

**THE STATES OF DELIBERATION**  
**of the**  
**ISLAND OF GUERNSEY**

**APPENDIX REPORT – DEBATE**

**GUERNSEY PRISON – INDEPENDENT MONITORING PANEL – 2018 ANNUAL REPORT**

Pursuant to Rule 20(5) of the Rules of Procedure of the States of Deliberation and their Committees, the States are asked to decide:-

Whether, after consideration of ‘Guernsey Prison – Independent Monitoring Panel – Annual Report 2018’, they are of opinion:-

1. To take note of the Report.

Guernsey Prison

## **INDEPENDENT MONITORING PANEL**



### **2018 ANNUAL REPORT**

Publication date: May 2019

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***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

I am pleased to present my first annual report as Chairman of the Independent Monitoring Panel. As my predecessors have done I too would like to acknowledge my fellow Panel members, who are tenacious in following up and, where possible, resolving issues; they are a group of ordinary people doing an extraordinary job.

The prison continues to be an institution that the island can be proud of. It treats its charges humanely and with respect while encouraging them to improve their lives and integrate back into the community in a meaningful way. This year there have been a number of positive developments at the Prison but there are also some concerns we believe need addressing. We deal with these more fully in the section 'Panel's Observations.'

Positive developments include:

- Introduction of in-cell terminals
- Improvement of prisoner induction procedures
- Introduction of anti-drone technology known as Skyfence
- The establishment of a Community Workshop
- The development of a new running track
- Regime re-profiling exercise
- Proposals for 'virtual' visits'

Among our concerns are:

- Various Healthcare issues
- Lack of progress on J Wing refurbishment
- Drugs, 'hooch' and de-toxing
- Access to bank accounts for ex-offenders
- Increasing prison population
- Limited awareness among prisoners of the role of the IMP

We are, as always, indebted to the staff at the Guernsey Prison - especially to those prison officers who accompany members throughout their visits. 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 at 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 2018**

As the section above makes clear the function of the Independent Monitoring Panel is to provide independent oversight of the day-to-day operation of Guernsey Prison. Our role is to ensure that proper standards of care, decency and respect are maintained and to raise any concerns we might have. 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.

### **POSITIVE DEVELOPMENTS**

#### **In-cell terminals**

These terminals have now been installed and are the subject of continual development. They have a dual function - providing prisoners with the ability to pursue their education as well as manage areas of prison life normally carried out by staff such as visits booking, applications, complaints and menu choices. The system will also hold a library of communication notices and prison rules. We believe this is a major step forward in ensuring prisoners have access to information when they need it and are able to take ownership of their learning and rehabilitation.

#### **Improvement of prisoner induction procedures**

The significant amount of information imparted to prisoners on induction was one of the concerns raised in our 2017 report. At that time we felt 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 is being introduced so that each new arrival will have an individual meeting with various professionals, within 48 hours of reception, to ensure all their needs are met and that they receive essential information. We note that information about the role of the IMP is available on the in-cell terminals.

#### **Skyfence**

This is a drone defence system which is activated by a series of detectors, tuned to identify drones in the proximity of the prison. Its purpose is to prevent drugs and other contraband being 'delivered' to prisoners. Guernsey is one of the first organisations in the world to introduce such a system for security.

#### **Community workshop**

Plans are well advanced for an 11m x 11m steel portal frame workshop within the prison estate which will accommodate up to 16 prisoners working and learning daily, under tutored supervision, on projects of direct benefit to the community. This will allow the prison charity CLIP (Creative Learning in Prison) to take on larger and more ambitious projects and the additional income will enable development of a wider range of courses and classes outside of the core education curriculum funded by the States. We hope this will encourage more prisoners to engage in education across the board which we applaud, as experience

has shown that purposeful activities increase motivation and engagement and can help reduce the likelihood of re-offending once back in the community.

### **The running track**

This will be of great benefit in terms of general fitness and competitive running and is due to be commissioned early in 2019.

### **Regime re-profiling exercise**

While not due to be introduced until January 2019, a regime re-profiling exercise was conducted during the year under review. Its aim was to make more efficient use of staff and resources and to improve safety at the prison; the new rosters will increase the presence of officers on wings and at weekends and there is a change to the visiting times which will assist prison security during visits. Early consultations did provoke some unease among officers but most could see the logic of the changes.

### **Purple visits**

Plans are well advanced to introduce an 'on screen' visits portal whereby prisoners will have supervised screen-time with their loved ones when personal visits are not possible. It is expected that this facility will be introduced in 2019. The Panel are confident the security issues are being addressed and are pleased about this innovation which will help relieve some of the frustration and sense of alienation which, particularly among non-local prisoners, can arise from being cut off from the family.

## **CONCERNS**

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

### **Healthcare**

We acknowledge that providing healthcare services to an average of 100 prisoners 24/7 throughout the year has special challenges. However, we have issues of concern, especially in the area of mental health. We believe that the quite proper need to maintain 'patient confidentiality' could, in certain circumstances, be counter-productive and not serve the best interests of either the prisoners or staff. It would seem that, while serious physical conditions such as heart problems, diabetes and epilepsy are known by both healthcare staff and prison officers, knowledge of mental conditions and associated medications are the sole province of Healthcare. This risks putting officers at a disadvantage when dealing with prisoners who present challenging behaviours, or who can be vulnerable or dangerous. In some instances behaviour that officers perceived as evidence of a mental disorder would be judged by Healthcare as a behavioural issue not requiring medical intervention. Another concern is if a prisoner is bleeding, the officers are not permitted to know if that prisoner has a transmittable blood disease. This obviously could be a danger to any officer, particularly if there was also a need for physical restraint at the time. In the event of a serious incident both the prison and healthcare would be at risk should it be found that actions could have been taken, and information shared, in order to mitigate that risk.

These are manifestations of what we have observed as a barrier between healthcare staff and prison officers and, as identified, this lack of communication could be detrimental to the welfare of both prisoners and staff.

**We recommend** that efforts be made to further enhance relationships between prison healthcare and prison officers to encourage a deeper understanding of each other's daily work challenges. In particular we urge that a way be found for relevant information about a prisoner's mental and physical conditions to be shared with prison officers. A need for change has been recognised by management and we look forward to seeing improved relationships during our visits.

**We also recommend** the recruitment of a mental health professional to the Healthcare team be made a priority.

The Healthcare Unit's effectiveness could be improved if it had access to the EMIS electronic patient health management system, used by many doctors in their primary health care practices. At present all the Healthcare Unit's clinical notes are paper-based and conversion to EMIS would enable, among other things, the notes to be computerised facilitating the sharing and collecting of data, electronic prescribing, clinical governance and health audits.

**We recommend** funding be provided to introduce the EMIS system at the Prison.

#### **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 in need of an upgrade. We understand that general refurbishment of the wing has been delayed until 2019 and plans are being progressed by States Property Services. We acknowledge that the prison's policy is to provide good quality accommodation for all prisoners and that there is a rolling refurbishment programme, but the wing's showers are falling below acceptable standards and this can impact on prisoner behaviours and compliance.

**We recommend** refurbishment of J Wing showers be made a priority.

#### **Drugs, 'hooch' and Detoxing**

Illicit drugs continue to make their way into the prison estate exacerbating the day-to-day challenges for the staff. It is hoped that the introduction of visits in the afternoon, under the new regime to be introduced in 2019, will have a beneficial impact as there will be more staff available to monitor the visits. Prisoners continue to find ingenious ways to brew hooch, despite daily cell searches and constant vigilance. This presents a risk to health and increases the potential threat of violence to staff.

At present, within 24 to 48 hours of coming into prison, a prisoner is put on a detoxification programme if they report illicit substances use or fail a drugs test. If, on admission, prisoners are already on a detox programme through CDAT (Community Drug and Alcohol Team) their existing programme is continued in the short term. Once detoxification is completed the prisoners revert to the Prison's regime. The medication and programme used by Healthcare are according to NICE guidelines. However, if the prisoner obtains drugs illicitly whilst in prison and continues his/her habit the regulations stipulate that there is no



detoxification available in these circumstances. Therefore, even if a prisoner wishes to kick the habit, they have only symptomatic relief with medications like Paracetamol and Nurofen. While this is of concern to us we acknowledge that the Prison's drugs policy is currently under review and we are hopeful that this anomaly will be addressed.

### **E-cigarettes**

While the prison's no-smoking policy was considered successful when it was introduced there are now concerns in respect of the alternative smoking apparatus which is made available for those who do not wish to quit the habit. The Panel continues to be concerned about the addictive nature of the 'e-burns' available on the market and welcome the efforts being made by prison management to source low and no-nicotine supplies.

### **Access to bank accounts for ex-offenders**

In our last report we expressed our disappointment that the inability of ex-prisoners to access bank accounts remained unresolved. We are pleased to note that two community initiatives - a community savings and a rent deposit scheme – are now in train and will be open to applicants in 2019. The prison's resettlement officer will assist those wanting to apply 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 encourages ex-offenders to see themselves as valued members of society. Not having one has the reverse effect.

### **Increasing Prison population**

With the increased prison population featuring on the Civil Contingencies Risk Register we support initiatives which alleviate the population pressure on the prison – for instance, the Panel would support some form of early conditional release for low risk prisoners who have accommodation and employment. The Panel acknowledges that this is not the prison's concern alone and we note that the States of Deliberation has directed a review of justice locally. We would urge all those who are part of the criminal justice system to examine alternatives to custodial sentences including electronic tagging. We are concerned that with the prison population edging upwards it could easily reach the Prison's Certified Normal Accommodation of 134 and this would place prisoners at increased risk of harm and would see prison budgets spike.

### **Limited awareness of the role of the IMP**

As has been raised in previous Reports, Panel members continue to find that there are prisoners who are unaware of the existence and role of the IMP. Progress has been made since our last report as information will, in 2019, be available on the in-cell terminals so that prisoners can access it at any time and make applications to see us. We have also tried to raise our profile and were pleased to feature in the Winter Edition of the prisoner-produced magazine 'Bang-up'.

**We recommend** an external publicity drive be undertaken in 2019 and that, internally, a more detailed presentation 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.

## General comments

During 2018 we undertook to learn more about the experiences of those committed to prison by visiting the Royal Court's custody suite and talking with the officers, who are often the first point of contact for a person coming into prison. We followed a convicted person's 'journey' from court appearance to induction into the prison. We also broadened our knowledge of how other jurisdictions work by hosting, separately, members from Jersey and the Isle of Wight Independent Monitoring Boards.

We also had to get to grips with the introduction of new Data Protection legislation, which aims to further protect and respect the rights and privacy of those who we deal with in our IMP role. While Panel members are committed to ensuring the information they lawfully collect and share remains secure, we feel the new procedures and processes have created obstacles to the way information flows – particularly how we communicate with prison staff and each other. We accept that a contributing factor is our personal computer equipment not being compatible with the systems used by the States of Guernsey, for instance with SharePoint. While we have received some training and support this will not solve the hardware/software incompatibility problems. We recommend further investigation, and investment if required, to ensure all IMP Members have compatible equipment and adequate connectivity, enabling us to carry out our roles effectively.

The Panel continues to be impressed by the learning and skills initiatives on offer at the prison, and the resulting opportunities provided. The Creative Learning in Prison (CLIP) charity provides prisoners with opportunities to gain new skills such as catering, carpentry, recycling, and horticulture, the latter not only providing fulfilling employment but also fresh produce for use in the prison kitchen, thus saving money.

We are conscious that Guernsey Prison has unique challenges that apply only to island communities like ours. Unlike the UK, where prisons can 'specialise' in certain categories, Guernsey has to accommodate ALL sections of the community on its 12 wings - adult men and women, young offenders, children and vulnerable prisoners, all with varying security categories, offences and lengths of sentence, as well as those on remand. Separation of these disparate groups, avoiding disputes, intimate relationships, bullying and perceived unfair treatment, is not easy and the Panel congratulates Prison Management on achieving relative harmony under these conflicting circumstances.

Members of the IMP often acknowledge in their reports how professionally the staff at Guernsey Prison conduct themselves and it is of note that, historically, a prison officer role was that of a 'turnkey'. Nowadays, officers are trained to carry out a variety of roles and have a unique opportunity to positively influence those in their care.

As already mentioned, we have concerns relating to the impact that prison has on a person's mental health, including those who enter prison with drug dependencies and mental disorders, and we recommend further investment in this area should be prioritised.

In conclusion, responses received from the prison to visit reports, and any follow-ups, have been satisfactory and the Panel has had no need to raise any issues with the Committee for Home Affairs in 2018.

## APPENDIX 1 - STATISTICAL ANALYSIS

### 1. Total number of visits

Type of visit	2018	2017	2016	2015	2014
Unannounced	12	12	12	12	12
Requested Visits	18 <sup>+</sup>	20	38	15	9
SCAPU*	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.

<sup>+</sup> One visit was requested by a prisoner but the IMP did not attend as the individual had not followed the full complaint procedure or the procedure was in progress at the time of the request.

Monthly unannounced visits	2018		2017	
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	3		
B. Adjudications & Warnings / discipline	2	2		
C. Canteen	8	7		
D. Association Time / Gym				
E. Equality, Diversity & Discrimination				
F. Fabric or maintenance of the prison building	12	11	6	3
G. Smoking / Detoxification	1	1		
H. Healthcare	5	8	3	3
I. Incentives & Earned Privileges (IEP) Status			1	1
J. Release on Temporary Licence (ROTL)				
K. Food / Kitchen			4	2
L. Cleanliness				
M. Money / Pay	3	2		
N. Bullying / Unfair treatment			2	1
O. Personal belongings or issues	1		5	4
P. Prison Information System (PIMS)				
Q. Parole				
R. Regime – Education / Employment	2	2		
S. Sentence Planning – Access to courses		1	3	2
T. Information provided			1	
U. Use of force				
V. Visits	2	2		
W. Reception into custody / Info	4	5		
X. Support post-release & resettlement				
Y. Misc. complaints		6		
Z. No concerns raised				

Requested visits by theme	2018		2017	
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	3	3		
B. Adjudications & Warnings / discipline	1	1	5	1
C. Canteen				
D. Association Time / Gym			1 (group concerns)	1
E. Equality, Diversity & Discrimination	2	1		
F. Fabric or maintenance of the prison building	2	2	1	1
G. Smoking / Detoxification	1	1	3	3
H. Healthcare	4	4	1	1
I. Incentives & Earned Privileges (IEP) Status	3	2	2	2
J. Release on Temporary Licence (ROTL)				
K. Food / Kitchen	3	2		
L. Cleanliness	1	1		
M. Money / Pay	1			
N. Bullying / Unfair treatment			3	
O. Personal belongings or issues				
P. Prison Information System (PIMS)				
Q. Parole				
R. Regime – Education / Employment				
S. Sentence Planning – Access to courses			2	1
T. Information provided			1	
U. Use of force				
V. Visits				
W. Reception into custody / Info				
X. Support post-release & resettlement				
Y. Misc. complaints				
Z. No concerns raised				

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

### **Fabric of the Building**

The highest number of complaints from prisoners were in respect of the fabric of the building.

The Panel responded to complaints about ventilation within the prison facility; issues appear to be due to the ventilation system that was installed many years ago. Unfortunately the poor original design has been a thorn in the side of the prison and has led to numerous prisoner complaints over the years. We witnessed the vents being stuck open which resulted in prisoners asking for material to cover the vent in an attempt to stop the draught.

The Panel heard from a number of prisoners on one particular wing who were dissatisfied with the lack of adequate drainage which had caused water to lay stagnant in the showers, causing a pungent smell which permeated through the wing.

Occupants on another wing complained that a bad smell emanated from their kitchen sink, thought to be due to water laying idle in the pipes. The apparent issues with the pipe system may have also contributed towards the backing up of the washing machine, causing flooding and, as a consequence, an odour developed.

### **Equality**

The Panel have previously reported that the female population often feel that they do not get the same opportunities as the male population. In the reporting period, for instance, when speaking with the females who go out to work under Release on Temporary Licence (RoTL) we heard that, as all the females were located on one wing, there was a lack of quiet area when they returned from work. It was noted that those in the male population on RoTL had a separate wing.

As already observed in this report, the Panel are conscious that Guernsey Prison is the only facility on-island equipped to accommodate adult men and women, young offenders, children and vulnerable prisoners all with varying security categories, offences and lengths of sentence. The Panel acknowledges that the Prison Management have a difficult and unenviable task of maintaining separation for all of these groups whilst at the same time needing to access and use the same facilities.

### **Healthcare**

The Panel are mindful of the various medical requirements that exist within the custodial setting. The Panel made a number of separate enquires into waiting times for dental appointments and there were a number of concerns raised by prisoners with regards to the medical care that they received; the queries ranged from the strength and type of medication to the length of time they were having to wait before an appointment. The

Panel are pleased to report that all prisoners who required medical attention were offered the correct and appropriate level of healthcare provision to address their own specific needs, some delays notwithstanding.

### **E-Burns**

The Panel made a number of enquiries in respect of the E-Cigarettes available within the Prison, following the introduction of the smoking ban in 2013. Prisoners complained that they were unable to buy nicotine-free or low nicotine liquid for their E-Burns. In addition, prisoners have complained that when they receive an adjudication award of 'loss of canteen (LOC)' they are not allowed to purchase the products.