

## APPENDIX

### Recommendations from the Independent Monitoring Board Report

#### Ministerial responses (including the Prison responses) in italics

##### **Issues for the Minister for Home Affairs**

- If the Independent Monitoring Board (IMB) 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.

*A draft set of custody rules is with the Department and senior officials will meet with the Governor and her team to agree the changes in August. In addition changes to primary statute will be required to remove the authority of the IMB to award punishments and authorise segregation (see 17(b) (c) of the Custody Act). Primary law will also be required to provide for an alternative process/person to award such punishment/segregation. The Bill to achieve this is the Custody (Amendment) Bill which is being progressed for 2012/13, Custody Rules will also be progressed during the primary legislative process.*

- 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.

*Agreed. The necessary enabling legislation is contained within the Criminal Jurisdiction Bill that is currently in its first stage of consultation.*

- 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.

*The arrangements for psychiatric services have recently been enhanced so that a psychiatrist who is employed by the drug and alcohol team, but also has experience in forensic psychiatry, visits the prison on a weekly basis. But it has been difficult to recruit mental health nurses to the prison primary care team in spite of extensive advertising.*

*There is an agreed protocol with mental health services for the assessment treatment and transfer of prisoners who require it, and arrangements for transfer to more secure psychiatric services than are available on the Isle of Man could be considered on an individual basis. However it should be noted that the diagnosis of personality disorder is not recognised as treatable within the Isle of Man Mental Health Act and therefore prisoners with that diagnosis would probably not be transferred to secure services.*

- 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 have been recent revisions to the administration processes supporting the Parole Committee such that once a decision is made it is sent to the prisoner straight away rather than awaiting the 'sign off' of all decisions. Administrative arrangements are also being improved to provide an additional staff support to ensure notifications of decisions to prisoners are taking place as quickly as possible.*

- There is a pressing need for a National Action Plan for reducing re-offending.

*The reduction of offending is a key part of the review of the criminal justice system. The reduction of reoffending will also become a national target, for which the Department will be accountable, in the new Government Plan when this is finalised later this year by the Council of Ministers.*

- 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.

*Through the resettlement team at the prison, arrangements are made for follow up appointments on release if drugs, alcohol and accommodation are pressing issues for the offender.*

- 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.

*The prison makes extensive efforts to ensure that prisoners have somewhere to live on release. Concerns about the quality of the accommodation available to offenders and other vulnerable groups is shared by the Department and comments have been made to the Department of Social Care open consultation on social housing*

- 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.

*The Department is acutely aware of the need for a new Bail Hostel and is in urgent discussion with other Departments to identify a solution. An approach for capital funding has been made in the current budget round.*

- 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 are limited staff resources available at the job centre and therefore a careers adviser has been seconded into the Youth Justice Team who assists, where time allows, with offenders in the prison, those categorised as NEETs being the priority. It is recognised more needs to be done within resettlement and release plans to assist with employment opportunities.*

- 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.

*Agreed. The change will require secondary and primary legislation and will be contained in the revised custody rules and the Custody (Amendment) Bill as set out on page 1 of this Appendix.*

- 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.

*Long periods on remand are problematic for victims, witnesses and the prisoner him or herself. The criminal justice modernisation project is seeking to impact long periods on remand by reducing the inputs through the courts, so that the remaining cases can be dealt with more expeditiously.*

- 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.

*This matter is the subject of ongoing discussions with the Department of Infrastructure to address the concerns of the Board in relation to deficiencies in the court building particularly the cells area.*

- 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.

*The plans for providing additional cells short term and the eventual replacement of the Custody block are in an advanced stage.*

## Issues for the Prison 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.

*The family days are reserved for those prisoners who have attained enhanced level and are parents to young children. They have to be nominated by a member of staff in order to be considered for inclusion on family days and a parent or carer has to bring the children to the visit. Because the prisoners involved are at the highest privilege level gained by their positive attitude and behaviour it is possible to have a more relaxed and informal event. We would not wish to alter this and so there are currently no plans to extend the selection criteria below prisoners who are at the enhanced level. But there are plans to introduce a separate family visits session for teenagers in 2012.*

- Incoming and outgoing post which is written in a foreign language is not consistently monitored.

*Only 5% of the incoming and outgoing mail is subject to routine monitoring and there are staff who are competent in other languages who could interpret. If there are specific concerns about a prisoner who corresponds in a language other than English their correspondence could be targeted and if needs be a translation service sought.*

- 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.

*Items of clothing can be handed or sent in by family and friends and if there is no-one able to undertake this for them, prisoners may purchase via the prison shop special order arrangements. The catalogue available for women prisoners is in order to enable them to more readily access make up and beauty products at their own expense. We will review catalogue purchasing of clothes again during 2012, and see if purchase via this method would be an efficient, flexible, accessible and reliable system. If we were to take this initiative forward we would not necessarily discriminate on grounds of gender, but prefer to have arrangements where this method of ordering clothes was available to all.*

- 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.

*There are currently no plans to introduce time in the open air when the weather is poor. Prisoners may instead walk around their residential unit.*

- 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.

*Opening times of the library and access to it will be reviewed as part of the re-profiling exercise. The head of regimes and resettlement has been asked to review how access might be improved as well as the training of the prisoner volunteer and signage.*

- 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 have been only a few prisoners who have put themselves forward to undertake formal NVQ training in catering or who have stuck with it. The Senior Officer caterer has been facilitated to deliver the training as part of the education arrangements.*

- 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.

*This is a perception and there is no evidence to support the assertion. Food procedures will be reviewed during 2012 to give greater assurance.*

- 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.

*There have been occasions during 2011 when prisoners other than those subject to the disciplinary routines and good order procedures have been placed in the segregation unit. One of these men in particular sought regular solace and saw segregation as an opportunity for "time out"; others were placed there on medical instructions when the Doctor required constant observations because of concerns about the risk of self harm.*

*New procedures around suicide and self harm have been introduced and this focuses on a multi-disciplinary approach with the prisoner owning their care plan. However there will always be occasions, particularly for those serving long sentences or whose inter personal skills are challenged, when prisoners want to retreat to a location that provides greater peace and quiet and privacy than is afforded on the busy residential units. Whilst this is discouraged, the prison's position is that this is better to accede to the request than force the prisoner into a position of having to behave badly or break the rules in order to achieve "time out".*

- 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.

*The regime in the segregation unit is appropriate for the purpose. A significant amount of the prison officer time and duties in the unit is spent working with the*

*prisoners on reintegration and readjustment and this requires patience and intense input at times rather than strictness.*

- 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.

*Cellular confinement is one of a range of punishments open to an adjudicator, and the reasons for choosing a particular punishment are not usually specified.*

*Reasons that have resulted in segregation under Rule 39 for the good order and discipline of the prison are clearly set out in the relevant paperwork*

- 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.

*It is not a frequent occurrence that prisoners are separated for more than 5 days. Steps have been taken to ensure a more consistent approach for the safe return of these people to their usual location. This might include setting targets and /or a phased return.*

- 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.

*There are 17 staff including managers who have been trained as adjudication liaison officers and they are available to give advice and support to staff who place prisoners on report.*

*Adjudication review meetings are held quarterly where, amongst other things, the quality of the adjudication paperwork is reviewed.*

- Over 30% of all disciplinary offences are smoking related. This would suggest there is a need to keep this under constant review.

*The smoking policy was reviewed in September 2011 by a multi disciplinary panel of people who work within and outside the prison. The policy will be reviewed again if and when there are developments in the range of products available and approved for use in smoking cessation.*

*Awards for smoking related offences are reviewed quarterly at the adjudication standardisation meetings*

- Monthly failure figures for Mandatory Drug Testing should include prisoners who were selected but refused to take the test.

*We disagree. 10% of the population is selected at random every month for drug testing through urine analysis and in common with other jurisdictions the monthly data on mandatory drug test failures is just about the completed tests. In this way*

*we can deduce from the test results the prevalence of illicit drugs in the prison population and react accordingly.*

*The data on the numbers of prisoners who refuse drug tests is held separately and will be provided at the request of the IMB to their monthly meeting.*

- As soon as resources allow, reintroduce a Voluntary Drug Testing facility.

*There are currently no additional resources available to support this initiative on a permanent basis, but the resettlement team is starting a pilot scheme for the delivery of a simple voluntary drug test during the summer 2012.*

- 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.

*There have been limited resources available to support the drug and alcohol strategy during 2011. But the provision of the psychiatrist time has doubled in 2012 and the plan is for her to direct the work of the DAT counsellor more closely.*

*The primary health team are hopeful of developing more expertise in working with drug and alcohol within their team over the next 12 months.*

- Efforts to increase the number and variety of jobs available to prisoners should continue. This is particularly important for female and vulnerable prisoners.

*The head of regimes and resettlement keeps this under constant review. The resettlement team are making links with local work providers (voluntary/community projects and real work) in order to expand the work options available to 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.

*Some adjustments have been made to the premises in order that they can be utilised for a recycling initiative. This work will start in July 2012.*

- 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.

*We will encourage and support prisoners in education but we will not compel them to attend. It is encouraging to note that a number of qualifications have been earned recently including 3 prisoners who gained an AS level English literature which is a major achievement and hugely commendable.*

- 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.

*The curriculum is kept under regular review and this recommendation has been referred to the education manager for her consideration.*

- 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.

*This is a developing piece of work and the recent introduction of interventions such as the restorative justice programme have encouraged personal officers to engage with those for whom they have responsibility. The temporary reduction in the probation team has forced this agenda further and there are support materials available to staff on the shared folders of the prison IT system to assist them in their role.*

- 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.

*Prisoners on C wing are not just those who are physically vulnerable – under the custody rules we are obliged to provide protection for those who seek it and unfortunately an increasing number of incoming prisoners find themselves in a conflict situation with others borne out of ancient enmities concerning relationships, drugs and informing.*

*A distinction has been made between the upper and lower landings according to privilege level.*

- 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.

*The safer custody group has bullying as a set agenda item, and the anti bullying agenda was relaunched in 2011 with a greater emphasis on protecting the victims.*

*Some of the bullying is quite subtle and difficult to detect, but staff work hard to ensure that victims are made to feel confident to report the matter and that something will be done to protect them.*

- 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.

*The training manager is to take this forward with the security and operations Deputy Governor*