in consultation with the prisoner during Reception.

The Prison has sufficient wheel chairs and staff have undergone specific training for their use. Each wing has a cell which can be allocated to a physically disabled prisoner. Unfortunately, the Board has noted that these cells have design faults which need to be addressed on Health and Safety grounds e.g. hand rails at the toilet in an awkward position, mirror too high, no light switch at the bed, wooden threshold at the cell door.

Effective liaison between Healthcare and the staff on whose Wing the disabled prisoner is housed should be improved if all parties are to be enabled to successfully help the prisoner. This can be done without betraying medical confidentiality which is often given as an excuse, for a lack of shared information.

There is no evidence of a Policy being in place to deal with other categories of disability.

FOREIGN NATIONAL PRISONERS (F.N.P.)

Prison Staff are able to use the Language Line for those prisoners who do not have English as a first language. Fortunately, several members of staff are able to speak a variety of foreign languages and have the ability to explain processes and regimes to the prisoner. F.N.P.'s who do not receive a domestic visit are entitled to make a phone call home at no extra expense to themselves.

We have noted that the kitchen staff were quick to respond to supplying culturally different dietary requirements. The Prison Canteen Officer has also been aware of their needs and has ordered C.D.'s, newspapers and other reading materials in the language required, after consultation with the prisoner.

ELDERLY PRISONERS

The number of these prisoners has increased quite substantially in 2010 and it is disappointing that no policy is in place. In 2010, up to five prisoners have been aged over 65 years.

The needs of this group are now being recognised by the Healthcare Team. Physical Education staff devise programmes after an assessment of the prisoner. Some light work tasks are available around the Wing and Library. However, a high degree of boredom still prevails and there are few recreational activities available to this prisoner group.

The Kitchen Staff are recognising the dietary needs of the elderly and have issued a questionnaire, the results of which are now being used for menu design.

A new Anti-Bullying Policy is in place which includes measures designed to protect the elderly from being bullied by younger prisoners.

VULNERABLE PRISONERS (V. P.'s)

The Vulnerable Prisoners Wing houses sex offenders and prisoners who are unable to cope on the main adult wings. This latter group has expressed a desire to be away from those wings, as they may well have issues with certain prisoners regarding their offence or other matters. There has been such an increase in the number on the wing that management have had to move them to the larger wing previously used by Y.O.'s and re-house the Y.O.'s on the former Vulnerable Prisoners Wing.

The Board has evidenced certain conflicts between the two groups on the V.P.'s wing, because of the differing needs of these two distinct groups of prisoners. Those bullied on A and B wings have sought protection on this wing but have, themselves, become the bullies of certain sex offenders. This issue has been identified through the Safer Custody Group and strategies have been put in place to deal with the problem.

SECTION 9:

ORDER AND CONTROL

SERIOUS INCIDENTS

The Board has attended serious incidents as and when they have occurred throughout the year. These vary in nature and intensity and all staff involved have to be commended on their professionalism in what can at times be extremely sensitive situations for all concerned. The Board has attended hot and cold de-brief sessions relating to the incidents. It is apparent that lessons are being learnt by the management and, as a result, procedures put in place for any potential future incidents as and when they may occur. The Board produces an independent report after each incident.

GOVERNORS' ADJUDICATIONS

During 2010 there were 328 planned Governor Grade Adjudications, an average of approximately three per prisoner per year. 70 per cent of the Adjudications resulted in awards with 13 % leading to cautions. The remainder were either "Dismissed" or "Not proceeded with", with two cases being referred to the Police. The Board found that reasons for dismissal were usually given in the data. The ones for which details were given included:-

'Wrong charge'

'Paper work not delivered within 24 hours'

'Not proceeded with mental health issues.'

The Board has concerns with the number of these cases. It would be helpful if the reasons for all dismissals were available on the monthly data supplied, in order to ensure fair treatment for prisoners and also to identify where errors are being made in the Adjudication process.

The largest category of offences, accounting for 33 per cent of all Adjudications, was for, "unauthorised articles", of which the majority related to smoking materials or paraphernalia related to smoking. In all, 26 per cent of all Adjudications were smoking related. This, we believe, obviously reflects the 'No Smoking Policy' within the prison and is one of the major criticisms the prisoners make of the regime, in conversations with Board members. The number of cases relating to drugs, including refusing or failing a Mandatory Drug Test, accounted for 16 per cent of the Adjudications.

In 2010, the Board has evidenced an improvement in the supply of data on Adjudications. We now receive monthly breakdowns of statistics. These figures give details of offences and awards. This year the figures revealed a lack of consistency in awards given for similar offences. However, this is currently being reviewed with the intention of drawing up a digest of normal awards for each offence. Any award falling outside this norm will have to have a record of the reason for such a decision. This will help both the equity of the system and understanding of the prisoners as to why an award has been made.

The Board believes this process requires a more consistent approach in both description and coding of offences, as an offence may be described and coded in more than one way. For example, an offence described as having smoking materials, appears as both: - "Unauthorised article" and coded 44 (12a) or "Disobeys and fails to comply", coded 44(24).

In the small number of Adjudications observed by the Board, there have been no concerns about the procedures or outcomes. Proceedings were conducted in a clear and fair manner in appropriate surroundings. There is a need for greater consistency, noted above; otherwise the process has been seen to be administered in a professional and equitable manner. However, the Board felt there was a lack of clarity about the appeals procedure, concerning to whom appeals should be made. We are glad to report that this has now been rectified.

The problem, previously reported in the Board's 2009 Annual report, of Custody Rule 46 (6a and 6b), which requires the Board to adjudicate in cases where extra days can be awarded, still exists. The result of this is that the Board adjudicated in five cases in 2010 and awards of extra days were given in some cases. This is an inappropriate procedure which creates conflict with the Board's monitoring role. Some progress has been made in discussions with the Department of Home Affairs who now recognise the difficulty. However, as this change in the Rules requires Primary Legislation, to implement any change and there is also difficulty in deciding what system of Independent Adjudication should be employed, the progress is, regrettably too slow.

SEGREGATION

The Segregation Unit, E Wing, comprises six normal cells and three special cells. There remains a problem with the lighting in the Office which results in the Prison Officers generally using the corridor light to illuminate the room. The records system has been upgraded so that more use is made of computerised record keeping. The facility is clean and well maintained and is fit for purpose. It is visited by the Board during every rota visit and this visit is logged. There is a clear list of prisoners being held in the Unit and, generally, the prisoners' remarks suggest that they are looked after fairly, by staff who show considerable empathy to them within a full understanding of their role and that of the Unit.

During 2010, 46 prisoners were held in the Segregation Unit. The majority of these were sent to the Unit on more than one occasion. In total, there were 93 prisoner placements; an increase of 12% over the previous year. 12 prisoners were responsible for 58% of all admissions to the Unit. Two prisoners were placed in Segregation six times, for one of these it was mainly for medical reasons or at his own request.

In total, there was an aggregate of 389 days for all prisoner placements, with half the placements being for two days or less. Six prisoners were held in Segregation for a period of over ten days at one time, with the maximum stay being 26 days. On 35 occasions, prisoners were in Segregation for over 72 hours. There is an expectation that each of these should have required some form of a Review process. However, the Board was not able to evidence this. There is a need for clarification of how this system is operating and for the recording of outcomes to be available. Without this, the Board's role in agreeing to Segregation, Rule 42 (2) becomes superficial.

The majority of the reasons for Segregation were for 'Good Order and Discipline'. On 28 occasions the prisoners had received a 'Cellular Confinement' (CC), award on Adjudication. In a small number of cases, prisoners were in this Unit for medical reasons; for their own protection, including self-harming behaviours; or at their own request. Three prisoners, on Reception, were suspected of being 'plugged', (drugs contained within their rectum area). As a result, one prisoner was detained on the Unit for eight days.

Control and Restraint equipment was used on three occasions.

There have been three instances when prisoners were detained under Rule 39. These prisoners were not from the Vulnerable Prisoners Wing. The decision to move Vulnerable Prisoners to a larger wing at the end of 2009 has now resolved the problem of having to keep Vulnerable Prisoners in Segregation because of lack of cells which the Board feels is a positive improvement. A serious concern of the Board centres on paragraph two of this Custody Rule. A prisoner shall not be removed, under this Rule, for a period of more than five days without the authority of the Board (or Department) and then the period should not exceed one month. To date, there appears to be no policy regarding this Rule and the Board would advise the introduction of independent safeguards for the benefit of the prisoner and prison staff. It is worth remembering that a serious incident is more likely to take place in this Unit than on the normal Wing, given the emotional state of those detained in this area.

There has been one C.C. of a female prisoner, following an Independent Monitoring Board Adjudication for an attack on an Officer. This made use of a Segregation Cell located within the entrance corridor to D Wing, the Female Wing. There was some confusion about where the records for such confinement were to be located, but this has now been resolved.

The Board noted an improvement in completion of the Segregation Forms by Healthcare Staff, prior to the segregation being approved by the Board. However, the Board is of the belief that the health screening, in order to confirm that prisoners are fit for C.C., often appears to be a paper exercise.

The Officers on the Unit have shown a very professional attitude to their role. There is a very good relationship with the Board members, both in provision of information and co-operating in allowing members to see all prisoners in a suitable situation, for discussion. They provide a calm atmosphere within a potentially difficult Unit. There has been a response to our previous report in that female officers have been assigned to the Unit. This, however, does create problems when two male officers are required for a search of a prisoner. As a result, another officer must come onto the Unit. Hopefully, this will not prevent the development of this change.

The regime in Segregation includes the removal of mattress and bedding during the day, for prisoners who have been awarded C.C. This is understandable if the prisoner has caused damage once in the Unit or spends all day sleeping in bed. However, this happens very infrequently and the Board feels there should be clarification of the need for this policy. Given the other range of sanctions that C.C. involves, there is a need to review why this practice is necessary or productive as a deterrent. Information from the United Kingdom, (albeit limited in scope), suggests that this practice is normally for specific behaviour modification, such as refusal to get out of bed during the day. Also, it is only the bedding, not the mattress that is normally removed.

DOGS

We have observed the Prison Dog Unit during the course of the year seeing the dogs at work inside the prison and also off duty. The modern purpose built kennel facility is within the grounds and provides a secure environment for these working dogs. The dogs receive continual training and assessment in addition to excellent care provided by the handlers responsible for them. Diet is carefully monitored along with their health.

SECTION 10:

RESETTLEMENT

CUSTODY PLANNING AND MANAGEMENT

The delay in implementing a formal through-care programme, partly as a result of staff changes, was a cause for concern for much of 2010. The ad hoc system described in the Board's 2009 report prevailed for nearly eight months and was still dependent on the goodwill and informal co-operation of prison and probation staff.

However, preparations for custody planning intensified in September and the first Resettlement meeting with the Custody Planning Board took place on 13th October with representatives from Healthcare, Education, Probation and the Prison staff who now meet weekly with prisoners. It is generally agreed that it is much easier and more efficient to share information and co-ordinate services which the prisoner may need, by having all parties together. Initial priorities are prisoners nearing release, but for others, consideration is given to those perceived to have the greatest need. Ultimately, it is intended to include all prisoners, including those on remand, but excluding those serving very short sentences.

Induction Plans have been superseded by First Night Screening which now becomes part of the Custody Plan. These are arranged by the Prison Officers on Reception. Other staff involved with custody planning include a Deputy Governor and Principal Officer. An additional Resettlement Officer has been appointed but is not yet formally in post. All work closely with two probation officers who work at the prison.

Personal Officers are allocated to prisoners as part of the reception process and are encouraged to see prisoners weekly. It is intended that they become more involved in the Resettlement programme, especially in regard to personal matters, to relieve the workload of Probation staff in the establishment.

There is still concern over the proportion of remand prisoners. During the reporting period the numbers have been as high as one third of the total prison population. It is difficult to implement custody planning for such prisoners as guilt cannot be assumed. Again, this demonstrates the need for the introduction of Custody Limits and a Bail Act. We raised this concern in our 2009 report.

There have been several initiatives by prison officers to assist prisoners in obtaining employment upon release. The Job Centre has been reluctant to come into the prison and a link with a private employment agency was short-lived. However, CIRCA Volunteer Information Services are now assisting with some employment introductions.

Finding accommodation on release is still a major concern. After David Gray House, Kemmyrk is the main outside agency which can help and they provide a good service, but availability of suitable places is limited. Otherwise, prison officers use their own contacts.

The Drug and Alcohol Team (D.A.T) is represented in Custody Planning through Healthcare.

We are pleased to report that local negotiations to enable prisoners to open a bank account whilst in custody are progressing with HSBC.

Prison staff can now initiate referral of prisoners to the Multi Agency Public Protection Panel (M.A.P.P.P.) and Multi Agency Risk Management (M.A.R.M.) instead of having to wait for other agencies to do so.

PROBATION

As a result of the implementation of the Resettlement programme, there is now a better working relationship between the Prison Probation staff and Prison Officers. As from October, more prisoners are seen by Prison Probation staff at the Custody Planning Board Meetings.

In addition to specialist work with individual prisoners, the two Probation staff arrange drug trafficking awareness workshops and basic courses in Drug and Alcohol Awareness, Sex Offender Therapy Programmes (now with two officers to one prisoner), Perspectives Taken and Precursors to Change courses, Victim Workshops, Relapse Prevention and advice on benefits, accommodation and applying for jobs. Running these depends on the number of suitable prisoners available and the length of their sentences.

Probation staff continue to participate regularly in multi agency meetings including those considering child protection issues.

Release arrangements for non-parole prisoners are examined and explained by the Probation staff. For parole prisoners they assist in preparing a structured release plan for submission to the Parole Board.

Prisoners serving 12 months and over are designated an outside Probation Officer and the case is allocated to them two months prior to release or at the stage when parole reports are requested. However, there is a perceived reluctance on the part of outside Probation Officers to come into the prison to assist parole prisoners prior to their release.

WORK

May 2010 saw the introduction of a new work allocation system within the Prison because it was finally possible to offer most prisoners work. All convicted prisoners are required to work and un-convicted prisoners may apply for jobs if they wish to. Prisoners over the age of 65 who choose not to work and those unable to work through ill health or disability, are eligible for an allowance of £8.50 per week. Prisoners who refuse to work or fail to carry out their duties in a satisfactory manner, are liable to be placed on report. There is an unemployment allowance of £5.00 per week but this is not payable to those prisoners who have refused to work or carried out their duties unsatisfactorily.

The Work Allocation Board (WAB) produces a list of vacancies each week. This covers all jobs, education and craft activities. All applications for work and construction courses are considered by the WAB which meets weekly. The Education Department is responsible for assessing a prisoner's level of attainment and allocating him or her to suitable classes (see section on Learning and Skills). During 2010 Board Members observed prisoners carrying out various activities including painting the wings; working in the Prison grounds, library, kitchen and laundry, wing serving duties and cleaning. The Board is pleased to note that a wider range of work is on offer and a structured system of work allocation and remuneration is in place. We hope that 2011 will see further diversification with an emphasis on constructive activity and learning useful, practical skills.

LEARNING & SKILLS

2010 was a challenging year for the Education Department. The budget remained the same as that for 2009, the clerical assistance from a part-time Administrative Officer ceased in April 2010 and the Education Manager and her Deputy have both been absent through ill health for considerable periods. The tutors from the Isle of Man College stopped coming to the prison in May 2010 and so all teaching is now done by staff employed to work at the prison.

In addition, there have been major changes to the literacy and numeracy qualifications studied by the prisoners with the disappearance of Key Skills and the introduction of Functional Skills throughout the United Kingdom. Overall the Functional Skills qualifications are more demanding and

test relevant, practical, everyday skills, but the examinations are not "on demand". This means that a student may be unable to take the examination if he or she is released between becoming ready to take the test and the date of the next available examination session. The awarding body has indicated that the system will become more flexible and thus suited to the transient prison population, with a return to "on demand" examinations in the 2011-2012 academic year. The development of the qualification will also mean that there will be more practice materials available to help both tutors and students.

Statistics given to the Board by the Education Department indicate an excellent level of achievement by those prisoners attending classes in Mathematics and English, from Entry Level to Level 2 standard (GCSE equivalent). The pass rate was almost 100 per cent. Information Technology (IT) classes have proved particularly popular with 35 students taking OCR CLAiT (Computer Literacy and Information Technology) units at Levels 1 and 2 and only four failing to achieve the required standard.

The Minister came to the Prison in April 2010 to present GCSE certificates to a number of students and two of them began BTEC courses in Construction and Engineering at the Isle of Man College in autumn 2010. No students achieved a Level 3 qualification in 2010, but one prisoner is now studying for the English AS' Level.

As regards vocational education, the Board noted that there have been successes. However, this area of education and in particular the use of the facilities in the workshops has not developed as much as the Board would have hoped. The Plumbing Tutor left in August 2010 and the Carpentry and Joinery Tutor in September 2010. The Board is given to understand that the fact that the workshops are only designed for very small groups means that it is hard to justify running classes in the current financial climate, even if suitable tutors are available. However, we noted too, that no suitable qualifications were being offered to the prisoners which would have been of value on their release.

On a more positive note, one prisoner was allowed to attend a BTEC Construction course at the Isle of Man College on day release, in the period prior to release and now works for a building firm and attends college regularly to complete the course.

The Board is pleased to report positive trends in education in the Catering area. One student achieved a Level 2 NVQ in Catering. Chartered Institute of Environmental Health (CIEH) qualifications have been offered since December 2010. One former prisoner, who took full advantage of the education facilities whilst in prison, now has a job in a restaurant and is continuing to study part-time for a Catering NVQ at the Isle of Man College.

The horticulture work party was set up during the year with all departments working together. It has proved very popular because the prisoners like being in the fresh air and engaging in the physical activity of digging and planting. We noted that, as yet, nobody has shown an interest in going a step further and studying for the NVQ although there is a tutor available if this should change. The area was developed by the generous funding of Zero Waste Mann who provided the funds for the poly tunnel that will extend the growing season.

Members of the Board have sat in on various classes during 2010 and have found that most prisoners who attend education are enthusiastic about the classes and the activities on offer. Art, Cookery and IT are the most popular subjects, but those who attend Art and Cookery have to do English, Mathematics or IT as well

Various craft and charity activities are still available. Morse bags are still produced and some prisoners are engaged in making banners for local charities.

2010 saw some notable successes in the Koestler Awards including a Gold Award and a "Highly Commended" and the Board understand that an exhibition of prisoners' work will be held at the Isle of Man College during 2011.

The parenting classes did not begin as had been hoped, but these are still under discussion with the Isle of Man Children's Centre. However, the first batch of recordings for "story book parents" has gone to Dartmoor for editing.

Information provided by the Education Manager indicates that about 65% of prisoners attend some form of education during each month. This can vary from a single class to "full time" education (five half days per week). Attendance can be affected by a number of factors (e.g. court appearances, Healthcare appointments, visits, legal visits etc.) and prisoners are warned when they enrol in a class that they must complete at least six weeks. Failure to attend without good reason may result in a prisoner being placed on report. Board members have observed that classes are not always full. Unfortunately, as class attendance statistics have only been kept since September 2010, it is difficult to quantify the extent of the problem. The Board understands that steps are being taken to try to maximise attendance and this will be vital if the resources available for education are not to be reduced.

We have found that there is still no formal system to follow up those prisoners who refuse to engage in education although the Education Manager does try to keep a note of those who may "fall through the net". She then tries to return at a later date to see whether they might be persuaded to attend a class. A leaflet about education is to be given to prisoners on reception and a poster for the wings is planned for 2011.

Whilst the planned move to the 44 week teaching year was achieved and the summer break has been reduced to 2 weeks, the Board was disappointed to note that there was no structured programme of activities available during the holiday period. Board Members are often told by prisoners that they are bored and whilst we accept that there are those who refuse to engage in purposeful activity, no matter what they are offered and the current economic climate is very limiting, it would be beneficial to everyone if the range of activities could be increased. The Board understands that the Education Manager is hoping to introduce a number of new classes in 2011 and is trying to develop short "taster" courses or workshops which will be of help to those trying to gain employment on release. The successes certainly outnumber the disappointments, but we feel it is important not to lose sight of the compelling need for prisoners to acquire transferable vocational and life skills, as well as basic literacy/numeracy in order to equip them for a more productive life after custody.

Current economic circumstances dictate that expectations must be realistic so it may be that facilities such as the workshops will have to be used in a different way rather than stand empty. It will also be important to increase class attendance to make the most of precious resources.

In conclusion, the Board is pleased to note the achievements of those prisoners who have embraced the opportunities offered to them by the Education Department and hopes that the progress made will be sustained as far as is possible in the current economic climate.

RELEASE ON TEMPORARY LICENCE

Paragraph 16 of the Custody Rules allows the Governor to release a prisoner temporarily for any period or periods and subject to any conditions. There are certain exceptions to this rule but release on temporary licence (ROTL) is used quite regularly and for a variety of reasons. The Deputy Governor, and the team responsible for security carry out a risk assessment whenever temporary release is to be considered so that the Governor is in possession of all the relevant facts before making a decision and signing the warrant. During 2010 prisoners were released on a temporary licence to attend classes at the Isle of Man College (see section on Learning and Skills), attend appointments with the Probation Service, attend David Gray House and attend appointments with the Mental Health Service. ROTL is also required for those prisoners who help to maintain the grounds surrounding the prison because they are supervised by a person who is not a Prison Officer. Board Members were pleased to observe several prisoners engaged in this activity. One prisoner

was granted ROTL to attend an appointment at the Manx Museum and ROTL is also used when prisoners attend funerals or make short local trips in preparation for their release.

EARLY RELEASE ON COMPASSIONATE GROUNDS

There is provision for a prisoner to be released early on compassionate grounds, but this is an extremely rare occurrence and this facility was not used in 2010.

FINAL PREPARATION FOR RELEASE AND DISCHARGE

Prisoners are interviewed by both the Resettlement and Probation Officers before release. Before release the inmates' clothing can be checked and cleaned if this is necessary. The Board has noted that there is a set discharge procedure. A Principal Officer checks all items of property with the prisoner present using a Discharge Procedure Form. This form has a tick list for travel warrants, cash, property, complaints, licence, returned items, discharge address etc. and it must be signed by the inmate and Discharge Officer.

Prisoners can be picked up outside the building by friends or family or there is a bus stop outside the prison but within the grounds. Telephone calls to explain arrangements are made by officers in Reception or are paid for and made by the prisoners themselves and on occasions by Probation. A travel warrant can also be issued.

Monies from the prisoners' accounts are given in cheque form and these must be signed for. The prison supplies hand - made cloth bags with no identification marks, to enable inmates to carry their property on final release.

This year a voluntary Exit Questionnaire has been designed. Prisoners are invited to complete this a week before discharge. The results of these questionnaires help staff and management to amend and adjust procedures and regimes. We have evidenced a very encouraging take-up of the questionnaire with few spoiled copies.

SECTION 11:

INDEPENDENT MONITORING BOARD

MEMBERS

At the end of 2010 the Board membership stood at eleven with two members leaving during the year for valid and diverse reasons. They are both sadly missed.

MEETINGS

The Board meets on the first Monday of the month apart from Bank Holidays when another date is arranged. The Governor or one of her Deputies attends these meetings and delivers a report on the status of the prison, staffing and other related matters. Any issues arising from visits or prisoner applications are dealt with.

Every six months the Minister from the Department of Home Affairs attends the meeting. The Chair and Vice-Chair meet informally with the Minister twice a year at the Department.

The Independent Custody Visitors Scheme meetings take place on a quarterly basis at the prison. We are joined by Inspector Mark Britton who has overall responsibility for the Police Holding Cells. One member attends the Police Custody Working Group meeting which takes place every six months.

Matters concerning the Custody Suite at the Isle of Man Courts of Justice and Escorts by G4S are raised at our meetings with the Minister or with the Governor, who acts as our representative in these areas.

Internal meetings, i.e. Security, Safer Custody, Clinical Governance and Issues are monitored on a regular basis by members of the Board.

VISITS

Members are rostered to make weekly visits and do so in pairs. This year we have been able to field four members each week which has been of considerable help in reducing the overall time of each visit. In addition to the mandatory visits to the Kitchen, Segregation Unit and Healthcare, all other areas of the prison are visited at regular intervals throughout the year. All pairs hear and pursue prisoners' complaints and requests. Every visit is written up and responses to the prisoners' applications are completed and returned to them. Urgent issues are brought to the Governor's attention. 'Call out' situations arising from Serious Incidents are usually dealt with by members who live in near radius of the prison.

TRAINING

A busy year!

- A one-day course by National Trainers on Adjudications.
- Hostage Training.....In-house.
- Presentation by the Manager of David Gray House, a bail hostel run by the Salvation Army, followed up by visits by the Board members.
- Talks on their roles by Principal Officers of: - Residential Services, Operations, Security Compliance and Regimes and Resettlement.
- Presentation by the Head of the Island's Probation Service followed up by visits by members to view their administration programme.
- Observation of Control and Restraint training.
- Presentation on the Role of the I.M.B. to new prison staff.
- Visits by some members to other establishments i.e. HMP Altcourse and HMP Reading.

- Talk by Mr. Bill Malarkey M.H.K. on the Island's Drug and Alcohol Strategy.
- Power point presentation by a Senior Officer on Mandatory Drug Testing.
- Presentation by a Deputy Governor on 'Death in Custody'.
- Talk by the Chief Executive Officer of the Isle of Man Law Society on Legal Aid and Duty Advocates.

ADJUDICATIONS

Still remain to be a bone of contention with the Board! We are assured by the Minister that the present Custody Rules will be up-dated. However, it is now eight years since the Board first made its initial request for this to take place. Adjudication is in direct conflict with the monitoring role of the Board. The appointment of an independent adjudicator is well overdue. In 2010 the Board carried out five adjudications. These concerned prisoners who had been charged under custody rule 46 (6) (b) – Assaulting an officer.

STAFF

The Board would like to acknowledge the support and help it receives from management and staff in carrying out its duties and thank them for their unfailing courtesy and co-operation. This working relationship is invaluable and together with the accommodation and other services provided by the Governor enables the Board to operate effectively.

The Board wishes to acknowledge the exceptional help, support and kindness it constantly receives from its clerk throughout the year. We take this opportunity to publically record our thanks.

THE BOARD

This has been a busy and demanding year for all members of the Board and I am grateful for their support, dedication and excellent team work. This has been greatly appreciated by the Chair.

For & on behalf of the Independent Monitoring Board, Isle of Man Prison

Mrs AILEEN GELLING

Chairperson

4th February 2010

BOARD STATISTICS

SUMMARY OF PRISONER APPLICATIONS TO THE BOARD

Subject	2009	2010
Accommodation	6	11
Adjudications at Governor Grade	7	9
Diversity	1	0
Education / Employment / Training	3	6
Facilities List / Canteen	N/A	14
Family / Visits	11	10
Food / Kitchen	6	6
Health Related	34	28
I E P Scheme	3	3
Miscellaneous	10	6
Property (including police related)	27	13
Sentence Related	6	8
Staff / Prisoner Related	13	15
Telephone / Mail	N/A	5
Transfers	11	3
Total Number of Applications:	138	137

BOARD STATISTICS FOR THE YEARS 2009 and 2010

Subject	2009	2010
Number of Board members at start of reporting period	9	13
Number of Board members at end of reporting period	13	11
New members joining within reporting period	7	0
Number of members leaving within reporting period	3	2
Total number of Board meetings during reporting period	12	12
Total number of attendances at Board meetings	118	120
Total number of Board meetings with Minister and / or Representative	6	7
Total number of attendances at meetings with Minister	57	38
Chair / Vice-Chair meetings with Minister DHA	2	3
Number of visits to prison (excluding meetings)	75	91
Total number of IMB Adjudications	4	5
Total number of attendances at other prison meetings	10	21
Total number of Prisoner Applications dealt with	138	137
Total number of serious incidents attended	1	3
Total number of training days attended	3	2
Average time spent on a visit (in hours)	4.5	3.75

SECTION 12:

ISLE OF MAN POLICE HOLDING CELLS

REPORT FOR 2010 - CUSTODY SUITE - POLICE HEADQUARTERS **DOUGLAS**

BACKGROUND AND CONTEXT

Independent Custody Visitors, (I.C.V.), make unannounced visits, in pairs, each month, throughout the year. The purpose of these visits is to monitor the treatment of people detained in the holding cells, and see that the processes for ensuring that the provision for the rights and entitlements of such people are adhered to; and further to monitor the effectiveness and condition of the custody suite facilities as a whole.

The scheme offers a level of protection to those detained, and for the Police Officers, by providing an independent monitoring and screening of the treatment of detained persons, and the conditions under, and in, which they are held.

THE ISLE OF MAN INDEPENDENT CUSTODY VISITING SCHEME

As of January 2010, there were 13 Independent Custody Visitors; by the end of 2010 the group numbered 11 people undertaking this responsibility. All of these visitors are members of the Independent Monitoring Board (I.M.B.), who similarly undertake the independent monitoring of the Isle of Man Prison at Jurby and of the Custody Suite at the Courts of Justice in Douglas.

The scheme itself is also monitored by virtue of the regular reporting meetings, held between the I.C.V. members and the Police Authority's appointed Senior Officer, to review issues arising from the rota visits.

It has been pleasing to note that a newly written "Policy for Independent Custody Visiting" has been drafted during 2010 and is waiting final formatting before being printed. This has been worked on by the Police Authority, with comments and amendments offered by the I.C.V. at various stages of its being written.

ROTA VISITS

During the period between January 2010 and December 2010 a total of 16 visits were made to the Custody Suites at Police Headquarters in Douglas and at Lord Street in Douglas and also a visit to check the facilities and personnel availability at Port Erin Police Station. (Although throughout 2010 no detainees were held in Port Erin.) During the busy and demanding periods of the T.T. Festival and the Christmas period, extra visits were made (at the request of the Inspector i/c of Custody). In June 2010, 3 visits were made to the cells at Police H.Q., 1 to Lord Street and 1 to Port Erin. In December visits were made coinciding with Bank Holiday Days.

During the year a total of 51 adult detainees (including 5 females and also 4 Juveniles) were seen. Detained persons, it should be noted, have the right to decline to speak to Visitors. This increase in the number of detainees monitored during 2010, as compared to the 26 monitored during 2009 reflects the increase in numbers of arrests made in 2010 of 135 over the numbers arrested in 2009.

The visits continued to be made unannounced and covered a range of times of day. 6 were made between 7a.m. and 11:15 a.m., 5 were made between 2 p.m. and 5 p.m., and 4 were made after 5 p.m. and up to 9:25p.m. The 1 visit to Port Erin was made between 9:40 a.m. and 10:20 a.m.

ISSUES REPORTED FROM CUSTODY VISITS TO POLICE HEADQUARTERS

- The Advocate's Room / Interview Room is still in urgent need of decoration.

- The shower facility has been unable to be used for some considerable time since the second half of 2010. Several detainees, when spoken to at the Court house, complained of being unable to have a shower or good wash, even though they may have been held at Police HQ for several days, particularly over a weekend.
- The lack of, or difficulty in obtaining an Advocate, out of normal hours, is still a serious cause for concern. The I.C.V. / I.M.B. have been in communication with the Isle of Man Law Society, who feel unable to resolve this problem, which infringes a prisoner's rights. This had been at its most serious when several detainees who were involved in the same serious charge, had to be seen by a senior advocate, because of the seriousness and severity of the case. This had resulted in detainees being kept at Police HQ for many hours.
- The quality of air, throughout the Custody Suite is concerning. This is particularly so in the Custody Office where on one visit a temperature of 80 degrees was recorded here, at 08:30.
- The toilet flushing mechanism is faulty in several cells (Nos. 1, 3, and 10). This has been noted on several visits, but the work is still not completed.
- There has been an increase in the number of occasions when the overspill facilities at the Lord Street Station in Douglas, and the Custody Suite in the Court House itself, have had to be brought into operation.

Given the continuing rise in the number of arrests (+135 in 2010 cf. to 2009 figures.) it would be helpful for the secure detention and for the welfare of detainees, if plans for a temporary extra facility at Police HQ could be prioritized.

- The van docking area at Lord Street Custody Suite continues to be insecure for the unloading of prisoners.
- The public counter at Lord Street is unmanned from after 16:30 hours, a critical time in Douglas when school children and young adults who feel vulnerable cannot access Police Advice and Protection, other than via a phone in a very public and unprotected area.
- There is still not CCTV coverage in all cells at Police HQ, and none in the cells at Lord Street Station.
- Fire Practice Drill needs to be reviewed and tested – none appears to have been held during 2010.
- It is of some concern and disappointment to the I.C.V., that despite considerable input of the I.C.V. into monitoring the facilities for custody of detainees, and of the time given to this monitoring by senior officers of the Police Authority, notwithstanding the valued input of the Custody Suite staff – there was no mention of the I.C.V. scheme in the most recent of the Chief Constable's Report. It is hoped this will be rectified in the next Report of the Chief Constable.

ACHIEVEMENTS AND HIGHLIGHTS OF 2010

- The development of a (Draft) I.C.V. Policy.
- The manner in which officers in the Custody Suite and Front Desk Staff greet the members of I.C.V., and answer our many questions is usually very pleasing and good. As the I.C.V. scheme has progressed, the roles and responsibilities of the I.C.V. members and the Police Staff have been mutually understood. This has been notable in the instance of Port Erin Station Staff.
- The Custody Area, even after the many busy times of occupancy, has invariably been presented as clean and tidy.

- There is a ready availability of clean clothes and blankets – which has been pleasing to see.
- The kitchen area has been improved by the purchase of new white goods. The freezer is well stocked with a variety of ready meals, including Halal meals and food for Vegans and others with food allergies.
- There was evidence of a good range of available strategies and aids for dealing positively, sensitively and constructively with those detainees whose first language is not English.
- A system of close co-operation between Police and Prison for the recovery and retrieval of detainees' property from Police HQ has resulted in a significant reduction in the number of enquiries about property, from prisoners and former detainees.
- The majority of detainees spoken to about their treatment, whilst detained at Police HQ, said they were satisfied with their treatment, apart from washing and showering facilities.

The I.C.V.'s have right of access to Police HQ and the range of Custody Suites – at any time or day. Often this means we can undertake the most effective monitoring when the Custody Suite is at its busiest. We remain sensitive to the fact that the Police have an invaluable role to play in the Criminal Justice System - this they do extremely well, and always include us in explaining processes and systems. Our visits at very busy times, and very challenging times, are best done on a basis of mutual trust, and an awareness of each others need to do the jobs and responsibilities allocated to us. This is and has been when monitoring at its best, takes place.

SECTION 13:

ISLE OF MAN COURTS OF JUSTICE CUSTODY SUITE

BACKGROUND AND CONTEXT

Members of the Independent Monitoring Board (IMB) visit the holding cells at the Courts of Justice, each month, on rota.

During 2010, a total of almost 16 hours was given to these visits. In total 63 detainees (54 male and 9 female) were spoken with and during these conversations they were able to make any comments or raise concerns relating to their treatment, whilst at court, or at Police Headquarters (HQ).

Detainees arrived at the holding cells from the Isle of Man Prison, Jurby, or from the Custody Suite at Police HQ in Douglas. On occasions, detainees will have been brought down to the cells directly after having been dealt with by the court, having been given a custodial sentence.

There is still the same number of cells available as reported in the 2009 Report - that is six in total, three of which are located separately, and which can usefully accommodate females, young offenders, or vulnerable prisoners. Of the remaining three cells, the larger one still has to house larger groups of prisoners.

The rest of the accommodation comprises of interview space for advocates, which on busy court days is totally inadequate. There is also a very small office and food preparation area for use by G4S staff. Both of these are totally inadequate for the current needs of the courts. There is also a small store room and a separate toilet area for the staff.

In the report of 2009 the accommodation was highlighted as a matter of serious concern, particularly on the day when Courts of General Goal were sitting – then one day per week. During 2010, useful discussions were held between the prison and the Deputy High Bailiff which has resulted in the strategy of an extra day for the Courts of General Goal to operate. This has slightly eased the pressure on the accommodation, but it still presents many problems.

The Custody Suite continues to be managed and run by G4S who provide a staff of eight full time equivalent staff, (made up of seven full time equivalent staff and two times 0.5 part-time staff.) However, should the numbers of prisoners and demands on staffing deem it necessary, the managers can access a further four full-time fully trained staff.

VEHICLES

The team have a fleet of two large vans, one of which has a Pod / Box facility, for specific prisoners who require more secure or separate transport. There is also a car available.

OBSERVATIONS FROM REPORTS OF ROTA VISITS

Monitoring visit reports of 2010 continue to give evidence of increasing demands on the staff team of G4S. These demands are as a direct result of the increase in numbers of detainees appearing in court and the fact that G4S staff also act as an escort to prisoners who have medical appointments, both on and off Island. They also have undertaken an increasing number of 'Bed Watch' duties, for prisoners requiring hospitalisation. These occasions and situations are occurring more frequently and happened on four separate occasions in 2010.

Despite the many limitations of the facilities within the Custody Suite, G4S continues to manage this area efficiently and effectively. They work as a highly motivated and organised team, demonstrating sensitivity to the emotional needs of the prisoners at specific times, this coupled with professionalism in all of the varied roles they undertake.

CONDITION OF THE HOLDING CELLS

On several visits, comments were made on the poor standard of levels of cleaning of the cells, posing risks to health and safety in some instances. It was also observed that, although there is a sluice room, where cleaning equipment is stored, the equipment was not always being kept in a hygienic condition.

During hot periods of the year, a lack of ventilation in the area continues to result in poor air quality and a continuing less than satisfactory environment for detainees and for staff who have to work in that location.

The additional days when Courts of General Goal are held, introduced during 2010, has helped to ease the overcrowding as outlined in the 2009 IMB Report. However, it is still of concern to the Board that the conditions for detainees continue to be less than comfortable given that some detainees could be held there for a long period of time.

The intolerable toilet facilities mean that multiple occupancy of the cells still necessitates the removal of individual detainees from a cell to offer privacy to the remaining detainee needing the toilet facility. The result of this unsatisfactory and concerning situation is that both detainees have to be kept on the corridor, whilst G4S Staff clean the toilets and the cell. This can pose a potential security risk.

CUSTODY SUITE OFFICE & FACILITIES

- The concerns raised by the IMB in their 2009 Report highlighting the inadequacy and unsuitability in size of the office area, food preparation area and advocate's interview space, still continued through 2010. The manner, in which G4S carry out their duties and role, despite these inadequacies is to be admired.
- The Board also raised in their 2009 Report the lack of adequate and secure storage for property and valuables. This still is the situation in 2010. Prisoners from Police HQ and those who are anticipating a bail outcome to their court appearance still have no designated or effective storage facility. G4S do their utmost to ensure property is stored in the most secure manner at their disposal, but this, at best, is woefully inadequate and unsuitable.
- The vehicles continue to be kept clean and well maintained. However, it is only because of the effective organisation and management of the fleet by G4S that the range of categories of prisoners (i.e. male, female, young offenders and vulnerable prisoners) and their numbers are transported efficiently.
- Detainees with disabilities continue to concern the Board. Custody Rule 15 (1) referring to the privacy and dignity entitlement of prisoners continues to be violated despite the best efforts of all concerned. For example, prisoners who are in wheel chairs are taken to the Custody Suite through the main public entrance as there is no access, for the disabled.

In reviewing the facilities within the Custody Suite at the Courts of Justice, again during 2010 the deficiencies outlined (set in the context of the increasing numbers of arrests and subsequent court appearances) need to be reviewed and addressed as a matter of urgency. We are fast approaching a situation where the suite will have to be deemed no longer fit for purpose.

ADDENDUM:

STATUTORY ROLE AND CHARGES OF THE INDEPENDENT MONITORING BOARD

Applications & Complaints:

Rule 20. (1) An application or complaint to the governor or the Board relating to a detainee's custody shall be made orally or in writing by the detainee.

Rule 20. (2) Every application by a detainee to see the governor or Board shall be recorded in writing by the officer to whom it is made and promptly put before the governor, or the member of the Board who next visits the institution, as the case may be.

Notification of Illness or Death of Detainee:

Rule 30. (2) If a detainee dies, the governor shall give notice immediately to –
(b) the Board.

Removal from Association:

Rule 39. (2) The detainee shall not be removed under this rule for a period of more than 5 days without the authority of a member of the Board or of the Department. An authority given under this paragraph shall be for a period not exceeding one month.

Temporary Confinement:

Rule 42. (2) A detainee shall not be confined in a special cell for longer than 48 hours without a direction in writing given by a member of the Board or by an officer of the Department (not being an officer of an institution). Such a direction shall state the grounds for the confinement and the time during which it may continue.

Restraints:

Rule 43. (2) Notice of such an order shall be given without delay to a member of the Board and to the medical officer or the governor, as the case may be.

Rule 43. (4) A detainee shall not be kept under restraint longer than necessary, nor shall he be so kept for longer than 12 hours without direction in writing given by a member of the Board or by an officer of the Department (not being an officer of an institution). Such a direction shall state the grounds for the restraint and the time during which it may continue.

Disciplinary Procedure:

Rule 46. (6) In the case of a charge of any of the following offences –

- (a) escaping or absconding from the institution or from legal custody;
- (b) assaulting an officer,

The governor shall, unless he dismisses it forthwith, refer the charge to the Board.

Rule 46. (7) Where the governor refers the charge to the Board under paragraph 6, he may also refer any other charge against the same detainee arising out of the same incident.

Rule 46. (8) The chairperson of the Board shall constitute a panel consisting of not less the 3 members of the Board, who shall inquire into any charge referred to it under paragraph (6) or (7).

Punishments by the Board:

Rule 48. (1) If a panel constituted under rule 46 (8) finds a detainee guilty of an offence against discipline it may, subject to paragraphs (2) to (4), impose one or more of the following punishments

(a) Caution

(b) Forfeiture for any period of any of the privileges under rule14;

(c) Stoppage of or deduction from earnings for a period not exceeding 56 days and of an amount not exceeding 56 days' earnings;

(d) Cellular confinement for a period nor exceeding 28 days;

(e) In the case of a short-term or long-term detainee, an award of additional days not exceeding 180 days;

(f) In the case of a remand detainee, an award of additional days not exceeding 180 days conditionally his becoming a short-term or long-term detainee;

(g) In the case of a convicted detainee, forfeiture of visits for a period not exceeding 14 days;

(h) In the case of an unconvicted detainee found to have escaped or absconded from an institution or from legal custody, forfeiture for any period of the right under rule 23 (1) to wear his own clothes.

Rule 48. (2) An award of a caution shall not be combined with any other punishment for the same charge.

Rule 48. (3) If a detainee is found guilty of more than on charge arising out of an incident, punishments under this rule may be ordered to run consecutively but, in the case of an award of additional days, the total period added shall not exceed 180 days and, in the case of an award of cellular confinement, the total period shall not exceed 28 days.

Rule 48. (4) In imposing punishment under this rule, the panel shall take into account any guidelines that the department may from time to time issue as to the level of punishment that should normally be imposed for a particular offence against discipline.

Cellular Confinement:

Rule 49. (1) When it is proposed to impose a punishment of cellular confinement, the panel of the Board or the governor, as the case may be, shall consult the medical officer, who shall inform the panel or the governor whether there are any medical reasons why the detainee should not be so dealt.

Rule 49. (2) The panel or the governor, as the case may be, shall give effect to any recommendation which may be made under paragraph (1).

Remission & Mitigation of Punishments etc:

Rule 53. (2) Subject to any directions given by the department –

(a) The Board may remit or mitigate any punishment imposed by a panel of the Board or by the Governor.

Personal Visits:

Rule 55. (5) The Board may allow a detainee an additional visit in special circumstances, and may direct that a visit may extend beyond the normal duration.

Personal Letters:

Rule 56. (5) The Board may allow a detainee to send an additional letter at the expense of the Department in special circumstances.

Rule 66. Control of Persons & Vehicles:

(1) Any person or vehicle entering or leaving an institution may be stopped, examined and searched. Any such search of a person shall be carried out in as seemly a manner as is consistent with discovering anything concealed.

(4) Paragraph (1) shall not apply in relation to any visit to an institution or detainee by a member of the Board, or to prevent –

(b) a visit allowed by the Board under rule 55 (5).

CONSTITUTION OF THE INDEPENDENT MONITORING BOARD

Rule 74. (1) The Department shall appoint an Independent Monitoring Board for each institution.

Rule74. (2) The Board shall consist of 6 or more lay persons appointed by the Department.

Rule74. (3) The following persons shall not be eligible to be members of the board –

(a) A person who is, or has at any time in the past 5 years been, a member of the Isle of Man Constabulary;

(b) A person who is, or has at any time in the last 5 years been, in the service of the Department;

(c) A member of the Council or the Keys;

(d) A person interested in any contract for the supply of goods or services to the institution.

Rule 74. (4) A retiring member of the Board shall be eligible to be re-appointed if he is otherwise qualified.

Tenure of Office:

Rule 75. (1) A member of the Board shall hold office –

(a) for a term of 3 years from the date of his appointment; or

(b) if he was appointed to fill a casual vacancy, until the person in whose place he was appointed would originally have gone out of office.

Rule 75. (2) A member of the Board may resign by notice in writing to the department.

Rule75. (3) If the Department is satisfied that a member of the Board –

(a) has been absent from meetings of the Board for a period longer than 6 months without the permission of the Department;

- (b) has become bankrupt or made an arrangement with his creditors;
- (c) is incapacitated by physical or mental illness; or
- (d) he has been convicted of such an offence, or his conduct has been such, that it is not in the Department's opinion fitting that he should remain a member; or
- (e) there is or appears to be, any conflict of interest between the member performing his duties as a member and any interest of that member, whether personal, financial or otherwise, the Department may declare his office as a member to be vacant, and shall notify the fact in such manner as it thinks fit.

Rule 75. (4) Where the Department –

(a) has reason to suspect that a member of the Board for a prison may have so conducted himself that his appointment may be liable to be terminated under paragraph (4)(d) or (e); and

(b) is of the opinion that the suspected conduct is of such a serious nature that the member cannot be permitted to continue to perform his functions as a member of the Board pending the completion of the Department's investigations into the matter and any decision as to whether the member's appointment should be terminated,

it may suspend the member from office for such period or periods as it may reasonably require in order to complete its investigations and determine whether or not the appointment of the member should be so terminated; and a member so suspended shall not, during the period of his suspension, be regarded as being a member of the Board, other than for the purposes of this paragraph and paragraphs (1) and (3).

Rule 76. Proceedings of the Board of Visitors:

(1) The Board shall at its first meeting in each year appoint one of its number to be chairman and another to be vice – chairman of the Board.

(2) The following provisions of the Statutory Boards Act 1987 shall apply to the Board as they apply to a Statutory Board –

- Paragraph 2, except sub-paragraph (3) (c);
- Paragraph 3
- Paragraph 4
- Paragraph

(3) The quorum necessary for the transaction of business by the Board shall be 3 members of the Board.

(4) The governor, or such other officer of the institution as he may assign for the purpose, shall attend every meeting of the board if so requested by the Board.

(5) The proceedings of the Board shall not be invalidated by any vacancy in the membership or any defect in the appointment of a member.

Rule 77. Clerical Assistance:

The department shall provide a member of its staff to attend meetings of the Board, to keep the minutes of the Board and to perform such other clerical duties as the Board may reasonably require of him/her.

Rule 78. General Duties of the Board:

- (1) The Board for an institution shall satisfy themselves as to the state of the premises of the institution, the administration of the institution and the treatment of the detainees.
- (2) The Board shall inquire into and report upon any matter into which the Department asks them to inquire.
- (3) The Board shall direct the attention of the governor to any matter which calls for his attention and shall report to the Department any matter which they consider it expedient to report.
- (4) The Board shall inform the Department immediately of any abuse which comes to their knowledge.
- (5) Before exercising any power under these Rules the Board and any member of the Board shall consult the governor in relation to any matter which may affect discipline.

Rule 79. Particular Duties:

- (1) The Board for an institution and any member of the Board shall hear any complaint or request which a detainee wishes to make to them or him.
- (2) The Board shall arrange for the food of the detainees to be inspected by a member by a member of the Board at frequent intervals.
- (3) The Board shall inquire into any report made to them, whether or not by a member of the Board, that a detainee's health, mental or physical, is likely to be injuriously affected by any conditions of his detention.

Rule 80. Members Visiting the Institution:

- (1) The members of the Board for an institution shall visit the institution frequently, and the Board shall arrange a rota whereby at least one of its members visits the institution between meetings of the Board.
- (2) A member of the Board shall have access at any time to every part of the institution and to every detainee, and he may interview any detainee out of sight and hearing of officers.
- (3) A member of the Board shall have access to the records of the institution.

Rule 81. Annual Report:

- (1) The Board shall in every year make a report in writing to the Department –
 - (a) Concerning the state of the institution and its administration during the year ending on the previous 31st December, and
 - (b) Giving such advice and making such recommendations (if any) as it considers appropriate with regard to the administration, state of repair, facilities and operation of the institution.
- (2) The report shall be made as soon as reasonably practicable after 31st December.

UNDER THE CRIMINAL JUSTICE, POLICE AND COURTS ACT 2007 APPOINTED DAY ORDER:

Custody Act 1995 42(1) The Board of Visitors constituted under Custody Rules made under the Custody Act 1995 is renamed as 'The Independent monitoring Board'.

The Independent Monitoring Board under 42 (2) (c) shall '..... inspect any cell or any part of a custody suite in any police station'. '..... to enter the institute, police station, cell or custody suite and see every prisoner in police detention.'

The Board is also Charged under the Prisoners Escort Bill 2007 2(1) (2) (3) (4):

1. The Independent Monitoring Board shall:

(a) Keep prisoner escort arrangements under review and report them to the Department; and

(b) Inspect conditions in which prisoners are transported or held in pursuance of such arrangements and make recommendations to the Department.

2. It shall also be the duty of the Independent Monitoring Board to investigate and report to the Department on:

(a) Any allegations made against prison custody officers acting in pursuance of prisoner escort arrangements; and

(b) Any alleged breaches of discipline on the parts of prisoner for whose delivery or custody such officers so acting is responsible.