

## **Minister's response to the Independent Monitoring Board Report for January 1<sup>st</sup> 2012 to March 31<sup>st</sup> 2013**

The issues raised for the Minister's attention in pages 10 and 11 of the IMB report are quoted here in *italic text*. The associated response from the Minister is set below each quoted section in plain text.

*Ensure prisoners and those helping them to prepare for life outside prison are notified promptly about life-changing decisions on parole. Failure to maintain the current improvement following the provision of additional administrative support to the Parole Committee could have serious implications for the physical and psychological well-being of the prisoners. Delays decrease the chance of successful resettlement, increase the workload of prison staff and impact upon good order and discipline within the prison.*

Revisions to the administration processes supporting the Parole Committee have been made over the reporting period in question and further improvements to these processes will be made over the next 12 months. I would be grateful to the IMB for any examples of systematic failure, and any suggestions for further changes which could be made within the strictures of the present legislative requirements.

*Provide support at a ministerial level and encourage a more enlightened view outside the Department of Home Affairs so that the provision of varied and meaningful work for prisoners, which is a vital part of the resettlement process preparing prisoners for release as productive members of society, can continue to develop and progress. The prison's Work Allocation Board cannot work in a vacuum. They need the support of the Department when trying to secure work from other Government Departments and commercial organisations.*

I have asked the Departmental member with responsibility for the Prison, Mr M Coleman MLC, to examine means whereby more meaningful work for prisoners can be found from the public and private sector. He has begun this task, which is one of his 'top three' priorities and I anticipate its conclusion within the next twelve months.

*Continue, in all urgency, with the updating of the Custody Rules thus removing the conflicting role of the Board in awarding punishments and authorising segregation. Their main role should be to provide independent scrutiny of the prison and the island's holding cells seeing that prisoners are being treated fairly, justly, decently and with dignity. The appointment of an Independent Adjudicator is also a matter of urgency even though this requires a change in Primary Legislation.*

The creation of the role of Independent Adjudicator for the Prison is a matter for primary legislation and a Custody Bill is on the legislative programme to be developed over the next reporting period. Work will start on preparing drafting instructions for this Bill in the summer of 2013. It is hoped to introduce a Bill during the 2013/14 legislative session. Revisions to the Custody Rules, to improve the operation of the Prison as much as possible within the current legislative powers, are also in progress and I aim to have these before Tynwald for approval in October 2013. The views of the IMB will be sought on the proposed changes to primary and secondary legislation in this area at every stage.

*The Board is concerned about the number of prisoners being held who have serious mental health problems. It would seem that the courts are disregarding the mental health issues of defendants and sending them to prison rather than to a more appropriate mental health environment. Once*

*inside custody, it takes an inordinately long time to arrange the transfer of a prisoner to an establishment which offers appropriate treatment.*

I note the concerns expressed here regarding the decisions of the Courts on determining the sentencing and disposition of prisoners with mental health issues. The actions of the court in this area are outside of my remit as Minister for Home Affairs, although I will ensure the views of the IMB on this issue are brought to the Courts attention. I would like to highlight the Department is now working with the Mental Health team to develop a single point of contact in this area for the better delivery of mental health services to prisoners, and this may make it easier in the future to enable the transfer of prisoners to appropriate facilities if there is capacity.

*The Board has concerns about the length of time taken to conclude Coroner Court Inquests. This delay results in prolonged distress to the bereaved family and causes anxiety to prison staff when closing a difficult situation. Human and emotional factors seem to be lost in the technical and legal process. Can the Minister obtain better liaison between the Prison Service and Coroner's Court for a more rapid response when dealing with bereaved families?*

The Courts have taken the view, in interpreting their responsibilities under article 2 of the European Convention on Human Rights, that inquests are now required under a wider range of circumstances, which has led to an according increase in the number of inquests; the workload associated with these inquests; and the time taken to conduct these inquests. These inquests are a technical and legal process, of which the operation and conduct are entirely the responsibility of the Courts. I will encourage the prison to develop such links with the Courts as may be feasible to minimise any delays which are the responsibility of the prison.

*Prison is not the right place for women offenders who pose no risk to the public. Community solutions for these non-violent women offenders should be the norm. The Board would encourage the Minister to consider developing a strategy and sustained funding to champion the role of women's centres to enable those with multiple problems and chaotic lives to cope without recourse to damaging institutional settings. Community solutions have been found to work better than prison to reduce women's offending at a fraction of the cost.*

Risk to the public is just one of the factors which may result in the Courts determining that a custodial sentence is appropriate to impose upon a woman or a man. As part of the Criminal Justice Strategy the Department is looking at ways as alternatives to custody which may include the solutions suggested. I would note the Department is continuing to have to make cost savings and is not likely to be in a financial position to be able fund the community organisations referred to in the above paragraph.

*Still waiting to be fully addressed by the Department is the issue of a new Bail Hostel and "move on" accommodation. We understand that plans are in the pipeline but they need to be taken forward as a matter of urgency. Also, accommodation on release is still reliant on personal contacts of the Resettlement Team and there is acute concern about limited accommodation options for young female and vulnerable prisoners.*

Plans are moving forward in this area, but the Department's efforts in this area are reliant upon the support of its partners, and delays by partners are holding up progress in this area. The Department shares the Board's concerns surrounding limited re-settlement options and hopes that Mr Coleman's membership of DHA and DSC will assist in developing a better relationship with state housing providers on the issue of prisoner re-settlement.

*The introduction of a Bail Act/Custody Limit still needs consideration as many prisoners are spending considerable lengths of time on remand. It should be remembered too, that prisoners*

*held on remand are not eligible for courses run by Probation which address offending behaviour. We have evidenced some prisoners spending so long on remand that when they are finally sentenced there is no longer sufficient time to engage in the courses which have been designed to help them.*

The Department will be developing drafting instructions for a Custody Act over the summer of 2013 and the development of a new Bail Act is on the legislative programme. This new legislation, particularly the Bail Act, will help to reduce the amount of time prisoners are held on remand. 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. The Department has already encouraged the development of changes to reduce the amount of time prisoners spend on remand – for example the new committal and early plea provisions set out in the Summary Jurisdiction (Miscellaneous Provisions) Bill (soon to be Act) 2013.

*Veterans could be identified as soon as they are detained at Police Headquarters by use of a simple questionnaire. Strategies and support could be offered by the agencies who are already equipped to help them and a custodial sentence could well be avoided.*

The IMB may be interested to note that on 12<sup>th</sup> April 2013 the Chief Minister signed the Armed Forces Covenant, a voluntary statement of mutual support between a civilian community and its service personnel. It recognises the special role and contribution of those residents who serve, or have served, in the British Armed Forces and seeks to ensure that they and their families are not disadvantaged by their service. As Armed Forces Champion I will be working to ensure the commitments made in the Covenant are met.

The introduction of the Covenant will ensure veterans receive support from the community at an early stage and, due to this support, hopefully never enter the criminal justice system. In addition, through the Criminal Justice Strategy the Department is looking to investigate alternatives to prosecution for a wide range of persons arrested by the police. For example, those arrested for drugs offences may now pass through the Drugs Arrests Referral Scheme (DARS) in order to seek treatment and support for drugs issues as opposed to being charged and criminalised through the criminal justice system.

*Prison has a poor record for reducing re-offending and action to reduce re-offending must be on a far broader front than just the Criminal Justice System. Improvements could be achieved in both clinical outcomes and re-offending rates through a national network of schemes to divert many offenders with mental health problems and learning disabilities to community based treatment facilities. In other words, there is a need for a National Action Plan to reduce re-offending.*

The reduction of offending and re-offending, along with developments of alternatives to custody, are key parts of the Criminal Justice Strategy. 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 by the Council of Ministers. With regard to prisoners with Mental Health issues I am aware the Prison is developing closer links with the Mental Health Unit of the Department of Health to more effectively treat prisoners with Mental Health issues and provide for prisoners continuing in treatment upon leaving prison.

*Review the amount of support that can be given to the prison and prisoners to reduce substance abuse. Provide more resources to assist the prisoners to break the habit and maintain this both in prison and when returning to the community.*

Through the co-ordinated work of probation officers in the Prison with the Drug and Alcohol Team of the Department of Health, there will be greater resources provided to prisoners in prison, and on their release, so as to reduce substance abuse. An example of this is the introduction of a video link between the DAT and the Prison to enable the more effective maintenance of links between prisoners and their contact in the DAT.

*With the exception of Category „A“ prisoners, the Isle of Man Prison is an all category institution. This presents a range of difficulties, which are highlighted by a lack of flexibility, as the prison has to cater for four distinct groups of offenders. As a result, on too many occasions the Segregation Unit has to be used to house prisoners who have breached the disciplinary code and may have mental or physical health problems. On occasions, prisoners have to be kept in Segregation for excessive periods. There is no easy solution to this difficulty, but it should be acknowledged that it exists.*

The point made by the IMB is noted.

*Some families experience difficulties with public transport on a Sunday as the bus stops at Jurby and not at the prison itself. This presents a considerable walk to the prison especially if it involves a parent with a young family. This and the timing of the bus service should be reviewed.*

I will raise the IMB's concerns here with the Department of Community, Culture and Leisure as the Department responsible for the bus service.

Hon. Juan Watterson MHK  
Minister for Home Affairs  
August 2013