



Isle of Man Prison

&

CUSTODY SUITES & HOLDING CELLS

INDEPENDENT MONITORING BOARD

Report for the Year 2011

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 prisoners. 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 wing can hold 42 prisoners.
- 'C' Wing houses vulnerable prisoners; it has a capacity of 26.
- 'D' Wing houses 15 adult and young female prisoners and has its own segregation cell.
- 'E' Wing, the male Segregation Unit, houses 9 prisoners.
- 'F' Wing houses 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 their cells. 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 also contains a dedicated 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, 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. One of these offices is now dedicated to the Resettlement Board. 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 and the 'Live Link' to the Isle of Man Courts of Justice as well as a Visits Hall for domestic or family visits. The hall can seat 70 visitors and 24 prisoners at any one time.

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

Within the perimeter of the prison there is the Dog Unit, Works Department, Training Workshops, Sports Pitches and a Horticultural area.

Section 2: EXECUTIVE SUMMARY

The Isle of Man Prison is unique in the fact that it holds, except for those serving life sentences, all categories of prisoners in safe custody. One fact can be certain, that no matter by how much its population increases, all the prisoners within its perimeter will, at some point, be released back into the community.

The word 'resettlement' wrongly assumes that most prisoners have had a 'settled' existence before imprisonment. If 'resettlement' is to have any hope of success, the ways of living law-abiding and useful lives must be inculcated into the prisoner from the moment of their reception into custody.

The Prison Service has to motivate and equip each prisoner and design activities, education and quality of work around resettlement. Their efforts will be in vain if an island resettlement strategy is not put into place. This was one of the main recommendations of the Her Majesty Inspectorate of Prisons 2011 Report. Disappointingly too, there are few agencies which support prisoners and fewer still who seem prepared to visit the prison.

Many problems arise from the prison being a non-smoking institution. Prisoners are constantly devising ways to 'beat the ban' and it takes up an inordinate amount of staff time and effort. Prisoners' efforts to smoke result in expensive repairs to in-cell equipment as well as raising health and safety issues for prisoners, staff and agencies. Inconsistent treatment of prisoners by some of the staff does not help. However, having said that, the Board has evidenced many examples of staff going the extra mile in order to support a prisoner who may have a particular problem in other areas. The relationship between staff/prisoner is very good.

We still patiently await the much needed revision of the present outdated Custody Rules. The Rules direct the Board to conduct Adjudications, thus awarding punishments and to authorise segregation. We cannot perform a fully independent role and scrutinise the valuable work and progress of the prison if we are seen as a part of the system itself - there is a conflict which needs to be addressed and Government has been dragging its feet for too long. The appointment of an Independent Adjudicator is required.

The role of the prison has been compared with that of a hospital in the National Health system. A former Chief inspector of Prisons said:

"Neither has any control over who is sent in; both have to try and make people better, conscious that the process cannot be completed within the institution, but in the community in the form of aftercare. Some prisoners/patients will prove incurable; others will come back for further or different treatment. It is said if you stay too long in hospital you pick up further infection from the fabric. If you stay too long in prison you risk being corrupted by other prisoners."

The analogy would seem to fit but the Board is confident that, although there is still much to be done, the Governor and her staff are striving towards putting the best possible practice into place. It is up to the island's government, agencies and the community in general to help them with their task.

Issues for the Minister

- If the Independent Monitoring Board is to provide independent scrutiny of the prison and see that prisoners are being treated fairly, justly, decently and with dignity, then its conflicting role of awarding punishments and authorising segregation needs to be removed.
- There is a need for the revision of the legislation which concerns the use of the 'Live Link' between the prison and the Courts of Justice. The prisoner should have to appear on the 'Link' rather than appearing in Court, thus making greater use of the facility. This would reduce costly and time consuming court appearances and the expense of prisoner escorts.
- There is a noted lack of an island Adult Secure Psychiatric Unit and no in-patient facility. As a result, prisoners are received into custody mainly because there is no other place suitable for them within the community. This needs to be addressed along with the limited psychiatric input offered as the needs of prisoners with severe mental health problems are barely being met.
- Prisoners wait too long to hear the outcome of their applications for parole. The process should be speeded up in order to reduce unnecessary anxiety and uncertainty.
- There is a pressing need for a National Action Plan for reducing re-offending.
- More support is needed from the external agencies such as KEMMRYCK and the Drug Advice Service Helpline in supplementing current government provision. This would ensure a greater chance of successful rehabilitation.
- Accommodation on prisoner release is still reliant on the personal contacts of the Resettlement Team and there is acute concern about limited accommodation options for young female and vulnerable prisoners and, in particular, those with a history of arson.
- There still remains a desperate need for a new Bail Hostel and 'move on' accommodation. The life of the Salvation Army's 'David Gray House' is nearing its end and there appears to be no immediate plan or desire on the government's part to put strategies in place in order to ensure that a suitable replacement is available.
- Employment opportunities, on release from prison, rely on an ad hoc personal contact rather than involvement of government services such as the Job Centre.
- There still remains a need to appoint an Independent Adjudicator who would have the power to award additional days for a wider spectrum of offences;

i.e. failure of drug tests and assaults by prisoners on other prisoners or staff, or matters of concerted indiscipline that disrupt the prison.

- A review of the length of time some prisoners spend on remand needs to be undertaken. Many prisoners can spend well over a year awaiting trial. It should be remembered that a prisoner on remand is not eligible for courses run by Probation which address offending behaviour. The delay creates problems for families, work, housing and the prisoner too who may well be innocent. In view of this, the introduction of a Bail Act / Custody Limit should be urgently considered.
- With regard to the Isle of Man Courts of Justice and the Board's ongoing concerns, regular and constructive communication is required between the Department of Infrastructure and the Department of Home Affairs if some of the concerns are to be resolved.
- The outdated Custody Suite at Police Headquarters is too small and has difficulty coping with modern trends of offending behaviour. The needs of those being held and those officers and agencies working in the facility should be reviewed as a matter of urgency.

Issues for the Governor

- A considerable amount of work and organisation goes into the preparation and delivery of the highly successful Family Days. However, they cater for only a limited number of prisoners and their families and on several occasions not all the eight places available have been filled. Wider selection criteria should be given consideration.
- Incoming and outgoing post which is written in a foreign language is not consistently monitored.
- There needs to be a greater range of mail order catalogues if the wider needs of female prisoners, who are serving lengthy sentences with little outside support, are to be met.
- As raised in our 2010 Report, prisoners should be given the opportunity of taking outdoor exercise in the wing yards even if the weather is inclement. It seems unfair that those serving long sentences may be denied the chance to feel rain on their faces.
- Library opening times remain limited to one afternoon a week. This period has to cater for the whole prison population although some access is given to prisoners who are in education classes. Too little use is being made of this valuable facility. Training has yet to be given to the prisoner volunteer and there is still insignificant signage to help prisoners to access legal books.

- As the Catering Senior Officer is an accredited NVQ Assessor, consideration should be given as to how he might be afforded more time to teach and guide prisoners wishing to attain this useful vocational qualification.
- There is a strongly held perception amongst vulnerable prisoners that their food, on occasions, is contaminated by other prisoners working in the kitchen. A system of consulting and assurance by the Catering Senior Officer needs to be established and anti-contamination procedures put in place.
- In 2011 there has been a noticeable increase in the number of prisoners placed on 'E' Wing for reasons other than discipline. A review should be considered and also alternatives to segregation investigated.
- Given the rising numbers of prisoners being segregated for discipline matters and vulnerability, consideration should be given to a review of the value of the current regime in 'E' Wing and of the need for any changes to the regime.
- There is a need for more detailed recording of the reasons for Adjudication including ensuring all prisoners who have been given cellular confinement as an award have this made clear on the reasons for segregation documentation.
- Steps should be taken to ensure that multi-agency reviews and planning meetings are always convened for those prisoners who are segregated for more than five days.
- There is a need for training for staff to ensure that reports and other paperwork required for Adjudications are of the necessary quality. Staff need to give a full explanation and include all the relevant details of the offence. Care should be taken to ensure reports are accurate, and charges are made under the relevant breach of discipline.
- Over 30% of all disciplinary offences are smoking related. This would suggest there is a need to keep this under constant review.
- Monthly failure figures for Mandatory Drug Testing should include prisoners who were selected but refused to take the test.
- As soon as resources allow, reintroduce a Voluntary Drug Testing facility.
- Review the system of support for prisoners who fail a drug test. Introduce any realistic measures required to improve the system and assist the prisoner to deal with their addiction.

- Efforts to increase the number and variety of jobs available to prisoners should continue. This is particularly important for female and vulnerable prisoners.
- If the workshops cannot be used for vocational education, efforts to attract suitable work from sources outside the prison are vital. Such a costly resource should not be standing empty.
- Measures should be introduced to ensure that education classes are full. More prisoners should study for useful qualifications and should be encouraged to attend regularly and complete their courses.
- Personal and Social Education and Vocational qualification classes should be developed further with an emphasis on useful skills which will be of benefit to the prisoner.
- It seems to be commonly understood that there are untapped opportunities for Personal Officers to have a more structured probation support role with prisoners through preparation, discussion, and review of the various custody planning documents. This role could also contribute to formalising Personal Officer and prisoner relationships.
- Evidence suggests that there are concerns with regard to the mix of prisoners on the Vulnerable Prisoners' Wing. Some are there because of their offences and others because of incidents on the main wings. Whilst the Board realises that both groups are vulnerable, a stronger, proactive approach by staff on that wing needs to be considered.
- Consideration could be given to forming an effective Anti-Bullying Committee as a part of the Safer Custody Group. A more proactive approach is needed to curtail bullying. Patterns of bullying, dealing with the bully once identified, and support for the victim should be thoroughly investigated by this group and the necessary action taken and followed through.
- Consideration should be given and, time made available, for the holding of table top exercises in relation to the variety of serious incidents which may take place in and around the prison.

Section 3: RECEPTION & INDUCTION

Reception

Over the period of 2011, there have been 262 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 are 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 those prisoners.

Reception is open seven days a week and the normal close down point is 19:30 hours on week days, except in the event of the Courts sitting late when staff will be alerted to this situation by Group 4 Security (G4S). In this event, Reception remains open even if the night staff take over the running of the area.

The Board have noted that the reception processes are known, understood, and followed by all staff within this area. We have evidenced this from discussions with staff and prisoners. Also, there have been no applications to the Board about 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 a special search - a strip search. Female prisoners will be processed through this by female officers and males by male officers.

The special search has, in the past, caused a few prisoners some concern, and this was brought to the attention of the Board. However, there have been no complaints from prisoners during this reporting period.

The necessity of 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 there is a detailed reception process including the important storage of valuables and property. In the case of valuables, the property including money is transferred in sealed clear plastic pouches to the Administration Department. If prompt transfer is not possible then the property is held temporarily in a safe, located in a secure locked cupboard, until the Administration Department is open. Two Reception Officers 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 within twenty-four hours of the prisoner's arrival. 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. 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 special searches on return and our observations have proved that movements are efficiently recorded on the prison's computer system.

It is important that prisoners are processed through the reception area as quickly as possible. The Board has noted that, at certain busy times, a second dedicated interview area is available.

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 valuables. 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 property, prisoners are allowed an allocated number of clothing articles. All other items are stored in their own property box.

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

During our visits we noted that the Valuable Property Store, used temporarily when the Administration Department is closed, is very secure. Items are logged and kept in the safe. This is covered by CCTV observation. 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 2011 to 31 December 2011, Professional / Police / Legal visits to the prisoners totalled 616:

Jan 2011	58	Feb 2011	52	Mar 2011	60
Apr 2011	45	May 2011	75	Jun 2011	56
Jul 2011	70	Aug 2011	25	Sep 2011	50
Oct 2011	43	Nov 2011	46	Dec 2011	36

'Live Link'

There are two 'Live Link' booths within the Legal Visits area. Bookings for the use of the 'Live Link' are made through the prison's Administration Department.

Prisoners are taken from their wings to holding cells in the Visits area, and when required, to the booths which are all fully soundproofed.

A Senior Officer is responsible for the organisational needs within the Legal Visits area. Instructions for the use of the system are given to the prisoner by prison staff. There is currently no video induction/information given to the prisoner as to how to use the 'Live Link'. However, we have noted that the instructions are simple and the prisoner is not expected to operate any equipment.

The 'Live Link' can be used for remand renewal, bail application and consultation with Advocates, Probation and Social Services.

When used for remand or bail purposes an officer will sit with the prisoner. Consultation between a prisoner and his or her Advocate is private.

During 2011, this facility was utilised 453 times - a significant increase compared to 245 for 2010. The breakdown is as follows:

- Advocates: 384
- Courts: 52
- Probation: 10
- Social/Administration/David Gray House: 7

There is the opportunity of conducting inter-prison visits together with the ability to link with other Courts in the UK.

It is anticipated that changes to Legislation in the near future via the Criminal Justice Bill will see the default position is by 'Live Link' rather than the prisoner appearing in Court.

Section 4: REGIME

Social Visits:

Visiting days remain the same as in 2010. There are no visits Monday, Wednesday, Christmas Day, Boxing Day and New Year's Day.

The Visiting Order issued gives clear instructions as to what can be expected on arrival and during the visit. However, we are disappointed to note that there is still no indication on the form as to the coinage needed in order to operate the vending machine in the Visits Centre and Hall. We have noted that the machine in the Visits Centre is rarely used and seems to be frequently out of order.

If the visit is the first, the procedure is explained over the designated booking line.

The Visits Centre is bright but bare although there is a television. There are ample lockers for storing property not required on the visit. The small outside play area for young children lacks any facilities.

Prisoners can apply for inter-wing visits and a Visiting Order is needed by both parties. Although security checks are made there is no delay in arranging the visit.

The Board noted that Visiting Orders have no expiry date for convicted prisoners whereas Visiting Orders for remand prisoners expire weekly.

Advice literature in the Visits Centre is in need of updating and visitors are not really encouraged to speak to staff and vice versa. The Board feel there may well be an opportunity for a Family Liaison Officer to fill this role. We also noted that the information literature available to visitors is not in a range of relevant languages.

The average number of visits during the week for one session is 13 and only one visiting session per day is required. When a double session is needed, usually at weekends, there are as many as 20 to 24 visitors on each of the sessions. We recorded 53 adults and 18 children on one weekend.

Weekends, understandably, tend to be busier than weekdays, the reason being most people travel to the prison in private cars, sharing with friends and/or family. There is a bus service to the prison with a shelter close by the Visits Centre, but the majority of visitors find public transport to be tedious and arduous especially when young children are involved. A return visit from the south of the island involves six bus journeys. It is a whole day out and a difficult one with young children!

During the initial part of the visits processing, we have evidenced difficulties at the Gate House as there is usually only one OSG on duty, the others being in the Visits Centre and screening area. The gate staff member has to deal with visitor needs, telephone calls, other agencies, escorts and deliveries all needing entry to the prison. The Visits Hall is well lit but rather stark. There are 24 fixed tables and chairs, 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.

The Board observed that the visitors are seated first and then the prisoners are brought into the Hall thus ensuring no embarrassment is caused to prisoners waiting for those who do not arrive. Visits last for one hour with remand prisoners having two visits and convicted prisoners one visit a week.

Extended visits last for an hour and a half and accommodate visitors from off the island. If a Manx prisoner is serving a sentence in the UK they are allowed to return twice a year for accumulated visits over a three week period and are permitted visits on allocated visiting days. In 2011, three prisoners returned to the prison for this purpose.

Family Days

Family days take place three times a year mainly in the Easter, Summer and Christmas periods. They are made available to small groups of prisoners serving long sentences and their aim is to enable them to spend more time with their children thus strengthening family links and bonds. To qualify for this benefit the prisoner must be on Enhanced Status and have been nominated by officers or other agencies within the prison system.

Only eight prisoners per session are permitted but in 2011 we found that not all the places were filled. Some families who had places failed to appear on the day. This is disappointing when the adverse affect on the prisoner is considered as well as how much organisation, care and professionalism by staff and agencies goes into these events to help to make them a success. We feel that there is a case for extending these visits to a greater range of prisoners.

The Board noted encouraging results from these days and positive feedback has been received from both prisoners and staff. The Rotary Club funds meals and refreshments whilst the Isle of Man Children's Centre runs a compulsory course called 'Through the Eyes of a Child'. The prisoner must attend this course as part of the qualification for the day. The Centre also provides many of the staff as do the Mothers Union. The prison's P.E. and Catering Departments and other prison officers also have a valuable input which has ensured, in the Board's view, success on the day.

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 (or being in close proximity to it); 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 they are placed in a cubicle outside the room and allowed to continue the visit. The prisoner and visitor are separated by a clear perspex / glass screen so that no physical contact is possible. Communication is conducted via an intercom telephone. There are three closed visit booths.

There has been an increase in the number of closed visits over 2011 totalling 51, of which three have been a direct result of the 'sniffer' dog. The balance has revolved around seven prisoners.

Letters

One free letter is given to each prisoner on arrival followed by one a week during their time in prison. Any further letters are at the prisoner's own expense and can be purchased through the canteen.

Incoming and outgoing letters are routinely monitored. Five percent are opened at random to ensure they conform to the regulations within the prison. All are checked for enclosures. The only exception to this is a letter to or from the prisoner's Advocate which is clearly marked 'RULE 60' - incoming envelopes must be clearly identifiable and marked by the Advocate. We have noticed that the average number of 'RULE 60' letters a day is eight. Legal letters opened in error are now recorded as such in a Legal Letter Log Book. The opened letter is taken to the prisoner and an explanation is given. In 2011, the Board received two complaints regarding the opening of legal letters.

Incoming letters per day number 30 to 80 while outgoing letters are less at 20 to 50; the higher number being at the weekend.

We were unable to evidence a system for translating incoming and outgoing letters which are written in a foreign language.

Two OSG's open the mail thus ensuring all guidelines are met. Cash is recorded in a Cash Book and taken to the Administration Office for further processing.

Telephone

There is an adequate number of telephones on all wings; four on the bigger wings and two on the smaller wings. All telephones carry a pre-recorded message advising both parties that the conversation is recorded and may be monitored. This is clearly stated in the prisoner's booklet 'A Rough Guide to the Isle of Man Prison'.

Five percent of all calls are checked at random; however this can vary if there are suspicions.

Prisoners have a telephone account and a personal ID. They are allowed ten numbers which are security checked. Credit is purchased through the canteen. The telephones can be used for 20 minutes a day by each prisoner but arrangements are in place should someone need extra time.

The Board are pleased to note that prisoners who have no visits are given a second account and are allowed three numbers free.

We have evidenced the telephone system working well and rarely have we received any applications relating to it. We do note, however, that the 'privacy hoods' above

some of the phones require replacement. This fact was also noted in our 2010 Report.

A Samaritans mobile telephone is available on request and prisoners can contact them at any time of the day or night. The call is free and confidential with no time limit. It is unfortunate that the signal is poor in some parts of the prison.

Canteen/Prison Shop

The canteen/shop is run by the Stores Manager and is well organised. A canteen sheet is distributed once a week and lists everything available, with the price per item and how much money the prisoner can spend. Prices are the same as in the High Street and 80% of the items are price marked.

We have evidenced a clearly traceable system for issuing and collecting individual orders and there is a reliable system for delivering orders correctly. The average amount spent in the canteen per prisoner is ten pounds a week.

There is a system for recording complaints which are dealt with swiftly and reliably. Prisoner's needs are regularly reviewed through questionnaires and applications. Unfortunately, the requests are mainly for newer types of chocolate bars!

Arrangements are in place for new receptions to be issued with hygiene packs. They are also issued with an emergency canteen form with the proviso they cannot spend more than the cash they have in hand.

Prisoners do have access to mail order catalogues i.e. Sport Direct and Avon, the latter catering for the women. However, the Board feels that women's needs are not being fully met as their choice of items is so limited especially for women who are serving long sentences and have no or very limited family support.

The Board is pleased to note that work is being carried out with regard to privileged items and the Incentives & Earned Privileges Scheme (I.E.P.) which is hoped to give prisoners a greater incentive to achieve Enhanced Level.

Exercise, Association & Physical Education (P.E.)

There are two 30 minute periods available for exercise a day, one in the morning and one in the afternoon which takes place in the small yard on each wing. Not all yards have seating which the Board feel would be of benefit to older prisoners.

If the weather is inclement then exercise is taken on the wing. No wet weather clothing is provided although the Board has raised this matter on previous occasions and it was raised as a housekeeping point in the 2011 HMIP Report.

Exercise is taken by all including those on a basic regime or under a disciplinary regime. Prisoners who refuse to take exercise remain locked in their cells.

Association time is when prisoners are allowed out of their cells but remain on the wing. They are able to talk to other prisoners and also take part in activities. All

wings have two association periods each weekday and one period at the weekend. There are a few table games and darts and prisoners may also use the time for showering and making telephone calls.

The Board feels there is little for the prisoners to do and many easily become bored. We have noted prisoners associating in cells with more than the permitted number yet staff appear reluctant to enforce the rule relating to this. Occupants of 'D' and 'F' Wings seem to make more constructive use of association time than the other wings.

The maximum daily amount of time out of cell in 2011 was 10.5 hours. The unemployed and those prisoners refusing work have less time out of cell. The Board noted that activities can be withdrawn if there is a breach of discipline at any time and for a period of up to 28 days.

There is a minimum entitlement to P.E. for all prisoners with additional sessions available according to the individual prisoner's privilege (IEP) level:

Basic: 1 session a week.

Standard: 3 sessions Monday to Friday plus 1 weekend session.

Enhanced: Daily use including an evening slot.

Prisoners have to undergo a full Induction Course and are also assessed by Healthcare. The P.E. staff offer games such as football (for Enhanced), badminton, short tennis, circuit training and use of the cardio-vascular equipment. Some of the activities are devised to suit female prisoners and the elderly.

Staff can cater for 20 prisoners per session at the most. On an average day, approximately 38 prisoners use the facilities. Between 2 to 3 women and 5 to 6 vulnerable prisoners will use the Hall. We have noted that over 15 prisoners from 'B' Wing are regular users.

Promotional material often appears in the prison's Health Magazine.

The Sports Hall and Gymnasium are managed by a Senior Officer and three others. A further Officer has been on long term sick leave for more than a year. The Board reported that there were staffing issues last year and this remains so in 2011. Unfortunately, operational considerations prevent staff training and updates. Even so, the Department still endeavours to deliver a full programme which the Board feels is much to their credit and dedication. This is further evidenced by the fact that when chlorination of the prison takes place the facilities are used for a full week and the staff take a whole wing at a time whilst the procedure is carried out on that wing.

Incentives & Earned Privileges (I.E.P.)

The objective of the I.E.P. Scheme is to provide encouragement and to reward prisoners who behave in an acceptable manner whilst in prison.

There are three levels: Basic, Standard and Enhanced. On reception, all prisoners start on Standard regime. The scheme clearly states the steps involved in achieving Enhanced Level. The scheme is designed to encourage good behaviour, discourage bad and assist staff in the task of managing prisoners in a safe and constructive environment.

This year the average prison population was 113 and there were approximately 49 prisoners on Enhanced, 62 on Standard, and 2 on Basic.

In 2011, the Board received eight complaints from prisoners regarding the scheme and those made related to inconsistencies amongst staff and how they applied the rules. Understandably, prisoners on Basic felt the most disadvantaged and perhaps this suggests there is a need for a greater amount of staff support at this level.

Catering

The prison benefits from having a purpose built modern kitchen which is kept clean and well run by the Catering staff.

Help in the kitchen is provided by male prisoners from the main accommodation wings who are trained by the prison staff. Prisoner help includes cooks, kitchen porters and cleaners. Suitable protective clothing is supplied and worn by all kitchen staff. All clothing is washed after every session.

The meals provided are from a three week menu cycle which is changed every three months. Prisoners are able to pre-select their meals. This includes a healthy breakfast and a homemade soup plus choice from two main dishes for lunch. There is also a choice from three main dishes or a sandwich for the evening meal. There is always a vegetarian option.

Meals are transported by heated trolleys to the individual wings where the serveries are kept clean and regularly inspected. The quality and temperature of the food is generally good and the food is checked on a regular basis. Temperature probes are on every wing and there is a book for recording the results.

Medical diets are catered for and during Ramadan a specific Muslim menu is supplied.

Whilst the catering budget has been cut, the use of "home grown" vegetables from the prison horticultural area has helped towards making up the shortfall. However, the supply of instant tea has created an additional cost burden as tea bags have been banned at the prison due to their possible misuse.

The Board noted that two surveys were carried out in 2011 in order to gauge satisfaction with the meals supplied. The surveys included questions on choices / quality / vegetarian options. Of the 50% that responded:

- 16% excellent.
- 28% good.

- 44% satisfactory.
- 12% poor.

The women, in particular, requested a healthier option and this was provided.

Although the Catering Manager is a qualified National Vocational Qualification Assessor, there were only two prisoners working towards a Level 2 qualification in Catering. Releases and transfers cause interruption which resulted in only one prisoner completing the course. There is also no time allocation given to the amount of training required.

Under Custody Rule 79 (2), the Board must inspect and sample the prisoners' food. This has been done regularly, on the wings by members, throughout 2011. However, vulnerable prisoners have regularly expressed concerns to us that their food has been contaminated. We have not, so far, evidenced this and it may well be a perceived concern. We feel that there is a need to demonstrate to these prisoners that there is a safe system of food delivery as it is easy to identify the heated trolley which is destined for that particular wing.

Library

There is a small prison library situated in Education which is fairly well run by one prison orderly and one volunteer. There is no formal training for the library staff neither do they have any past experience.

The library is only open for one half day per week. A mobile library facility does exist but this is poorly advertised. All wings visit the library during this time and many complain that there is not enough time available. Those prisoners taking education classes can use the facility during lesson time.

The stock of books has improved through donations and the books have been catalogued to allow for greater transparency of book authors and subjects. There is a wide range of reading material including sections on Manx culture, fact/fiction and reference including legal reference. There is still a noticeable lack of magazines which was highlighted in our 2010 Annual Report.

The prisoners could benefit from an extension of the opening hours and/or advertising the facilities/books available from the library and making these more accessible.

Section 5: HEALTH

Healthcare

Healthcare continues to be provided by the Isle of Man Department of Health, although the responsibility for prison health is shared between the Department of Health and the Department of Home Affairs. The Department of Health has a contract with Ramsey Group Practice to provide General Practitioner sessions for

prisoners through a dedicated Primary Care Team based at the prison. There is no in-patient facility.

The Healthcare Department is staffed from 07:30hrs - 20:30hrs, Monday to Friday, and 08:30hrs - 17:30hrs, Saturday and Sunday, i.e. when the wings are in an unlock state.

The Healthcare Team is led by a Clinical Manager, assisted by a Deputy Clinical Manager who is a Registered Mental Nurse (RMN). Other members of the team include another RMN, two Registered General Nurses, and a Registered Paramedic. The ratio of female to male staff is 2:1, however, the RMN resigned at the end of July.

Every fortnight a RGN comes in to the prison to hold Sexual Health Clinics. A student Mental Health Nurse was also on secondment for two months during the year.

Two of the team are qualified non-medical (nurse) prescribers. Specific areas of responsibility are held by the team, e.g. sexual health, chronic disease management, mental health and minor injuries and illnesses. There is a dedicated nurse for the elderly and a link nurse for infection control who cascades down relevant information and organises team training.

All Healthcare staff have access to continuing professional development and mandatory training.

The Board was pleased to note that in 2011 a member of the prison Healthcare Team was the overall Primary Healthcare winner on the island. She demonstrates exceptional qualities which lead to improved service delivery. She has also written a paper entitled 'Care of the Elderly in Prison' which has been accepted by the Royal College of Nursing for publication. The same nurse is currently doing the Non-Medical Prescribing Course. The Board would like to congratulate her on her achievements and commitment.

General Medical Services are provided by Ramsey West Practice with three named GP's holding surgeries on Monday and Friday mornings and Wednesday afternoon. These run for two hours and cater for six prisoners per session. Telephone support is also available during the day from this practice. Out of hours service is covered by the Medical Emergency Doctors Service (MEDS) in line with the general community. Access to a female GP can be arranged for female prisoners who can also partake in routine cervical smears and mammograms.

The prison's clinical records are computerised on Egton Medical Information System, (EMIS) in line with all the island's GP's thus enabling Ramsey Group Practice and the prisoner's own GP to input relevant medical information.

The policies and procedures used by Healthcare, suitably adapted for the prison, are in line with the community.

The Registered Paramedic continues to carry out training of Prison Officers in basic life support and in the use of the automated external defibrillator.

24 Officers were trained in Emergency First Aid in the workplace. 6 Officers attended the Defibrillator Refresher Course.

Automated external defibrillators are kept in strategic places around the prison.

Her Majesty's Inspectorate of Prisons Report, March 2011 recommended there should be an emergency childbirth kit available in the prison. The Board is pleased to note that this has now been ordered.

An Optician continues to visit the prison every six weeks but will come more often if needs increase.

The Dentist holds weekly surgeries and on average six prisoners are seen at each session. It is pleasing to note that there is no backlog and long term prisoners will now be checked as often as they would be in the community.

Chiropody and Physiotherapy are referred to Ramsey Cottage Hospital as clinically needed in line with the Community Services Directorate.

When other treatments are unavailable on the island, prisoners are escorted to England for specialised treatment and care - five prisoners required this service in 2011.

The approximate numbers of prisoners, at any one time, suffering with chronic conditions are:

- 10 Asthmatics.
- 3 Diabetics.
- 3 Epileptics.
- 1 Hearing impaired, needing hearing aids.
- 3 Suffering with heart conditions.

During the year one prisoner required a wheelchair.

Although Care Plans are in place with planned reviews for prisoners suffering from chronic illnesses, Her Majesty's Inspectorate of Prisons 2011 Report highlighted the fact that these did not always reflect current evidence-based best practice. The Board is pleased to note that the Healthcare Department is currently updating these.

Due to the high number of prisoners who smoke, the No Smoking Policy continues to be problematic as the number of relevant Governor's Adjudications highlight. In 2011, at any given time, about one third of the prison population was using nicotine patches.

The influenza vaccine was offered to all prisoners; however, the uptake was low with only 35 prisoners availing themselves of this service.

Prisoners over 65 years of age or those suffering from chest complaints were all offered the pneumonia vaccine but only a small number of prisoners availed themselves of this. It is thought that some prisoners may have had this one-off vaccine in previous years.

Pharmacy Drug Control checks continue to be carried out on a regular basis by an external Pharmacist.

Healthcare continues to produce a very informative quarterly health promotion magazine for prisoners. However, the Board feels that Healthcare and Dental Health could be more proactive in health promotion, e.g. Specific National Health Days could be promoted.

Nurse led relaxation classes and anxiety management classes were carried out during the year when enough prisoners requested this service.

Substance Abuse

The Health Needs Assessment undertaken in December 2010 highlighted that dual mental health and addiction problems were present in 50% of the prison population (Her Majesty's Inspectorate of Prisoners 2011 Report).

Drug and alcohol reviews remain ongoing and on average, 17% of prisoners, at any one time, are on a Detox Programme.

The Psychiatrist from the Drug and Alcohol Team (D.A.T.) attends the prison fortnightly and had 85 contacts with prisoners in 2011. The Probation Officer attached to D.A.T. continues to hold weekly sessions working on relapse prevention, planning, discharge planning and rehabilitation and sees about four to six prisoners a week.

Representatives from Alcoholics Anonymous do come in on a one to one basis, but no group work is available.

Mental Health

The prisoner is seen by the Healthcare team usually within two hours of reception and any mental health concerns are referred either to the GP or if necessary to the Mental Health Psychiatrist who attends when needed. The Psychiatrist had 15 contacts with prisoners last year.

Clinical indicators suggest that 70% of prisoners have low grade mental health issues, the majority being stress, depression and anxiety which is reactive to the situation they are in.

The Board is pleased to note that one Psychologist now visits the prison on a fortnightly basis seeing only two prisoners at a time, therefore, there is always a waiting list.

Mental health issues are discussed at Prison Officers' initial training and also Folder 5 training (for use with vulnerable prisoners). However, the Board feels that officers would benefit from further training in this area.

Chaplaincy

The prison Chaplaincy consists of three dedicated Chaplains representing Roman Catholic, Church of England and Free Church faiths who operate on a rota basis visiting the various wings and conducting a service once a week in the Multi-Faith Room. The number of attendees at the services appears to be low but it is, in fact, often around ten percent of the prison population. This figure is higher than the average congregation numbers on the outside.

An Alpha Course has been organised by the team and has taken place.

At least three memorial services have been held in addition to support given to prisoners affected by bereavement.

Representatives from Jehovah Witnesses, Mormons and Christian Scientology have been invited into the prison. This is in response to prisoners' particular requests.

Where possible the Chaplaincy has provided items to prisoners on request commensurate with 'their faith'. These are usually provided without taking funds from the prison.

The Board has found that the Chaplaincy has continued to fulfil a much needed and vital role within the prison and their care frequently stretches beyond its boundaries into the community and touches the families of those in custody.

Drug Testing

Theoretically, there are three aspects to the Drug Testing Policy. They are Mandatory Testing, Target Testing and Voluntary Testing:

- **Mandatory Testing:** has a target number of ten percent of the prison population per month which equates to approximately ten prisoners. Prisoners' names are chosen randomly through an electronic number generating machine.
- **Target ('Reasonable Suspicion') Testing:** carried out if there is information suggesting that a prisoner may be taking drugs or has previously failed tests.
- **Voluntary Testing:** is a system in which prisoners choose to have regular testing.

All the tests take place in a dedicated suite adjacent to the Segregation Unit - a facility which is fit for purpose and is administered by staff who are fully trained in the procedures. The samples are sent to an independent analyst and a second sample is available for prisoners who may want a second opinion but this is at their own expense.

Tests may also take place on reception in the prison and for risk assessment reasons.

Within the Mandatory Testing Programme there were 126 tests undertaken in 2011:

- 14 proved positive.
- A failure rate of 11% compared to a target of a maximum 10% failure rate.

This is an improvement compared with 2010. A large majority of failures were for benzodiazepine (benzos). There are still drug failures for Subutex but this is not due to it being medically prescribed by Healthcare.

- Recording of data for Target Testing did not commence until April 2011. Within the final nine months of 2011 there were 37 tests planned, of which six prisoners refused to take the test. A refusal is recorded as a failure.
- From the other 25 tests there were six failures, with half being for benzodiazepine. This is a 27% failure rate.
- In total from both testing programmes there were 40 recorded failures; 15% of all tests. However, this figure does not include suspicion tests for the first quarter of the year as no data was recorded. Neither does it include any prisoners who refused to take the test. Assuming that refusals are taken to be a failure, a more accurate total may be shown by the 45 adjudications for failure or refusal of tests conducted in 2011.

Again in 2011, the Board are still very much aware of the limited awards which can be given by the prison management to those guilty of drug offences under the present outdated Custody Rules. We feel there is an urgent and vital need for the appointment of an Independent Adjudicator who could award additional days to those prisoners who offend and are found guilty.

It is pleasing to see the reduction in the failure rate in Mandatory Testing. Also, a change, in early 2012, in the way medication is administered to prisoners, is likely to have an impact on the amount of benzodiazepine abuse and be reflected in test failure in 2012.

However, there are still a large number of incidents of drug abuse, which questions the follow up procedure to failed tests. In the IMB 2010 Report, it was felt that the objective within the 'Prisoner's Guide to Mandatory Drug Testing' of being 'offered help to do something about your drug use' following a test failure was not being fully met. Despite visits by the Drugs and Alcohol Team every two weeks, there is still a question as to how effective, consistent, or thorough such follow up by external agencies or prison Healthcare is in assisting these addictions.

The concern about Voluntary Drug Testing is another area where staffing restrictions may have been responsible for no progress being made in 2011. In this year the system did not operate. Such a programme can assist those trying to deal with any addiction and also prisoners who want to show to interested agencies that they have managed to stay off drugs. There appears to be some confusion about whether staff conducting Mandatory Testing can also administer Voluntary Testing. Whilst the

Board acknowledge the difficulties of the current financial situation, it would be beneficial if this could be resolved and if the scheme could be reintroduced in the near future.

Section 6: SAFER CUSTODY

Safer Custody

Safer Custody exists to ensure the well being of prisoners who are considered to be at risk. Monthly meetings are held to assist with identifying those who particularly require monitoring within the prison environment. Consideration of options available in maintaining a safe environment is made for those concerned. Meetings are attended by various staff members together with representatives from the Chaplaincy and the Samaritans. The Board has a regular presence at these meetings and acts as an observer.

Suicide Prevention & Self Harm

Individual prisoners, who are considered high risk, are put on a document called 'Folder 5'. This allows staff to observe and report on a prisoner's demeanour.

During 2011, a total of 27 'Folder 5's' were opened which equates to two percent of the average prison population for that year.

The causes varied between self harm issues, threats of suicide and prisoners being tearful and apprehensive on reception.

The Board is pleased to report that a new type of 'Folder 5' procedure was introduced during 2011 and all staff have been trained in delivering high standards of monitoring. However, we note that not everyone is clear on recognising the necessity for accuracy with dates.

Bullying

A considerable number of bullying episodes and anti-social behaviour have been recorded throughout 2011. There were a total of 35 incidents which equates to 2.6% of the average prison population for the year. However, we are pleased to note that there is a greater awareness of these issues, but unfortunately, there seems to be difficulty in assuring prisoners that the information they may give to staff regarding an incident of bullying or anti-social behaviour will remain confidential, and consequently the actual number of incidents is likely to be higher.

Death in Custody

There were no deaths in custody during the reporting year.

Section 7: SPECIAL CATEGORIES

Women Prisoners

Women prisoners are held in conditions and within regimes that meet their gender specific needs and which facilitate their successful resettlement. Women in prison bring with them a considerable amount of vulnerability and many of them have experienced domestic violence and sexual assault at some time in their life. Both the prison Probation Officers and outside agencies are very much involved and the regime is often a little more relaxed than when dealing with male prisoners.

There are 15 cells, one segregation cell and a Medical Isolation Unit on the women's wing. In 2011, the number of female prisoners varied from 8 to 12 including one young person. The ratio of male to female officers on the wing was thought to be appropriate.

The Board noted again this year that the women's regime does not offer sufficient activities and work to address identified needs and interests; this is currently being looked at to see if a wider variety of work can be arranged for female prisoners. However, the Mothers Union initiative which began in 2010 continues to be run successfully and has an 80% attendance. We believe this will be further developed in 2012.

Women prisoners have the opportunity to attend cookery classes within the prison once a week but with only six places per class, there is currently a waiting list to join.

Low security risk assessed and enhanced female prisoners are able to work unsupervised in the prison gardens. There is also a vegetable plot in 'D' Wing's exercise area.

Women prisoners are allowed extra shoes and some styles of boots within their clothing allowance. They are also allowed perfume although this must be ordered from the Avon catalogue along with other beauty products. The Board feels that a clothing catalogue should be made available as it would help women with little family support. There is a Sports Wear catalogue but it is more appropriate for male prisoners. Sanitary products are available without having to ask a male officer.

Other needs are met through Healthcare who run a 'Well-Woman' Clinic. Prisoners can be referred for cervical smears and mammograms and a female doctor is available on request.

There are four showers on the wing. The one ground floor shower is also adapted as a cubicle for the disabled. We noted in our 2010 report that women prisoners preferred to use the showers upstairs when there were male staff at the dias. This practice still continues.

The catering staff continues to offer a diverse menu taking into account the wishes of the women for weight loss and other specific dietary needs including those of religion.

The Board is pleased to note that there continues to be a minimal number of applications from women prisoners concerning their treatment. Most female prisoners continue to hold the officers in high regard.

The transportation of women to the Court continues to be of concern to the Board with women often travelling in the cubicle of the escort van which is not only very claustrophobic but can also leave them open to abuse from male prisoners. The Board feels they have the right to be treated on an equal basis with male prisoners and should not have to travel in this way. We have noted that towards the end of 2011 a car was used for this purpose; however, this in itself presents a problem as the prisoner is exposed to public gaze which contravenes Custody Rule 15 (1).

Disabled Prisoners

There is still no policy in place for disabled prisoners although it is in the process of being written and is likely to be in place in 2012. The policy will cover all disabilities, both physical and mental and sensory impairment. Each disabled person will be assigned a Disability Liaison Officer of which there are currently six in the Prison.

There was one disabled male prisoner in 2011.

It was noted in our 2010 Report that effective liaison between Healthcare and the staff on whose wing the disabled prisoner is housed should be improved. This has now been remedied by a new form/tick list designed to be completed between the officer and the prisoner. It is not a medical form but is there to assist officers on the wing with the various disabilities they encounter.

Each wing has a cell which can be allocated to a physically disabled prisoner. Unfortunately, it was noted in last year's report that there were several design faults which are unlikely to be corrected due to budget restraints. All prisoners with a disability have a separate screening with Healthcare on entering the prison.

Foreign National Prisoners (F.N.P.)

Language Line and Google translate are the systems used by prison staff for those prisoners who do not have English as a first language. It was noted that most prisoners are able to speak some English on arrival and there are several members of staff who speak a variety of foreign languages. F.N.P.'s who do not receive a domestic visit are entitled to make phone calls home at no expense to themselves.

The Board was pleased to note that kitchen staff were quick to respond to supplying culturally different dietary requirements. At the time of writing this report, we noted there were several different menus available to such prisoners including Halal and Vegan. The Stores Manager will source appropriate reading and DVD material in the language required if requested by the individual prisoner. The prisoner is made aware of this both at reception and also on the wing and can add their requirements to their canteen form.

There is not yet an approved policy in place. It has been written but not reviewed. This will be undertaken in 2012 and it will be fully operational.

Older Prisoners

There were a total of three male prisoners over the age of 65 held in the prison at the end of 2011. A policy has been written and is awaiting approval. It should be finalised and approved in 2012. The aim of the policy is for a 'Needs Analysis' and a care map to be in place for all older prisoners. In 2011, benches were placed on the exercise yards for the use of older prisoners.

It was noted that a high degree of boredom due to a lack of available and suitable activities persists. Older prisoners also have a tendency to make fewer complaints and we have found that this, in itself, causes problems as staff can overlook their problems.

Veterans

A veteran is defined as anyone who has served for at least one day in Her Majesty's Armed Forces (regular or reserve) or Merchant Navy Seafarers and Fishermen who served in a vessel at a time when it was operated to facilitate military operations by Her Majesty's Armed Forces. We are pleased to note that a policy for veterans is now in place.

During the reception process, all prisoners are asked if they have served in the Armed Forces. If they have, a member of the Veterans Support Team is informed. All veterans at Reception will be issued with a Veterans Support Package Booklet. A member of the team may also assist them with finding appropriate accommodation on release.

Life Sentenced Prisoners

Life sentenced prisoners are not held on the island. After sentencing they are assessed and later transferred to an appropriate prison in England.

During 2011, there were six life sentence prisoners comprising of:

Category A: 2

Category B: 3

Category D: 1

In this year, a female life prisoner was released on licence from custody.

Considerable time is spent by senior staff explaining the life sentence system to the prisoner and their families which is much to the credit of the management. A grant of £400 maximum per year is available to help families with travel and accommodation. Those prisoners not in Category A may return to the Isle of Man Prison for accumulated visits. A three week stay period is allowed every six months and social visits are permitted every day.

Juveniles

Since 1st January 2011, due to a change in legislation, juveniles are no longer kept in the prison but are located in the Secure Unit, White Hoe, Douglas. The Board is delighted with this change.

Young Offenders (Y.O.'s)

All young offenders arrive at reception with a warrant from the Courts and are assigned a Personal Officer in just the same way other prisoners. They are asked if they have any literacy problems and if this is the case, the Reception Officer will assist with the paperwork and form filling. Male young offenders have their own wing whereas female young offenders are placed on the women's wing which is permitted under the Custody Act.

There are adequate well planned gym sessions which are well attended by this group. Young offenders with special needs are screened after reception by the Education Department and encouraged to undertake appropriate education or training opportunities. Although it was mentioned in the 2010 Report that the library did not stock many easy reads, this has improved considerably.

During 2011, the number of young offenders in prison ranged between 7 and 15. In the latter half of 2011 and, in response to pressure on accommodation units on 'A' and 'B' Wings, the Board were disappointed to see a small number of risk assessed adult male prisoners being housed on the Young Offenders' Wing.

Mother and Baby

There are currently two cells within the Mother and Baby Unit on the female wing but these are not in use and have not been used for this purpose since the prison became operational. There seem to be many reasons given but the main one seems to be that the unit is not fit for purpose. A consultation in the past has taken place between Midwifery and Social Services and it was deemed that the environment was not acceptable. We understand that should there be cause to use the unit, the relevant services would be involved and a solution found.

Currently, all female pregnant prisoners are offered the same care as if they were in the community and are visited by both a midwife and GP if necessary. There is no trained member of staff within the prison to assist in this area and it is interesting to note that the female wing held just one pregnant prisoner in 2011.

Remand

Un-sentenced, convicted and un-convicted prisoners are accommodated on the same wings. This figure fluctuates but approximately 27% of the prison population are being held on remand.

Remand prisoners have an option not to work and in 2011 we found that some elected not to. These prisoners receive no pay. In most cases prisoners choose to work as otherwise they would only be paid five pounds unemployment pay per week.

Remand prisoners 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 at the Governor's discretion provided they meet the cost. If remand prisoners require the services of the prison Dentist we note that this only covers emergency treatment i.e. extraction, fillings and pain relief.

The Board has found that the period spent on remand can be excessive for some prisoners and this clearly demonstrates a continued need for the introduction of a Custody Limit and/or a Bail Act.

In 2011, there were between 29 and 38 prisoners held on remand each month with more than one prisoner spending over a year awaiting trial. We are pleased to note that a review of the Criminal Justice system is now taking place and a member of the prison team has been seconded to a Working Committee for six months.

The Board feels that excessive time on remand can 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 2011 mainly due to the high number of remand prisoners and the awarding of lengthy custodial sentences by the Courts.

Vulnerable Prisoners (V.P.'s)

The average number housed on this wing is 15. This wing houses sex offenders and prisoners who are unable to cope on the main adult wings. The decision to place these prisoners on the vulnerable wing is often made on reception. It was noted that they do not have access to the 'better jobs' within the prison because of its size and the need to segregate them from other prisoners.

Vulnerable prisoners are able to attend the cookery classes in Education on a Monday. With only six places available there is a waiting list to join this class.

This year the Board has raised serious concerns with management in respect of the mixture of prisoners on the wing. They have found clear evidence that the truly vulnerable are being intimidated by the more aggressive prisoners who, for various reasons, have issues on 'A' and 'B' Wings. The very vulnerable individuals are withdrawing into their cells and are unable to take advantage of association periods which they should be able to. We feel it is a problem which needs to be urgently addressed.

Section 8: ORDER & CONTROL

Serious Incidents

A number of incidents occurred throughout the year and members of the Board have attended depending on the nature and severity of such incidents.

A new notification system has been developed by the Board whereby either the call from the prison to members is for information purposes only or it requires the Board to attend. The new system accounts for the increase from three incidents in 2010 to nine in 2011.

The Board has noted that all staff involved in such incidents are committed to delivering a high standard of professionalism often in particularly sensitive and difficult circumstances.

Governors' Adjudications

Governors' Adjudications are judgements on prisoners who have been accused of breaching the disciplinary code of the prison.

The Adjudicator at the hearing is the Governor or a Deputy Governor. The prisoner is given the details of the charge, the accusation and the evidence. They have the right to ask for services of an advocate or to be accompanied by a 'McKenzie Friend' (a friend or associate who offers advice and support to the accused during the hearing). It is exceptionally rare that the prisoner will make a request for either of these representatives, and in the large majority of cases, the prisoner pleads guilty to the charge. The punishments given to those found guilty are termed 'awards'.

During 2011, there were 427 planned Adjudications, which is an increase of 30% over the number in 2010. The vast majority of the cases (87%) resulted in awards being made. In 42 cases (circa 10%) the charges were dismissed. It would be useful for data gathering, if the reasons for dismissal were made available as it would ensure that the procedures prior to the case being heard are relevant and accurate.

This information was not available at the start of the year but following a request from the Board, a brief summary of the reasons has been available from August 2011 with the exception of reasons for three dismissals in November. The main reasons for dismissal were a lack of satisfactory evidence or administrative failings such as the wrong charge being made, incorrect paper work, or limitations within the prison policy on which the charge was based.

As in previous years, the largest category of offences is related to smoking. There has been a slight increase in the percentage of all cases which are related to smoking from 26% to 30%. The majority of these arise from the discovery of smoking paraphernalia, such as papers and lighters and interfering with the electrical wiring to provide a spark for a light. These offences largely arise from the prison's No Smoking Policy. The policy continues to be the major criticism made by prisoners of the regime.

In general, there has been an improvement in giving the correct coding within the prison disciplinary code to offences. However, within the area of smoking the charges for similar offences are still being coded as: 'Unauthorised article 44(12a)' or 'Disobeys and fails to comply' 44(24). Given the predominance of these offences the Board would suggest that consideration should be given to introducing an addition to Custody Rule 44 to include a discreet category which relates to smoking, smoking materials and smoking related offences. This would both assist in the adjudication process and in the continuous monitoring of the scale of the problem within the prison.

In Adjudications witnessed by the Board, the procedures adopted have been seen as being fair and consistent and they have been administered in a professional and equitable manner. However, there is a wide difference in the quality and scope of the written statements from Prison Officers. Training on this aspect of work would improve the Adjudication process and make it more transparent and accessible to prisoners.

There still remains a problem over the conflict of interest of the Board, caused by Custody Rule 46 (6a and 6b). This requires that Adjudications should be carried out by the Board in specific cases. In these cases, awards of additional days, not exceeding 180, can be given to guilty offenders. This has occurred on two occasions during 2011 and clearly compromises the core function of the Board. It must continue to be a priority of the Department of Home Affairs to amend the appropriate legislation to remove this requirement from the Board.

Segregation

The Segregation Unit comprises nine cells, with six normal cells and three dry cells. The main purpose of the unit is to provide isolation cells for prisoners who have breached the disciplinary code of the prison. The three dry cells are for special accommodation and for "dirty protests". There is also a segregation cell on the female wing. The unit is well maintained and is suitable for its purpose. The number of cells normally in use at any time is well below the capacity and frequently there are no prisoners in the cells. This particularly applies to the women's cell which was only used on two occasions in 2011. During 2011, there was a significant increase on previous years of the numbers in segregation. There were 164 placements in the segregation cells (+76%). This involved 76 different prisoners (+70%) for a total of 572 days (+47%). Although most placements were for three days or less there were seven occasions on which prisoners were held for over ten days and three occasions in excess of 20 days.

This increase in numbers does cause concern for the Board, but particularly there is the need to consider the use of the unit for prisoners who are not there for disciplinary reasons. Within these figures, there were 49 occasions on which placements were made for reasons other than discipline. The reasons for this included 'no room on the adult wing', 'YP' (young prisoner), 'sexual offence' and 'no spaces on reception'. The majority, however, were for reasons of personal health, welfare or safety, or at the prisoner's own request. Although the Board acknowledges that there is a limit to alternative accommodation available within the prison, the question must be posed as to whether this is the most appropriate location for such prisoners.

The regime on the wing is restricted with prisoners having limited access to physical or mental stimulation which can be detrimental to their welfare. Also, those who have been given a 'cellular confinement' punishment, have bedding withdrawn during the day. Obviously, this regime is intended to deter prisoners from behaviour that will result in confinement, however, given the increasing numbers consideration does need to be given as to its relevance and whether the right balance between welfare and deterrent is being achieved.

Very careful details are recorded of the prisoner during their time in segregation. The documentation relating to their admission and removal back to their wing is limited. There has been an improvement in prompt medical confirmation of their ability to cope with segregation. The recording of the reasons for segregation however is still sparse and details of Adjudication Awards are not always consistent with the segregation records for those who are given this punishment. It would be helpful in evaluating the unit if all cellular confinement punishments made (which occurred in 39% of all placements) are always recorded on the data within the reasons for segregation. Also, there is still no evidence of consistently meeting the requirement for multi-agency review and planning for prisoners confined under Custody Rule 39 (2) for more than five days.

In terms of day to day management, the unit is well-run. Information on the prisoners segregated is easily available and current. Most of the officers on duty are highly experienced in dealing with the problems that such a unit can create, and the feedback to the Board from the prisoners is invariably positive with respect to the relationships with officers. The staff in the unit readily assist the Board in its monitoring role, through their knowledge of the individual prisoner and by providing ready access to those who wish to speak to the Board.

Dogs

The team of trained search dogs and their handlers forms an integral part of the prison security system safeguarding against illegal substances being brought into the premises. Duties are undertaken diligently with courtesy and efficiency when these Officers are dealing with visitors to the prison and carrying out searches as follows:

- Visitors: 5,887
- Prisoners: 2,345
- Cells: 2,565
- Staff: 993
- Vehicles: 649

Items of mail are searched on a daily basis.

Assessment of the dogs is continual as is training. The dogs are housed within a secure environment in a purpose built facility located within the prison grounds.

Section 9: RESETTLEMENT & PROBATION

Strategy

The Manx Government does not have a Reducing Re-offending National Action Plan and one of the consequences of this is evidenced by the Board seeing the same prisoners returning to custody over a period of several years. Only a few outside agencies, such as the charity Kemmyrk and the Salvation Army through David Gray House, actively provide any practical support to prisoners after release and even fewer visit prisoners prior to release.

It is difficult to see how Isle of Man Prison and Probation staff can substantially improve outcomes for prisoners on release when the Government provides so little direction on this issue or few funds to underpin them. Hopes for a much needed replacement Bail Hostel have met with no positive commitment from the Department of Home Affairs despite being included in the "Pink Book" as a proposed capital project for some time. Opportunities for part funding from the Salvation Army have now passed for want of progress on the issue and the current hostel is viewed by many as unsuitable for females and young persons.

Probation

Probation has experienced significant changes in 2011. Following the Chief Probation Officer's retirement, external and internal (prison) Probation were combined under the Prison Governor's control. This is a unique occurrence within the British Isles and has required additional responsibilities not only for the Governor (and Deputy Governor with responsibility for Resettlement) but also the administrative staff for budgetary management. By combining services the aim is for a more "joined up" provision with better communication and cost savings which provides a more co-ordinated approach linking sentence planning to resettlement plans.

Probation, under prison management, has been in place since April 2011, but budgets will only be fully integrated from April 2012. A common IT system would complete the improved Probation experience for prisoners.

The Board feels that prison probation staff appears positive about the changes. They now have direct line management on site supported by a senior practitioner off site providing a single point of contact, standardising practice, trimming down bureaucracy and avoiding duplication. However, large numbers of Social Enquiry Reports (SER) still dominate their workload.

External probation attendance within prison improves opportunities for prisoners to move more easily from internal to external services via weekly Resettlement Boards. The Board feels that formalisation of Custody Planning seems to be helping to process prisoners' resettlement issues in a timelier manner by pulling together the various internal departments and external agencies with some involvement of both prison officers and prisoners. Referral of prisoners by prison staff to Multi Agency Public Protection Arrangements (MAPPA) and Multi Agency Risk Management (MARM) now appears to be a regular process.

Offender Management & Planning

Until recently, the prison did not have a formalised through-care or Custody Planning procedure to quantify prisoner needs to external agencies. Informal arrangements produced by co-operation between the Prison Probation Team, Prison Officers and external agencies were the norm.

The newly formed Resettlement Team has been implementing a 4 stage Custody Planning Procedure since February 2011. The ability to track interactions with both convicted and remand prisoners from induction through regular reviews; through to a planned 6 month countdown to release has improved throughout the year.

Input of external information such as identifying educational needs, e.g. those not in education or any form of training, healthcare issues and accommodation needs, helps to build an overall picture to facilitate an individual plan.

Wide ranging sentence lengths, large variation in category of prisoner risk and the mixture of remand and convicted prisoners further complicates an already complex picture. Some informality continues, but with an underpinning Custody Planning framework being built, it is hoped that in future it will be easier to assess the effectiveness of the resettlement provision and reframe strategies accordingly.

The necessity of identifying specific needs of female, younger and older offenders and addiction support in Resettlement Plans is essential. Information is being added to the procedure to help in this respect, however, it is difficult to envisage how multiple issues from accommodation, education and training, mental and physical health, drugs and alcohol to finance and benefits, family issues and attitudes thinking and behaviour can be successfully integrated under one roof without more time being invested and putting the prisoner in the centre of the process rather than on the end of it.

All offenders participate in Custody Planning. This starts with the Reception Questionnaire completed as part of the first night screening enabling any immediate concerns to be raised such as unattended pets left in the household.

The second stage is concerned with Sentence Planning (CP2). Thereafter, 6 month reviews (CP3) should take place for every prisoner leading to a Pre-Release Plan (CP4). These various stages are progressed through the medium of weekly Resettlement meetings attended by members of the Resettlement Team, Education, Healthcare and internal and external Probation. They discuss prisoners' progress and educational needs and anticipate external probation needs. Whilst it is good to see agencies co-ordinating knowledge and agreeing strategy prior to the prisoners' appearance, the Board feels there remains a need for more prisoner involvement at Resettlement meetings through more open questions, actively seeking prisoner opinions rather than mere fact checking etc. Prisoners attending the meetings with one of their Personal Officers would also be helpful. Finally, a copy of each stage of the Custody Plan, once updated, could be given to the prisoner using the Personal Officer as the link.

Remand prisoners still form a significant proportion of the prison population, ranging from 24 - 34% during 2011 and this presents further difficult Custody Planning issues as sometimes they cannot gain full access to Education. Notable extended

remand times of over a year also do nothing to enhance the island's reputation. The percentage of the prison population on remand did decrease toward the end of 2011 but the need for the introduction of custody limits and/or a Bail Act still continues to be an issue of concern from previous Board Annual Reports.

Intervention Programmes to Address Offending Behaviour

In terms of prisoners, more interventions have been held in 2011 including drug trafficking, cannabis and alcohol usage and victim awareness workshops. Also, a successful six week Sycamore Tree Restorative Justice Programme supported by prison staff and probation was held in October. Prisoners seemed to find it quite a personal challenge as it required them to acknowledge the effects of their crimes on themselves, their family and friends and importantly their victims.

Nine prisoners started the Restorative Justice Programme and two failed to complete. Certificates are to be awarded by the Lieutenant Governor in January 2012 with a second course already planned early in the New Year.

Other training ideas such as basic forklift truck theory and dry stone walling have not yet come to fruition.

In the light of increasing imprisonment for non payment of fines, the Resettlement Team has suggested some training such as money management and curriculum vitae writing could be delivered on a loop via the in cell TV system.

Overall, the Board feels it is difficult to monitor the quality and outcomes of Resettlement Services and Probation during such a period of great change. There is certainly good intention to formalise Custody Planning procedure and progress has been made in centralising data. Whether there is wider understanding by prisoners and their Personal Officers of what the Custody Planning procedure can do for them and what they can or should contribute to it, is more difficult to assess. We feel that the role of Probation and Personal Officers in contributing to the Custody Planning system is vital. It appears that Probation staff are prioritised to complete Court Reports and we feel that Personal Officers are often not making a significant contribution to prisoners' Resettlement Needs Analysis which could relieve the Probation workload in certain areas. Weekly Resettlement Boards are held, but many of the prisoners have yet to understand exactly what they are meant to achieve and do not receive a copy of any agreed objectives or timescales, nor is the Personal Officer always involved in assisting the prisoner to achieve named goals in a timely manner. Healthcare struggles to attend regularly (due to staffing issues) and P.E. do not seem to have input into the process, which, we feel is a shame, as many prisoners feel that P.E. makes a valuable contribution to their progress in prison.

Work

2011 has seen continued development of the Work Allocation system. The Work Allocation Board (WAB) circulates a list of vacancies and meets weekly to fill vacant posts. There is a well-established application process which is enforced strictly to ensure fairness.

All convicted prisoners are required to work and un-convicted prisoners also have the option to work. 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.

On average, 75% of convicted prisoners had a job of some kind during 2011. Some prisoners refused to work, but sadly a good number were unemployed because there was nothing suitable available for them.

The average figure does conceal some very successful months (over 90% of convicted prisoners working) as well as some poor months (only 57% in March 2011). The overall trend was one of increasing numbers of convicted prisoners in work. The Board is pleased to note this and hopes that it will continue during 2012.

During 2011, Board Members observed prisoners carrying out various activities including painting the wings, working in the prison grounds, library, stores, kitchen and laundry, wing servery duties and cleaning. The jobs available are broadly similar to those offered during 2010 when the current system began.

Jobs for female prisoners are still limited but WAB members are actively pursuing new initiatives which it is hoped may broaden the range of work available to all prisoners as well as making use of empty workshops.

The Board realises that the current financial climate and security considerations make it hard to find varied and meaningful work for prisoners and acknowledges the efforts of WAB to improve the situation.

Learning & Skills

2011 was another challenging year for the Education Department with budget cuts and staff absences affecting performance. The Education Manager and her Deputy are the only permanent staff working solely on education with the rest of the team being made up of sessional tutors and volunteers.

All prisoners, apart from fine defaulters, are encouraged to take part in induction for education when they arrive at the prison. They are given a colourful leaflet with details of the courses and qualifications available. Prisoners are assessed and then interviewed to complete an Individual Learning Plan (ILP). A specialist assessor is available to screen prisoners who may have dyslexia or other learning difficulties. Student records and work are stored so that those returning to prison can resume their studies if they want to. Those who refuse to take part in Education are gently reminded about the opportunities at Resettlement and Review meetings.

Statistics given to the Board by the Education Department show that on average 57.3% of prisoners attended education classes during 2011. The figures for first half of 2011 declined steadily from a peak of 65% in January to a low of 46.09% in May. June and July saw improvement to 53.91% and 63.64% respectively and totals for the period August to December fluctuated between 55.05% and 57.41%.

The transient nature of the prison population does affect class numbers and turnover is high with prisoners leaving education due to release, personal problems, job changes etc. The Board would welcome any measures that can be introduced to ensure that classes are full and prisoners attend regularly to make the best use of precious resources.

The subjects prisoners could study during 2011 were broadly similar to those on offer in 2010 and included Mathematics, English, Information Technology (IT), Cookery, Art/Crafts and Personal and Social Education (PSE). The latter is a new subject introduced in February 2011 covering 12 subjects related to employment, relationships, healthier life styles, finance and personal safety. Prisoners produce portfolios of work and can achieve a nationally recognised qualification.

Art, crafts and cookery continued to be very popular. Prisoners who attend these classes must also study Mathematics, English, IT or PSE. The Board observed a number of these classes during 2011 and the enthusiasm of those taking part was evident.

Members of the public were able to attend a very successful exhibition of prisoners' work at the Isle of Man College in 2011 and prisoners continued to submit entries for the national Koestler Awards receiving a Bronze Award and a number of Highly Commended and Commended Awards. The cookery classes aim to teach prisoners practical skills and healthy eating and the produce grown in the horticulture area is used where possible.

IT was the most popular examination subject. Prisoners can study for vocational qualifications recognised by employers and tend to find IT easier to succeed in than Mathematics or English. The success rate for IT and Mathematics was consistently good and the success rate for English almost doubled during the year. By the end of 2011 the success rate was 100% in IT, 93.33% in English, and 88.89% in Mathematics. IT students took the OCR CLAiT (Computer Literacy and Information Technology) assessments. The majority of achievements for English and Mathematics were in OCR Functional Skills examinations from Entry Level to Level 2 (GCSE equivalent). Only one student took GCSE Mathematics during 2011 so the 2010 successes at Level 2 and Level 3 (A' Level) were not repeated.

PSE classes are still relatively new but steps are being taken to develop this area in 2012. The 'Story Book Parents' Scheme is well established but the Parenting Classes to be run in conjunction with the Isle of Man Children's Centre did not materialise as had been hoped with only one class taking place in September 2011.

In Catering, two prisoners working in the kitchen made progress towards a Level 2 NVQ. A handful of prisoners took the Level 2 Chartered Institute of Environmental Health (CIEH) Food Safety qualification and passed. It is hoped that this area can be developed further during 2012 together with plans for a City & Guilds qualification in Cleaning.

Horticulture continued to be a popular activity but whilst a formal qualification is available, no prisoner wanted to study for it.

The Education Department organised various talks and activities during the academic holidays. These were advertised on the wings but the attendance was disappointing

on occasions. Prisoners complain frequently of boredom but it can be a struggle to match volunteers who are willing to give talks with suitable subjects of interest to prisoners.

The Board particularly regrets the closure of the workshops and the absence of any trades training. The students who did manage to make a start on BTEC Construction and Engineering courses in 2010 whilst in prison are still doing well at the Isle of Man College and it is a great shame that it may not prove possible for others to follow them.

The prison receives regular vacancy lists from the Careers Service. Careers staff visited to offer careers advice but most advice and guidance was provided by the Education Manager. The Education Manager also liaised with the Isle of Man College to help prisoners to apply for suitable courses prior to their release.

The Board acknowledges the difficult economic climate and budget reductions but wishes to emphasise how important it is for prisoners to acquire transferable vocational and life skills as well as basic literacy/numeracy to equip them for a more productive life after custody and reduce the likelihood of re-offending.

Parole

The Parole Committee independently assesses long term prisoners who are eligible and apply for parole and makes recommendations to the Minister for Home Affairs. Prisoners who are granted parole are released on licence and their progress during the period of their licence is closely monitored. Failure to comply with licence conditions can lead to a recall to prison.

The committee meets at least once a quarter but meetings do take place more frequently if the caseload requires this. The committee members look at a detailed dossier on each prisoner applying for parole and consider factors such as degree of risk to the public, likelihood of re-offending, progress during the sentence, accommodation, employment available on release and family and other support networks. The committee also considers cases when prisoners have failed to comply with the conditions of their licence and may have to be recalled to prison.

13 cases were considered by the Parole Committee during 2011. 5 interim meetings were held to supplement the quarterly meetings held in March, June, September and December. Two prisoners were unsuccessful in spite of a number of reviews. The Board noted that certain prisoners had to wait for quite some time to hear the outcome of their application for parole but understands that steps have been taken to speed up the process from 2012 onwards.

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 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 2011, prisoners were released on a temporary licence to attend appointments with the Probation Service, David Gray House, Alcohol/Drug Counsellors and to visit Employment Agencies.

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 various prisoners engaged in this activity during 2011. 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 2011.

Final Preparation for Release & Discharge

The Resettlement Team has continued to develop the systems and support available to prisoners to prepare them for release. The team meets every Wednesday afternoon with input from Probation, Education, Healthcare and various agencies. The aim is to ensure that each prisoner has accommodation and is aware of the support systems available.

As far as possible, the prisoner's belongings will be prepared and packed the night before discharge. Toiletries and a few items needed for the night will be kept in the cell. The prisoner is responsible for ensuring that his/her cell is clean and tidy and that all prison property is in good order prior to release.

There is a set procedure for discharge and a 'tick list' signed by both the prisoner and a Reception Officer is used to ensure that nothing is missed. The list covers both administrative procedures and practical points such as return of valuable property, money, clothing, other personal effects and travel to discharge address etc.

Those prisoners who have been in prison for some time are encouraged to begin 'handing out' items of property during visits in the weeks running up to their release date to reduce the amount they have to carry on the day of their discharge. Unmarked cloth bags are provided for any belongings.

Monies from the prisoner's account are paid by cheque. During 2011 the Resettlement Team forged links with a local bank and it is now possible for prisoners to open a bank account. For those prisoners who do not have a bank account or any form of photographic ID, the Reception Officers will produce a proof of identity document to enable them to cash their cheque at the Post Office. Prisoners travelling to the UK are given their cash in UK bank notes.

Valuable property is stored securely in the Administration area and is brought to Reception immediately before the prisoner's release. This can be a problem if a prisoner is unexpectedly released at the weekend and there is nobody available to access the valuable property (e.g. a fine is paid). If this is the case, the Reception Officers liaise with the prisoner to make arrangements for their valuables to be returned to them as soon as possible on the Monday.

Prisoners can be picked up outside the Gatehouse by family and friends or can catch the bus from the bus stop within the prison grounds. The Reception Officers make telephone calls to explain the arrangements and will ensure that those prisoners catching the bus are ready in good time.

Prisoners leaving the Island are expected to meet the cost of air or ferry tickets and these arrangements are usually made by their families or friends. Those being excluded from the Island are collected by G4S.

Prisoners are encouraged to complete an Exit Questionnaire immediately before their release and this gives valuable feedback.

Overall, the discharge procedure runs smoothly and the Reception Officers make every effort to handle this important day in a prisoner's life sensitively and efficiently.

Section: 10: ISLE OF MAN POLICE HOLDING CELLS & THE ISLE OF MAN COURTS OF JUSTICE

Background & Context

Members of the IMB act as Independent Custody Visitors (ICV) for both the Isle of Man Constabulary Custody Suites at Police Headquarters Douglas, Lord Street Douglas and Port Erin and for the Isle of Man Courts of Justice Custody Suite, Douglas Courthouse.

The ICV visit at will, unannounced and in pairs, each month throughout the year. They monitor all matters, both material and behavioural, affecting the treatment of detainees, offering a level of protection both for those detained and for the staff entrusted with their care and management.

The ICV write reports on each visit, which at present are circulated only to IMB members and the prison's Senior Management Team in relation to the Court cells and, to the Inspector in charge of the Custody Suite in relation to the Police Holding cells. Further, the ICV are monitored by regular reporting meetings between the ICV and, with respect to the Police cells, a Senior Officer appointed by the Police Authority, and with respect to the Douglas Courthouse cells, by meetings between the ICV, G4S management, and prison's Senior Management Team.

Custody Suites: ISLE OF MAN POLICE STATIONS

Statistics

The Custody Suite at Police Headquarters was visited 18 times between 1 January and 31 December 2011. The mean visit duration was 49 minutes (range 16 to 80 minutes), three visits started before 09:00 (07:50 – 08:50 hrs), 8 visits started mid morning (09:00 to 13:00 hrs), 5 began in the early afternoon (13:00 to 16:00 hrs), and 2 started shortly after 17:00 hrs.

Staffing was always appropriate, and on at least three occasions an Inspector was present or visited during the ICV visit. Staff members were invariably co-operative with the ICV despite their sometimes heavy workload.

The total number of detainees present in the cells of the Police Headquarters during ICV visits was 63, comprising 40 males and 8 females and 15 of unrecorded sex.

There was at least one juvenile offender present during the ICV visits, who had an appropriate adult with them.

The Police Report detainee numbers for the financial year, whereas the ICV reports from 1 January to the end of December each year, which makes comparison difficult. However, using the arrest figures for the last Police Reporting Year, April 2010 to March 2011, (2552), ICV were available for 2.5% of detainees, and spoke to 24 individuals (38% of those present). Only 6 detainees (9% of those present) declined to speak to ICV. The remaining 33 individuals (53% of those present) were either asleep, with Advocates or medical staff, or were being processed/interviewed by the Police.

Treatment of Detainees

In general detainees were very well treated. Anxiety, uncertainty and embarrassment were noted on a few occasions, as is to be expected under the circumstances, and officers generally made an effort to calm anxieties. One detainee complained that his food was under-heated, another that it was too hot. One detainee complained that he had had the wrong medication, but the Medical Officer who saw him confirmed the medication given. Another detainee complained that he had not been given Police Bail, but his record showed he was a repeat offender with a risk of re-offending before his court appearance.

No detainee complained of Police mistreatment, and all who spoke to the ICV were spoken to privately.

ICV observed that the provision of drinks, food, blankets and reading materials were adequate to good. Critical materials i.e. first-aid kits, anti-ligature knives, anti-suicide blankets etc were in positions known to staff. Food stocks were adequate to good, but there was a problem with frost build up in the freezer during August and the remainder of the reporting year.

The Custody Office Detainee Information Board was invariably up to date.

Cleanliness

Considering the age and decorative state of the Custody Suite, the cleanliness level was good.

The men's shower and wash area is in poor condition, with sharp edged, broken tile-work near the basin, which may constitute a risk injury with concomitant blood contamination. The women's shower is in slightly better condition mainly because of its lack of use. On several occasions the lavatories in some cells were inoperative.

It is appropriate at this point to mention food hygiene. The under-heating of a frozen meal was reported above. This meal and others, remained in detainees' cells from one meal time to the next; ICV noted such left over meals present just as the Custody Officer was taking orders for the evening meal. These observations, together with the lack of hand-washing facilities in cells, and the sometimes elevated ambient temperature in the suite, constitute a food hygiene risk to both detainees and the officers working with them.

It is suggested that the use of a thermometer to ensure adequate food heating is instituted, basic food hygiene guidelines should be drawn up, meals should be withdrawn an hour after being issued and that cleansing tissues be offered with meals.

The staff lavatory in the custody suite is in a very cramped space.

Space

The office is small and occasionally very crowded, but conditions are much better now that air conditioning is operative.

There are ten cells and two Advocate's rooms. Other cells are available at Lord Street, Port Erin and the Douglas Courthouse for use during times of high demand, but considering the distance to Port Erin, the questions over the future availability of, and difficult access to Lord Street cells, and the need to vacate the Courthouse cells on days when the Courts are in session, one would have to consider the current suite inadequate to meet current demands.

Many of the points raised in last year's Annual Report are still of current concern: the shower/washing facilities are still in need of attention; difficulty in obtaining an Advocate during normal office hours; failures of toilet flushing mechanisms; inadequate space; occasional high ambient temperature; and incomplete CCTV coverage of all cells.

There have been discussions concerning additional/new custody arrangements, but nothing has yet progressed to the planning stage. The delay is of concern to the ICV.

Working relationships between Police Headquarters staff and the ICV continue to be cordial and co-operative and the ICV are appreciative of the understanding and responsiveness shown to them during their visits, even at times of high workload.

Custody Suite: ISLE OF MAN COURTS OF JUSTICE

Statistics

The Custody Suite at the Isle of Man Courts of Justice was visited 16 times between 1 January and 31 December 2011. The mean visit duration was 55 minutes (range 30 to 100 minutes), one visit started before detainee arrival (08:15), 11 visits started mid morning (0900 to 1000 hrs) and 2 began in the early afternoon (c 1400 hrs).

The mean number of staff on duty was 7.46 (range 4 – 11) though not all were present in the Custody Suite at the time of the visit. Some were on escort duties between the prison and the Courts, Noble's Hospital and the Department of Health Dental Services, or to the UK. Others were present in the Court rooms.

The total number of prisoners/detainees present in the cells of the Courts during ICV visits was 61 (58 males and 3 females). This represents:

4.2% of the 1,446 prisoners/detainees passing through the Court cells in the reporting period.

Four young offenders, four vulnerable detainees and one security risk were mentioned in the visit reports.

The maximum number of detainees present in the cells during an ICV visit was 12, although discussions with the Suite Manager and inspection of the log books suggest that as many as 17 or more detainees went through the Court cells in one day.

During TT fortnight, when the Isle of Man Constabulary use the Court Custody Suite during the night as temporary holding cells, as many as 26 extra detainees appear to have been through the Court's cells.

It is not possible to calculate the number or percentage of prisoners/detainees spoken to by the ICV in the reporting period, but few refusals are reported.

Staffing

The management of detainees in the Isle of Man Courts of Justice holding cells and the vehicular transport of detainees and prisoners on the island are currently the responsibility of G4S, the Suite being managed by Mr Dan Holmes.

ICV's reports indicate unfailing courtesy on the part of staff towards the ICV and the detainees. No detainees reported adverse treatment. This should be borne in mind when the comments below on the adequacy of the Suite are read. However, it would seem that on at least one occasion when there was a higher than normal demand for staff to be on duty, some bed-watch duties at Noble's Hospital were undertaken by less than adequately trained staff.

Treatment of Detainees

ICV observed that provision of food, spare clothing, toiletries, blankets, and reading material was adequate on some occasions, good on most. Critical materials (first-aid kits, anti-ligature knives, anti-suicide blankets, cuffs etc) were in positions known to staff.

There is no provision for washing for detainees, and on the one reported occasion that a detainee had come from the Police cells to Court on a Monday morning after a Sunday afternoon arrest without having showered, staff made an extra effort to provide ad-hoc washing facilities.

Vehicles

In the second half of the year, G4S took delivery of a new large van for prisoner/detainee transport. It had to be returned several times to the supplier to have faults based around security issues rectified. From later ICV reports it seems that the van is still far from satisfactory and remains out of service.

At times there has been a need to hire a taxi (disabled transport required), or a minibus and two extra vans because of insufficient capacity. As the windows of the taxis and minibus are not shaded, prisoners are in view of the public which contravenes Custody Rule 15(1) which states:-

"A person being taken to or from an institution in custody shall be exposed as little as possible to public observation, and proper care shall be taken to protect him from curiosity and insult."

THE CUSTODY SUITE

Cleanliness

The cleaning contract is not held by G4S, but by the Department of Infrastructure. Reports from early in the year suggest that cleaning was satisfactory, but those later in the year suggest that cleaning is perfunctory, and cleaning supplies meagre and carelessly stored.

The decorative state of the Suite is poor in the cells (graffiti) but sound in the office.

Space

The office has to house the control desk, kitchen and staff accommodation for a mixed staff of up to nine officers. It is far too small to allow safe and effective work of the required nature to be performed. It also has to house prisoners' / detainees' valuables. The corridor outside the office is often obstructed by sealed bags of prisoners'/detainees' effects, a situation that has persisted for far too long and militates against safe and secure working. Lockers are under consideration, but a suitable location seems difficult to find.

There are six cells and two Advocate's rooms. Cell six is a large, multi occupancy cell. Each cell has a lavatory, and there is no separate lavatory provision; hence, with the multi occupancy cell, one other cell has to be kept for this function, reducing available capacity.

There are four basic categories of detainee arriving from the prison: adult male, female, young offender (usually male), and vulnerable, and on at least one occasion during the last year, one security risk prisoner. Further, detainees arriving at the Court Custody Cells directly from the Police Cells are required to be housed apart from detainees arriving from the prison. Add to this the requirement for an occasional additional Advocate's room it is to the manager's credit that there has not been a serious adverse incident brought on by, at times, 20 plus individuals moving around in a cramped, restricted and grossly ill-ventilated space.

There appears to be no action plan in the event of a power failure. One ICV report mentions 'pencil torches.' This seems not to be an adequate provision for so crowded and restricted a space where the detainees, at least, are in general anxious and edgy.

As so frequently reported by ICV over at least the last two years, the Suite in their view is hardly fit for purpose. If one adds to this litany the fact that there is no disabled access (in violation of Custody Rule 15(1), as the disabled have to enter the Courts through the public entrance), the loading dock is inadequate and there is 'loose' furniture in the Advocate's room, one can only have a profound respect for the staff who make it work. That there has not been a major accident/incident is due as much to the courtesy and care of the G4S staff as to the security of the building.

Suggestions have been made as to how the situation might be ameliorated by conversion of adjacent rooms. However, until the Department of Infrastructure, who are responsible for the material fabric of the Douglas Courthouse, become regular recipients of ICV visit reports, and perhaps participants in the four monthly meetings at the prison with the Board, matters will continue to be grossly unsatisfactory, perhaps even to the point of being a physical danger to detainees and staff, and a concomitant risk to the public purse.

Section: 11: THE INDEPENDENT MONITORING BOARD

Members

2011 saw the appointment of three new members who attended their first Board meeting in August. They quickly settled in and began the same steep learning curve previous members had taken! Sadly, two of our most experienced members, with fifteen years' experience between them retired in June and July respectively. They will be very greatly missed both for their professionalism, integrity, and friendship. However, the year ended with a full complement of twelve lay members - six men and six women.

Meetings

During the reporting period the Board held its twelve statutory monthly meetings. On each occasion, the Prison Governor or her Deputy joined us for a part of that meeting. They delivered a detailed report of the previous month and unresolved issues arising from either Visits or Prisoner Applications were discussed. The attendance for those meetings averaged 76% of the membership.

Every six months the Minister or his Deputy from the Department of Home Affairs meets with the Board before the general meeting begins. The Chair and Vice-Chair also have the opportunity to meet informally with the Minister every six months or as and when necessary at the Department.

The Independent Custody Visitors' Scheme meetings take place on a quarterly basis at the prison before the Board's general meeting begins. We are joined by the Inspector who is in charge of the Custody Suite. A member of the Board attends the Police Custody Working Group meeting which takes place every six months.

Issues arising from visits to the Holding Cells at the Isle of Man Courts of Justice in Douglas and prisoner escorts by the company G4S, are explored at meetings with the Minister or Governor who acts as the Department's representative. From the latter half of the year we have been able to attend meetings held between the prison management and G4S management. These enable us to raise concerns from visits and prisoner complaints.

As part of our wider monitoring role, members act as observers at the various internal meetings held at the prison.

Visits

The main part of the Board's monitoring role was carried out by weekly rota visits. Members visit in pairs and in addition to the mandatory visits to Kitchens, Healthcare and the Segregation Wing, specific areas of the prison are visited, thereby ensuring that all the areas of the establishment are visited at least twice a year; the actual

wings on a more frequent basis. Every visit is recorded and a copy of the visit report is sent to the Governor.

Written Prisoner Applications to see the Board have averaged approximately three a week this year, not including oral applications which are picked up 'on the hoof' when members visit the accommodation wings.

We have monitored the pattern of the immediate past with health related concerns being the greatest number once again. This is likely to remain high as a significant percentage of prisoners are concerned with drug and alcohol issues.

Problems relating to property are reduced mainly due to the introduction of a new system devised by a Deputy Governor in association with the Police Custody Team.

Sentence related applications have nearly doubled but this can be explained by one particular prisoner having a difficult issue to cope with.

Monitoring visits to the Police Custody Suites and the Custody Suite at the Courts of Justice are carried out in pairs and on a monthly basis. Extra visits take place during the T.T. period and seasonal holidays, e.g. Christmas and New Year.

Adjudications

Although the present Custody Rules are under review (the Criminal Justice Bill), the Board remains obliged to carry out Adjudications on prisoners who offend under Rule 46 (6) (a) and (b), in particular 46 (6) (b), assaulting an officer. This remains a bone of contention with the Board as it is in direct conflict with our monitoring role. It was also highlighted in the 2011 HMIP Report. Nick Hardwick, Her Majesty's Chief Inspector of Prisons, stated:

"I agree with the Board that this important and independent scrutiny role is compromised by its involvement in awarding punishments and segregating prisoners."

In the Board's opinion, there is an urgent need to appoint an Independent Adjudicator who can carry out this role and award extra days.

In 2011, the Board carried out two such adjudications, three less than in 2010. There were, however, other assaults on officers but these were taken to Court.

General

The Board has found that the Isle of Man Prison is a commendable prison in which prisoners are cared for humanely and decently, and in which many of the staff are ready to go the extra mile on the prisoner's behalf. We particularly valued over the last year, the support and understanding of our work shown by the Governor, her Deputies and the Senior Management Team. The clerical support provided has been, as always, outstanding and has enabled the Board to operate effectively. We are always in this clerk's debt! Equally, we are grateful for the input, and sometimes good natured responses, we receive from most of the prisoners.

It has been a busy and demanding year for members who, it should be remembered, are all unpaid volunteers. I am grateful for the way they have risen to the challenges the Board has had to face. Their support and commitment together with their team work and flexibility have been invaluable and very much appreciated.

Finally, the role and the Board will continue to ensure that fair play is dealt at all levels, satisfying itself as to the humane and just treatment of those held in custody within the prison and the Island's Holding Cells and the range and adequacy of the programmes preparing them for release.

BOARD STATISTICS FOR THE YEARS 2010 & 2011

SUMMARY OF PRISONER APPLICATIONS TO THE BOARD

Subject	2010	2011
Accommodation	11	0
Adjudications at Governor Grade	9	5
Diversity	0	0
Education / Employment / Training	6	8
Facilities List / Canteen	14	11
Family / Visits	10	19
Food / Kitchen	6	1
Gym Related	N/A	1
Health Related	28	23
I E P Scheme	3	8
Miscellaneous	6	18
Personal Safety	N/A	7
Property (including police related)	13	5
Resettlement	N/A	1
Smoking	N/A	1
Sentence Related	8	14
Staff / Prisoner Related	15	8
Telephone / Mail	5	5
Transfers to Other Prisons	3	4
Transport by G4S	N/A	2
Total Number of Applications:	137	141

BOARD STATISTICS FOR THE YEARS 2010 & 2011

Subject	2010	2011
Number of Board members at start of reporting period	13	11
Number of Board members at end of reporting period	11	12
New members joining within reporting period	0	3
Number of members leaving within reporting period	2	2
Total number of Board meetings during reporting period	12	12
Total number of attendances at Board meetings	120	110
Total number of Board meetings with Minister and / or his representative	7	6
Total number of attendances at Ministerial meetings	38	19
Chair / Vice-Chair meetings with Minister DHA	3	2
Number of visits to prison (excluding meetings)	91	242
Total number of IMB Adjudications	5	2
Total number of attendances at other prison meetings	21	47
Total number of Prisoner Applications dealt with	137	141
Total number of serious incidents notified and / or attended	3	9
Total number of training days attended	2	0
Average time spend on a Rota Visit (in hours)	3.75	4.2

For & Behalf of the Independent Monitoring Board

Mrs AILEEN GELLING

Chairperson

15 May 2012

Addendum: STATUTORY ROLE & CHARGES OF THE INDEPENDENT MONITORING BOARD

Applications and 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 Rule 14;
- (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 not 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 conditional to 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 un-convicted 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 one 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 and 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 and 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.

Rule 74. (2): The Board shall consist of 6 or more lay persons appointed by the Department.

Rule 74. (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.

Rule 75. (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 numbers to be Chairperson and another to be Vice-Chairperson 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 5.
- (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.

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 31 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 31 December.

Under the Criminal Justice, Police & Courts Act 2007 Appointed by 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.