

Guernsey Prison

## **INDEPENDENT MONITORING PANEL**



### **2019 ANNUAL REPORT**

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## **CONTENTS:**

CONTENTS:.....	2
EXECUTIVE SUMMARY BY THE CHAIRMAN .....	3
STATUTORY FUNCTION .....	4
THE PANEL’S OBSERVATIONS in 2019.....	5
APPENDIX 1 - STATISTICAL ANALYSIS.....	10
APPENDIX 2 - ANONYMOUS EXAMPLES OF PRISONERS’ CONCERNS.....	13

***If further information is required in relation to any matter contained within this Report please write to the Chairman of Independent Monitoring Panel c/o Sir Charles Frossard House, La Charroterie, St Peter Port, GY1 1FH or telephone 01481 717000.***

## EXECUTIVE SUMMARY BY THE CHAIRMAN

In presenting the Independent Monitoring Panel's report covering the year 2019 I would first like to acknowledge my fellow Panel members, who are a group of ordinary volunteers doing an extraordinary job.

I am delighted to report there have been many positive developments during the year under review, some of which we highlight below with bullet points to give you a quick overview. There are still some concerns but considerably fewer than in our last report and the prison continues to be an institution that the island can be proud of. We deal with both the positives and our concerns more fully in the section 'Panel's Observations' on page 5.

### Positive developments include:

- Progress in Healthcare
- Drug policy
- Bank facilities for ex-offenders
- Community Workshop
- New regime

### Among our concerns are:

- Lack of progress on J Wing refurbishment
- Prison Population
- Visits
- IMP communication & awareness

We are, as always, indebted to the staff at the Guernsey Prison - especially to those prison officers who accompany members throughout their visits and to Principal Officers and the Governor grades who take time to speak with us at the end of our visits and who attend our meetings outside of their normal working day. I take this opportunity to thank them all for their professionalism, courtesy, patience and good humour on our visits.

Tony Talmage

## STATUTORY FUNCTION

The Guernsey Prison Service keeps in custody those legally committed to its care. Its duty is to look after them with decency and to help them lead law-abiding lives in custody and after release. The Prison holds a diverse population, including those sentenced and on remand, men and women, young offenders and juvenile and vulnerable prisoners.

The Independent Monitoring Panel is constituted under the Prison (Guernsey) Ordinance 2013 (“the Ordinance”) as a body made up of members of the public. It is charged with providing independent oversight of the day-to-day operations of the Prison and prison conditions, monitoring the administration of the prison, the treatment of prisoners and whether the statutory objectives of the prison system are being met. The Panel also oversees the general well-being of staff who are employed by the Guernsey Prison.

To enable the Panel to carry out these duties effectively, its members have right of access to every prisoner and every part of the prison and also to the prison’s records. Members:

- undertake a monthly unannounced visit of the Prison premises;
- visit prisoners personally at their request;
- visit prisoners who have been admitted to the Segregation Care and Progress Unit (SCAPU);
- attend, as observers, routine prison meetings; and
- attend bi-monthly Panel meetings.

The Ordinance requires the Panel to prepare an annual report at the end of each calendar year, which must include its findings, observations, recommendations and statistical information.

## **THE PANEL'S OBSERVATIONS in 2019**

The following report arises from observations made on unannounced visits, visits requested by prisoners, informed contact with staff, attendance at prison meetings and discussions with prison management. Where appropriate we have incorporated information gathered in 2020 which are relevant to reporting on our activities in 2019.

### **1. POSITIVE DEVELOPMENTS**

#### **Healthcare and mental health**

There has been a step-change for the good since our last report in which we expressed serious concerns, particularly about the provision of mental health support for prisoners and about how information, which may assist prison officers to safely carry out their duties, was not being shared. We are therefore pleased to report that improvements were observed in 2019 and continued to improve into 2020.

A new information-sharing protocol between the Prison and Healthcare has been agreed meaning that information about a prisoner's mental and physical situation is now available to prison officers when they need it. This has fostered a closer working relationship between prison officers and healthcare staff which has generated a more harmonious prison environment.

Another positive development was the appointment to the Healthcare Team of a new nurse with mental health skills and experience. And adding to the overall beneficial impact has been mental health training for staff, developed and delivered by experienced prison officers.

As we pointed out in our last report, the Healthcare Unit's effectiveness could be improved by moving from a paper-based to a computerised clinical notes system.

Note: The Panel understands that this is in the pipeline and that the Healthcare staff can now access a prisoner's prior health record.

#### **Drug policy**

We highlighted in our last report that we were concerned about the approach of mandatory detoxification of prisoners on reception. We are pleased to be able to report that the Prison authorities have worked with CDAT (Community Drug & Alcohol Team) to mitigate the risks associated with drug dependency for those entering and being released from prison, meaning that a prisoners needs are risk assessed on a case by case basis and there is continuity of support where appropriate.

#### **Hooch**

We logged our concern in our last report about the illicit brewing of hooch in cells. We are pleased to report that the prison has dealt effectively with this issue.

## **Prisoner induction procedures**

We have previously expressed concern that the induction process made it almost impossible for new prisoners to retain essential information – not least the role of the IMP. We are therefore pleased to report that a ‘Team around the Prisoner’ (TAP) scheme has now been introduced so that each new arrival has an individual, multi-discipline meeting with various professionals, within 48 hours of reception, ensuring all their needs are met and that they receive essential information. We note that material about the role of the IMP is also available on the in-cell terminals.

## **Bank accounts**

In previous reports we expressed our disappointment that the inability of some ex-prisoners to access bank accounts remained unresolved. Therefore we are pleased to see the launch of “Guernsey Community Savings” – a local scheme supported by the Community Foundation which offers access to basic banking services for those who have been financially excluded from accessing high street bank accounts.

The prison’s Resettlement Officer will assist those wanting to apply for an account prior to release. Besides giving an ex-prisoner a feeling of self-esteem, having a bank account is a practical necessity when it comes to employment and paying for accommodation. Having a bank account also helps rehabilitation by encouraging ex-offenders to see themselves as valued members of society.

## **Community workshop**

The new Creative Learning in Prison (CLIP) Community Workshop was commissioned in 2018 and completed in 2019. Funded by a combination of public, private and charitable sector donations, the workshop facility accommodates more prisoners who can work and learn on projects to directly benefit the community. The facility also allows for larger and more ambitious projects to be undertaken, thereby generating additional income and allowing CLIP to become a fully self-funding and sustainable charity.

## **Work opportunities**

Providing employment within the prison creates several positive spin-offs. It gives prisoners the chance to feel valued, keeps them occupied, further reduces the risk of reoffending and aids their rehabilitation by enhancing their chances of permanent employment on release.

This ‘working prison’ regime brings its own challenges and the staff at the Prison work hard to secure appropriate work opportunities for those in their care. Opportunities for work release in the community are scarce but can be instrumental in securing rehabilitation and resettlement. The Panel would like to encourage more local businesses to work with the prison to further develop and support its rehabilitation agenda.

## **New regime**

A regime re-profiling exercise, introduced in January 2019 to make more efficient use of staff and resources, and to improve safety at the prison, can be deemed a success. New rosters have increased the presence of officers on wings and at weekends, and a change of visiting times to afternoons has aided security during visits and made the introduction of contraband more difficult.

## **Review of the Incentive and Earned Privileges (IEP) Scheme**

The IEP Scheme encourages good behaviour among the population in the prison. Levels are Basic, Standard or Enhanced and each is matched by certain privileges, for example if you are an Enhanced prisoner you may have access to a TV in your cell, the right to purchase items from the prison shop and access to association time on the wing. If you are Basic you have no TV, no access to purchase items and little time for association. Prisoners have always been obliged to apply in writing for 'promotion' to the next level, however it was recently highlighted that this may disadvantage those who have difficulties reading or when expressing themselves in writing.

A review was conducted and a trial has now commenced, of automatic reviews of all prisoners every 28 days, so that those with lower literacy levels now have an equal chance of achieving enhancement, thus avoiding any unintended unfairness.

## **Prisoner awards**

The Prison's annual Recognition of Achievement prize-giving evening is a highlight for IMP members. This year a total of 76 prisoners achieved 144 qualifications/awards. And in the UK-wide Koestler Arts Scheme 27 entrants gained 17 awards, including two Golds. These successes are a reminder of the continuing good work of the Prison education department.

## **2. CONCERNS**

While the appendices provide statistics on specific issues raised during visits, our chief concerns are highlighted below:

### **Lack of progress on J Wing refurbishment**

J Wing is the prison's largest wing and the subject of most complaints about accommodation – in particular the showers which are low pressure and often not hot. It is disappointing that, despite some financial commitments being in place, these deficiencies have still not been remedied even though they have appeared in our reports for several years.

**Note:** A recently-commissioned survey has revealed the calorifiers (water heaters) are located a long distance from the shower location which means that by the time the water arrives at the showers it has lost pressure and temperature. Revised proposals to deal with the issue will need to be developed and the Panel encourages all agencies involved to work together to resolve this without further delay.

## **Visits**

IMP Members were disappointed to learn that the online 'virtual' visits scheme may take longer to launch at Guernsey Prison. Members were keen to hear about how cutting edge technology can be used in the rehabilitation process and were encouraged that this system may assist prisoners in maintaining family ties, especially if their families do not live locally. The Panel has observed first-hand how important family ties are to prisoners and how important it is for them to maintain contact with their loved ones. The Panel is encouraged that prisoners who have children in the community are able to access additional family visits.

## **Prison population**

Average prison population during 2019 was 91 compared with 100 in 2018. The highest month was January with 111 and the lowest was October with 81. While, pleasingly, numbers have dropped slightly there is still a risk of reaching the Prison's Certified Normal Accommodation – especially when certain wings are out of commission due to refurbishment. Therefore we would like to emphasise how important we regard consideration of early release schemes for low risk prisoners. As we did in our report last year, we would urge all those who are part of the criminal justice system to consider, and implement, alternatives to custodial sentences.

## **IMP awareness**

The profile of the IMP has been raised during the year through information on the in-cell terminals as well as word of mouth. But we acknowledge that with an itinerant prison population, awareness of our role will always fluctuate. We recommend a more detailed presentation be put together about our function, perhaps in the form of a video or PowerPoint presentation, be included as part of the induction process, as well as on the in-cell terminals.

## **IMP communication problems**

Panel members are concerned over inadequacies in sending and receiving electronic information due to the incompatibility between personal devices and the States' IT systems. The result is some messages are delayed, or not received. A solution to this inconvenience would be for all members to be issued with a States standard tablet (second-hand would be acceptable) so that all members would be on an equal footing. We recommend that consideration be given to this.

## **3. GENERAL COMMENTS**

We were sorry to see the departure during the year of Governor David Matthews. During his six years in the post he made a significant contribution to prison life and was responsible for implementing the 'working prison' regime. Governor Matthews also proved that a non-smoking policy could be a success and Guernsey is a shining example to other prisons on how this can be achieved. We send him our best wishes for a well-deserved retirement and more time to enjoy family life.

The IMP itself lost two experienced and valued members and have recruited two excellent replacements, one of whom at aged 21, is the youngest ever to join the panel.

Finally, a few incidents of physical assaults by a prisoners in 2019, serve as a reminder of the day-to-day challenges all those in the Prison Service face when carrying out their roles, which we as a community should never take for granted.

In conclusion, throughout the year we found the state of the prison premises clean and, apart from J Wing showers, fit for purpose. The administration of the prison has been generally good and our attendance at the prison's internal meetings has provided useful background information for our visits. Prisoners have been treated humanely and with dignity and respect, and responses to our visit reports, and any follow-ups, have been constructive.

The IMP met with the President and Members of the Committee *for* Home Affairs in December 2019 and had a productive meeting. The Panel has had no need to raise any issues with the Committee *for* Home Affairs in 2019.

#### **4. RECOMMENDATIONS**

1. We recommend all relevant agencies work together to resolve the deficiencies in J Wing showers;
2. We recommend a detailed presentation be put together about our function, perhaps in the form of a video or PowerPoint presentation, to be included as part of the induction process, as well as on the in-cell terminals;
3. We recommend that consideration be given to issuing IMP members with States devices to enable secure communications.

## APPENDIX 1 - STATISTICAL ANALYSIS

### 1. Total number of visits

Type of visit	2019	2018	2017	2016	2015	2014
Unannounced	12	12	12	12	12	12
Requested Visits	35*	18	20	38	15	9
SCAPU*	33	15	12	6	3	2

\*The Segregation, Care and Progress Unit (SCAPU) is used to hold prisoners separately from the main population. There are a number of reasons for a prisoner to be segregated; generally the reason for separation is that they present an increased risk to themselves, to staff, or to the rest of the population and cannot be managed effectively if they remain. SCAPU in Guernsey Prison is not used as a punishment although may be used for a period of cooling off should a prisoner be presenting aggressive behaviour. The ethos of the SCAPU within Guernsey Prison is that of individually-focused care. The intention is to support individuals so that they can safely be returned to mainstream accommodation.

There is a need to ensure that the decision to separate a prisoner, and the experience of separation for that prisoner, are governed by the stated principles of fairness and decency. Separation should never be prolonged, or indefinite, and care should be given to ensure that individuals contained within SCAPU are treated with humanity and decency at all times and to ensure that an individual's mental health is not adversely affected by the separation. To this end the IMP are automatically requested to visit when an individual has been placed in SCAPU.

\* a prisoner who requested a visit did not wish to see the IMP member on their arrival

Monthly unannounced visits Theme of concerns raised	2019		2018	
	Number of concerns raised by prisoners	Number of enquiries made by IMP	Number of concerns raised by prisoners	Number of enquiries made by IMP
A. Accommodation & Cells			2	
B. Adjudications & Warnings / discipline			2	
C. Canteen			8	
D. Association Time / Gym	1			
E. Equality, Diversity & Discrimination				
F. Fabric or maintenance of the prison building	6	3	12	3
G. Smoking / Detoxification	2		1	
H. Healthcare	1		5	3
I. Incentives & Earned Privileges (IEP) Status & Rules	1			1
J. Release on Temporary Licence (ROTL)				
K. Food / Kitchen	1			2
L. Cleanliness		1		
M. Money / Pay	1		3	
N. Bullying / Unfair treatment				1
O. Personal belongings or issues	1		1	4
P. Prison Information System (PIMS)				
Q. Parole				
R. Regime – Education / Employment			2	
S. Sentence Planning – Access to courses				2
T. Transfers	1			
U. Use of force				
V. Visits			2	
W. Reception into custody / Info	1		4	
X. Support post-release & resettlement	2			
Y. Misc. complaints	1	1		
Z. No concerns raised				

Requested visits by theme	2019		2018	
Theme of concerns raised	Number of concerns raised by prisoners	Number of enquiries made by IMP	Number of concerns raised by prisoners	Number of enquiries made by IMP
A. Accommodation & Cells	2	1	3	
B. Adjudications & Warnings / discipline	2		1	1
C. Canteen				
D. Association Time / Gym	2	2		1
E. Equality, Diversity & Discrimination			1	
F. Fabric or maintenance of the prison building			2	1
G. Smoking / Detoxification			1	3
H. Healthcare	14	11	4	1
I. Incentives & Earned Privileges (IEP) Status & Rules	3	2	2	2
J. Release on Temporary Licence (ROTL)				
K. Food / Kitchen			2	
L. Cleanliness			1	
M. Money / Pay				
N. Bullying / Unfair treatment	2	1		
O. Personal belongings or issues	4	3		
P. Prison Information System (PIMS)				
Q. Parole	1	1		
R. Regime – Education / Employment				
S. Sentence Planning – Access to courses	2	2		1
T. Transfer	1			
U. Use of force				
V. Visits				
W. Reception into custody / Info				
X. Support post-release & resettlement	1	1		
Y. Misc. complaints	4	2		
Z. No concerns raised	1			

## **APPENDIX 2 - ANONYMOUS EXAMPLES OF PRISONERS' CONCERNS**

Confidentiality restricts the Panel in providing specific details of individual concerns raised. The Panel is of the view that to provide even brief summaries could potentially risk identifying the prisoner. Below, we have outline some examples of enquires made.

The Panel has enquired into a number of concerns raised in relation to:

### **Healthcare**

- Appointments with the Doctor
- Detoxification processes
- Mental health concerns

### **Fabric of the building**

- J wing shower temperature & pressure
- Smells emanating from shower drains
- Heating

### **Regime**

- ROTL Progression
- Changing job roles
- Gym times
- Wing moves
- Education – access to online courses

### **Other complaints:**

- Availability of low nicotine products
- Variety of items available in the shop
- Dynamics on the wings
- Prisoner and Officer dynamics
- Cell searches
- Personal belongings