

Prison and Offender Management:

**A report of a visit to St Helena by the
Southern Oceans Prison Adviser**

2 to 10 September 2013

**Redactions have been made to this report to protect personal identities and
to protect security and operational procedures**

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1 Executive summary and recommendations

- 1.1 I visited St Helena between 2 and 10 September 2013 to advise on the prison in Jamestown and related matters.
- 1.2 In addition to the usual report of these visits, which concentrates on what can be described as prison and offender management issues, for this visit I was also asked to carry out an inspection of prisoner outcomes - in a similar way to the inspections carried out by HM Inspectorate of Prisons in the UK. This inspection element of the visit has been reported upon in a separate document, entitled 'Outcomes for Prisoners' and this current report is therefore confined to the management issues surrounding the prison. I have made no recommendations in the 'Outcomes for Prisoners' report, however, but restricted all recommendations to this document for ease of reference.
- 1.3 My visit about one year ago reported on the pleasing progress made since previous visits, and described an embryonic offender management system somewhat at risk because of a reliance on a small number of individuals. I described the situation at the time as 'fragile' for that reason.
- 1.4 This visit has seen further improvements across a number of areas and, whilst some fragility still exists in terms of the potential for individuals to move on from their current responsibilities, there is now a professionalism apparent which has helped to cement the improvements in place. There has also been some development of local talent to assume responsibility for some areas of management.
- 1.5 The prison itself remains totally unsatisfactory in physical terms, for reasons expounded in previous reports. Thankfully, building plans for a new prison on the site of the existing Challenging Behaviour Unit (CBU) at Sundale have received council approval, with a start date of December 2013 on work to provide services to the site. Work on the buildings should commence in February 2014 and is expected to take around 17 months. This would see the completed prison available for use in about June 2015: it is important that this timescale does not slip.
- 1.6 Because of the unsatisfactory state of the physical environment, prisoners are allowed out of their cells for as long as possible during the day and late into the evenings. The range of activities available to them during these leisure hours is limited, and work during the day both inside and outside the prison is also restricted. The main outlet for prisoners' labour is the farm (which has been subject to some unhelpful financial restrictions recently) and the prison workshop - which has no dedicated instructor. Otherwise, managers have sought to find appropriate work in the community for suitable prisoners wherever possible.
- 1.7 Education in the prison is appropriate for prisoners' needs, and the teachers are skilled at encouraging the involvement of prisoners -

particularly those with basic literacy and numeracy needs. But some support, both financial and managerial, needs to be provided to enable prisoners to make the most of the opportunities available to them.

- 1.8 In healthcare, and despite the best intentions of the new Chief Medical Officer, I do not consider that prisoners are yet being provided with parity of care in comparison with the general community. This should be the aim.
- 1.9 The range of non-custodial penalties available to the courts has been expanded since my last visit, and the offender management of the individuals involved is impressive. I believe the whole structure of criminal justice on the Island is worthy of replication in any other Overseas Territories without suitable arrangements currently.
- 1.10 Some minor amendments are necessary to existing legislation to enable supervision of offenders to be carried out on their release after two thirds of their sentence, and to introduce conditions during that period of supervision appropriate to their offence and their continued risk to the public.
- 1.11 This report contains recommendations, **in bold** within the report, which I believe will assist St Helena to manage its responsibilities over the coming months. A summary follows, with recommendations being classed as either of high or medium priority; there are no low priority recommendations in this report. Each recommendation is numbered for ease of reference, and its position within the body of the report shown in brackets.

Recommendations

High priority

I recommend that:

1. prison management should arrange fire evacuation exercises for prisoners on a regular basis (4.3)
2. every effort should be made to ensure that current timetables for completion of the new prison are adhered to (4.10)
3. a review of the staffing and fittings for the new prison should be carried out in time for any shortfalls to be remedied before occupation (4.16)
4. financial systems should be arranged so that the farm continues as a source of labour for prisoners without an adverse effect on the prison budget (4.24)
5. the Chief Secretary should arrange for funding for prisoners' learning to come from the Education Directorate rather than the police/prison budget (4.29)
6. progress on the introduction of offending behaviour courses for those posing the greatest risk should continue (4.36)
7. further discussions should take place to find the most suitable arrangement for prisoners to be seen by a doctor (4.42)
8. any increase in activities outside of the core day should result in a review of the staffing requirements and attendance systems (4.44)
9. a retention allowance should be paid to prison staff once they have successfully completed the prison officer training course (4.47)
10. a small additional budget should be provided to the prison for the staffing costs of the supervision of community work (5.9)
11. an amendment to the Gaols Rules should be introduced to enable prisoners to be released subject to any such conditions as may be appropriate, and to recall them to prison in the event of a breach of those conditions (5.13)

Medium priority

I recommend that:

12. a small additional budget should be provided to the Prison Manager for minor repairs and maintenance (4.5)
13. funding should be provided for vocational training for prisoners to assist in their resettlement after release (4.22)
14. systems should be introduced to encourage prisoners to continue in education, especially basic education (4.31)

15. consideration should be given to purchasing more appropriate visits furniture (4.32)
16. consideration should be given to extending the visits facility to an additional day (4.33)
17. all managers should monitor the ongoing relationships between staff and prisoners to ensure that a suitable professional distance is maintained (4.48)
18. the Gaols Ordinance and Rules should be amended to exclude specific items removed from the legislation in England and Wales in recent years (5.14)

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2 Visit outline and terms of reference

2.1 My prison experience during a career in the Prison Service of England and Wales included posts as the Governor of Albany Prison, Isle of Wight, Governor of Wormwood Scrubs Prison, London, and the Area Manager for London, with responsibility for 7 prisons in the capital and a budget of £182 million. Since retirement from full-time work in the Service I have provided prison and criminology advice to an Immigration Removal Centre, to a charity seeking to improve facilities for children visiting in prisons, and to a 24-hour TV news channel. I have professional qualifications in Human Resource management, and a Masters degree in Criminology.

2.2 This current visit was undertaken at the request of the Overseas Territories Directorate of the Foreign and Commonwealth Office (FCO).

2.3 Whilst on the Island, I met with HE the Governor and the Chief of Police, who is the Superintendent of Gaols. I met the Prison and Probation Manager and his Deputy, the 2 Offender Managers and Senior Officers (Operations), the prison staff, and all prisoners. I also met the available representatives of the Prison Visiting Committee and attended one of their meetings.

2.4 I met with the Sundale Project Team to consider current plans for the new prison, and the MAPPA (Multi-Agency Public Protection Arrangements) team who were reviewing progress over the last 3 months. On both prison and general criminal justice matters, I met the Chief Magistrate, the Crown Counsel and the Public Solicitor.

2.5 I had meetings with the Head of Education and the teacher working in the prison, discussions with the new Senior Medical Officer, the Senior Social Services Manager (designate), the CPN and one of the faith leaders. I attended the Chief of Police's weekly Command Team Meeting, and met with the representative from DfID.

2.6 I spent time in the prison at staff meetings and handovers, and watching prisoner activities.

2.7 Visits by the Prison Advisor are scheduled to take place approximately every 2 years under current arrangements, although this visit was arranged to try to regularise the overall timings of visits undertaken.

2.8 This visit had 5 broad priorities:

- To consider all of the current arrangements around the management of prisoners
- To examine developments since my last visit in 2012
- To consider the situation in respect of the planned replacement prison
- To provide a report similar to those produced by the Chief Inspector of Prisons on the position in St Helena. This report has been produced separately, entitled 'Outcomes for Prisoners'.
- To make any necessary recommendations.

2.9 Formal terms of reference for the visit were agreed in advance between the FCO and the Governor of St Helena, and are shown at Appendix 1.

2.10 I was treated throughout the visit with courtesy by all with whom I had contact in my discussions about the prison and criminal justice issues generally, and I was impressed by the professional and caring approach given to these matters by all concerned.

2.11 I was able to share my main conclusions with HE the Governor, the Chief of Police and the Prison Manager before my departure.

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3 Recommendations from last report

3.1 The updated position in respect of the recommendations in the report of my visit of July 2012 was provided by prison management in August 2013.

3.2 A copy of that document is attached at Appendix 2, and following this latest visit, I have noted in the appendix my view of whether each recommendation can be regarded as completed, still outstanding, or whether further action is required.

3.3 Where further details of any outstanding action are necessary, I have dealt with it within the main body of this report and the recommendation has been repeated where necessary.

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4 Prison management

Prisoners and accommodation

4.1 At the start of my visit the prison held 9 prisoners: [REDACTED]

4.2 I spent time talking to the prisoners and seeking their views on their situation. All were happy to talk and, aside from expected requests for higher pay, were generally happy with their treatment. Their one genuine area of concern was the fire risk in the current prison. [REDACTED]

Nevertheless, they have a valid point: one of the reasons for the unsuitability of the existing building is the risk of fire.

4.3 There is little further that can be done to reduce the risk in the present building without considerable expenditure, but to reassure prisoners that they are as safe as they can be, **I recommend that prison management should arrange fire evacuation exercises for prisoners on a regular basis.** If prisoners can see that there are sound systems for their evacuation in the event of fire, it will go some way towards reassuring them about their safety.

4.4 Otherwise the accommodation remains as reported in previous reports. There have been improvements in signage in all areas, with clear notices for prisoners about the prison regime, how to make a request or a complaint, use of the payphone and the gym, how to have clothing handed in, and a list detailing each prisoner's Personal Officer. The signs are appropriate and helpful, and give the prison a more professional appearance. [REDACTED]

4.5 Some areas of the prison are looking very tired, and although I have previously recommended no further spending on improving the prison, there are some areas which now need minor attention. The showers in the area used for association and police arrested prisoners, for example, need repainting to bring them up to a basic standard, and provision needs to be made for an office for a new probation post due to start in November. **I recommend that a small additional budget should be provided to the Prison Manager for minor repairs and maintenance** until the new prison can be occupied. This funding should be for essential maintenance only, and should not be seen as an alternative to speedy completion of the new prison (see paragraphs 4.10 to 4.17 below).

4.6 The reception area of the prison now contains a roll board, showing the numbers of prisoners currently held and their locations. In the basement are a storeroom, interview room for new prisoners and a medical/interview room, all of which are, despite the lack of any natural light and fresh air, now in reasonable condition. [REDACTED]

[REDACTED]. Use of the room for medical purposes has become problematic – see paragraphs 4.40 to 4.42. The female cells have been repainted since my last visit, and the one without a window is not used unless essential. A TV, DVD player and kettle are available should this accommodation need to be utilised.

4.7 The prisoners' payphone is situated at the top of the stairs from the reception area, [REDACTED]

[REDACTED]. There have been no breaches of the rules so far.

4.8 Overall, in the existing prison, I believe that management, staff and prisoners are making the best of an unsatisfactory situation.

4.9 Able to hold a maximum of 12 prisoners in the main accommodation, plus 2 in the female/young offender cells, the prison has had to cope with very high numbers over the past few months. It is to their credit that this has been managed without incident, but again highlights the need for increased cellular capacity and improved conditions in the new prison.

New prison

4.10 I looked at the current plans for the new prison, to be built on the existing site of the Challenging Behaviour Unit (CBU) at Sundale managed by Health & Social Services, and discussed the plans with the project team. The proposals are that work external to the site to provide services etc will commence at the end of this year, patients will vacate the CBU into temporary accommodation in January 2014, and work on the prison can commence in February 2014. With work expected to take about 17 months, the new site should therefore be ready for occupation after July 2015. I understand that tenders for the work have not yet been issued, so there may still be issues to be resolved over funding and appointing contractors, but **I recommend that every effort should be made to ensure that current timetables for completion of the new prison are adhered to.** The aim must remain to vacate the existing prison as soon as possible.

4.11 The plans have been improved upon since my last visit, [REDACTED]

[REDACTED].
These are sound improvements.
[REDACTED]

[REDACTED]

4.12 Before the new prison is occupied, there will be a need to examine two issues.

4.13 Firstly, the current prison furnishings are of a poor standard, I expect because there has been a requirement to manage as well as possible within existing funding until the new prison materialises. This will mean that much of the equipment currently in use may not be suitable to transfer to the new prison. Cell furniture has already been obtained, with the assistance of the UK Prison Service, but other fittings such as mattresses for an increased number of cells and office furniture etc for new offices will need to be obtained.

4.14 Secondly, the staffing situation will need to be reviewed. The new site is larger, capable of holding more prisoners, and has a different layout. An assessment of the staffing position will need to be carried out to make sure that the prison is staffed in a manner that is safe for both staff and prisoners.

4.15 **I recommend that a review of the staffing and fittings for the new prison should be carried out in time for any shortfalls to be remedied before occupation.**

4.16 I am also in discussion with the UK Prison Service about the possibility of further surplus equipment from the UK being made available for use in the new prison on St Helena at reduced cost.

Regime and activities

4.17 The regime for prisoners is outlined at Appendix 3.

4.18 Because of the paucity of cellular accommodation, prisoners are allowed out of their cells for the maximum time possible and, in the limited space available, recreational (or 'association') time is also maximised. Recreational activities in the evenings are limited: small games, a small library, DVD player and TV with multiple channels.

4.19 There is a small gym available for prisoners, near the female cells, and to encourage its use Category D prisoners are allowed there without supervision. However, the current group of prisoners unfortunately made little use of it.

4.20 All of the accommodation areas were clean and tidy when I visited, and prisoners are given the responsibility for keeping it so. They also carry out their own washing of clothes, bedding etc., and these too seemed in reasonable order.

4.21 During the working day, cell doors are locked while prisoners should be at work. Prisoners may be taken to the prison farm subject to a maximum of 6 at a time – the capacity of the vehicle. [REDACTED]

[REDACTED]. Prisoners may also be employed in the prison workshop, where they have made equipment for use in the prison as well as small items for SHG-operated organisations such as care homes etc. There is no dedicated instructor for the workshop, so activities depend on a member of

staff or another prisoner with suitable skills for the work being carried out, and its use is dependent upon supervision. **I therefore make a similar recommendation to last year that funding should be provided for vocational training for prisoners to assist in their resettlement after release.**

4.22 External work for prisoners has also included clearing ditches and painting railings, but although work prospects were better than on my previous visits, there remains only limited opportunity for constructive work for prisoners.

4.23 Following the introduction of new accounting arrangements for the prison farm which have been introduced by SHG, the implications are still being discussed. Previously, profit from the sale of produce from the farm were ploughed back into the farm in the purchase of seeds, livestock etc., and making the enterprise self-sufficient. The new arrangements mean that the profits from sales have to be repaid into central SHG funds, rather than prison funds. Whilst I can appreciate that there may be certain requirements to ensure financial propriety, **I recommend that financial systems should be arranged so that the farm continues as a source of labour for prisoners without an adverse effect on the prison budget.** It is the main source of employment for prisoners, and must not be lost as such.

4.24 Prisoners are paid at a rate of 75p per work or education session (morning or afternoon) so could earn £7.50 for 5-day's work to spend on goods purchased each week on their behalf.

Education

4.25 All prisoners have their educational ability assessed shortly after reception and those in need of further education, especially basic skills in literacy or numeracy, are given the opportunity to improve in education classes. These are usually provided for each prisoner on a one-to-one basis with the tutor, but if 2 prisoners were at the same level for a subject, it would be possible to teach them together.

4.26 The classes are arranged and paid for by the prison, who have acquired the services of a retired teacher (plus a second teacher to provide cover for absences when necessary) who visits when required to teach the prisoners in need of education. The teachers do well in encouraging prisoners to take up and continue with classes, and are a real benefit to the prison.

4.27 But the teachers are paid directly by the prison, with no subsidy from elsewhere. During my visit, there were education sessions available every day except Tuesdays, with sessions both morning and afternoon on Fridays. This is quite a drain on the resources of the prison, with its annual 'Resettlement' budget being spent almost entirely on education and prisoners' pay.

4.28 In respect of education, I do not believe that prisoners are being treated in parity with the community of St Helena generally. In the community, although I understand that Adult Education funding has been reduced, it is still possible for an adult St Helenian to take a further education course without any payment being required unless he or she drops out from the course. Otherwise, the course is funded by the Education Directorate.

That is not the case for prisoners, who are not funded at all by the Directorate even though they remain part of the St Helena community. It is almost as though the Education Directorate has delegated the responsibility for prisoners' learning to the prison, but without the funding. **I recommend that the Chief Secretary should arrange for funding for prisoners' learning to come from the Education Directorate rather than the police/prison budget.**

4.29

[REDACTED]. That highlighted the clash of regime activities between education – especially for those that need it – and work, and it was a missed opportunity for improving the prisoner's educational standard. As stated above, I believe that the teachers do encourage individual prisoners to take up and continue with their learning, but with an easy option available prisoners may choose to take that route rather than continue their course.

4.30 There are ways to work around this, so that prisoners are given further encouragement to continue with their studies. One option may be to require prisoners to apply to be removed from a course, rather than simply not attend any more, another may be to link attendance (if it is an agreed part of a prisoner's targets in a sentence plan) to the Incentives and Earned Privileges (IEP) scheme. Another way may be to improve the pay rate for prisoners attending courses, or to hold some courses in the midweek evenings (and pay prisoners to attend) so that prisoners may earn extra for attending education after work. I believe there is an obligation on the prison to do all in its power to encourage prisoners to improve their educational abilities, especially in relation to basic literacy and numeracy skills, **and I recommend that systems should be introduced to encourage prisoners to continue in education, especially basic education.** If additional funding can be obtained from the Education Directorate, as suggested at paragraph 4.29, this would be of considerable assistance in achieving this.

Visits

4.31 Visits to prisoners take place on Saturday afternoons, with additional visits agreed at different times on an application basis for special purposes. The space for visits is limited, so the room appeared crowded, and the furniture used is basic: visitors and prisoners sit at various mis-matched wooden desks and tables spread throughout the room. There will need to be a review of the furnishings for visits in the new prison, and in order to balance expenditure more evenly across annual budgets **I recommend that consideration should be given to purchasing more appropriate visits furniture** for use now and for eventual transfer to the new prison. Modern prison visits furniture consists of joined units comprising chairs and low level tables, which would be preferable to the heavy wooden furniture currently in use from the points of view of both security and safety.

4.32 Although it would appear that prisoners may only receive one visit per week, in fact the arrangements are carefully managed by prisoners and their visitors. During the Saturday visiting period of 1.00pm to 3.30pm, a prisoner may receive a succession of visits from friends and relatives, who manage the situation by agreement so that one may stay for 15 minutes, leave, and be replaced by the next who may stay for 30 minutes, and so on. The system works fairly well, and enables prisoners to make the most of their one visit period per week, but the only option available for visitors is a Saturday afternoon and **I recommend that consideration should be given to extending the visits facility to an additional day.** This would ensure that an alternative was available if, for whatever reason, a visitor was not able to attend on a Saturday afternoon. The alternative could be a Sunday afternoon, or a weekday evening, and although a midweek evening would help break the monotony of activities at that time there may be more significant staffing implications at that time.

Offending behaviour courses

4.33 Some good work is carried out by the CPN with prisoners who have alcohol or anger management problems and, if necessary, drug problems although thankfully there is not currently any real issue on St Helena with the misuse of Class A drugs. He also carries out assessments and provides excellent support to prisoners with mental health problems. But the CPN is stretched, and is unable to find time for involvement in any other courses aimed at reducing the risk of offending by prisoners after release. A new Probation Officer post has been funded, with the post-holder due to start work at the end of October, and it is intended that offending behaviour work will start in earnest after that.

4.34 The main priority is for work with sex offenders, and it is pleasing that an initial assessment of a prisoner by a forensic psychiatrist has been carried out remotely, by video link with the psychiatrist based in London. That this worked to the satisfaction of most of those involved is important, as it could be used in future when necessary for urgent assessments or for an assessment when a psychiatrist is unable to visit the Island.

4.35 Plans are in place for the forensic psychiatrist to visit St Helena in January 2014 to meet managers involved – both in the prison and within healthcare - and to carry out risk assessments on appropriate prisoners especially those currently serving sentences involving violent or sexual offences. A programme of work would then be devised with the aim of reducing the risk posed by those individuals on release, which could be lead by the Probation Officer and identified staff and supervised by the psychiatrist. This seems a sound way forward, and **I recommend that progress on the introduction of offending behaviour courses for those posing the greatest risk should continue.**

4.36 The categorisation of prisoners is carried out methodically and sensibly. The intention is to reduce each prisoner's security category to the lowest possible, as soon as possible, whilst minimising any risk to the public. In this

way, prisoners are fitted for work outside the prison as soon as practicable, and when eventually categorised to Cat D they may work unsupervised outside the prison.

4.37 Monthly 'Management Boards' are held, which consider any changes to each prisoner's security category, and their suitability for release on temporary licence. This would enable a prisoner to work unsupervised outside the prison each day, returning at night, subject to certain conditions. [REDACTED]

4.38 These boards also consider each prisoner's status on the IEP scheme, which encourages good behaviour from prisoners in return for small progressions in levels of privileges allowed. The scheme was working well, and was well understood by prisoners who have a right of appeal should they be unhappy with a decision.

Healthcare

4.39 The arrangements for medical care of prisoners had changed recently, coinciding with the arrival of a new Senior Medical Officer on the Island. Formerly, a doctor would attend at the prison on a dedicated day once each week for any non-urgent consultations with prisoners. Although not ideal in terms of frequency, at least this provided a focal point for staff and prisoners. Any urgent need for medical attention would be met by staff escorting the prisoner to the hospital.

4.40 The new SMO wishes to improve services to prisoners, and to the community generally, but unfortunately his view was that that could best be achieved by centralising his resources, including doctors, to work from the hospital itself. This would mean that all prisoner consultations would have to take place at the hospital. He would like to increase the consultations available to the prison to one per day, at a set time each day, and increase the time per consultation from 12 to 15 minutes. However, this arrangement would be expensive in staff time and would disrupt the regime of the prison for that day, as staff would need to be diverted from their other duties to escort the prisoner to the hospital. It also runs a greater risk of exposing prisoners to the public gaze, and, potentially, to the sight of victims.

4.41 I believe that the SMO does have the best interests of prisoners at heart, and would perhaps agree that they had not previously been treated in parity with the community generally, but this new arrangement would be disadvantageous to the regime of the prison. [REDACTED]

I recommend that further discussions should take place to find the most suitable arrangement for prisoners to be seen by a doctor.

Management and staffing

4.42 The management structure within the prison has been adjusted since my last visit, and shows a sensible distribution of resources. The Prison and Probation Manager, in day-to-day charge of the prison, has a deputy and 2 main management lines below them: one covers Offender Management, the other covers prison operational matters. Offender Management is described in Section 5.

4.43

. Although there are no immediate plans for changes, **I recommend that any increase in activities outside of the core day should result in a review of the staffing requirements and attendance systems.**

4.44 All posts were filled when I visited on this occasion, which is the first time that has been the case. All staff had been trained over the past few months using elements of the UK training package for new prison officers, and a presentation of certificates was made during my visit by HE the Governor to the staff that had recently completed the course. This is another example of how the work has been professionalised since my last visit.

4.45 Prison Officers are still lowly paid, in comparison with other SHG workers on St Helena. They are paid at Band C, on the same level, as I understand it, as an assistant librarian, receptionist or street cleaner. I appreciate that to increase the pay band of prison officers may have an undesired effect on other grades within SHG, but believe that current pay levels undervalue the work of prison staff.

4.46 Although it could be argued that a full staffing complement indicates that there is no problem with recruitment, it is still the case that staff leave for better paid jobs elsewhere. If it is not possible to increase the pay band of prison officers, I believe it is still necessary to encourage the retention of staff. This is even more necessary now that time and resources are being invested in their professional training and **I recommend that a retention allowance should be paid to prison staff once they have successfully completed the prison officer training course** to encourage the retention of prison staff after training.

4.47 Relationships between staff and prisoners appeared good. Although there was some formality in the way staff refer to prisoners (for example, during the morning operational handover meeting) this was not reflected in day to day interaction between them. Usually, staff referred to prisoners by their first names and, on occasions, prisoners referred to staff in a similar way.

This is likely to be the case in an environment such as St Helena, where staff have usually previously known the prisoners in their care outside the prison environment as they have been to school together, know each others' families or, in some cases, have been in relationships. From my observations, the relationships between staff and prisoners are suitable but there is a need to ensure that they do not become inappropriately close. Each group needs to respect the other, but maintain the distance necessary for a satisfactory working relationship. I have no evidence to suggest that there are currently any concerns, but **I recommend that all managers should monitor the ongoing relationships between staff and prisoners to ensure that a suitable professional distance is maintained.**

4.48 Management systems have been improved since my last visit, [REDACTED] and a published 'mission statement' based on that used in the UK. These are further examples of the improved professionalism of the prison over the past year.

5 Alternatives to custody and public protection

Probation orders

5.1 Probation Orders had been introduced prior to my last visit a year ago, and are now well established. [REDACTED]

[REDACTED] Many of those being supervised would no doubt have been in prison had the Orders not been available to the court – and at a much greater cost to SHG.

5.2 To do this work, the 2 Offender Managers worked part-time producing reports to court and carrying out the actual management and interviews of the individuals during their periods under supervision. Reviews of offenders take place weekly, fortnightly or monthly, depending on each individual case.

5.3 The reports I saw, and the arrangements for supervision, appeared sound and I have no further comment on this valuable aspect of the work of the prison other than to congratulate managers on their acceptance of responsibility for this previously neglected area of work.

Community Service Orders

5.4 In addition to Probation Orders as an alternative to a custodial sentence, and in accordance with one of the recommendations in my last report, Community Service Orders (CSO's) have now been introduced as another alternative available to the courts. These Orders, again supervised by the Offender Managers in the prison, require an offender to perform a number of hours of unpaid work for the benefit of the public. There were [REDACTED] subject to CSO's during my visit, and they had been carrying out work on projects in the community such as refurbishment of a community hall, painting railings in public places and carrying out repairs in homes run by Social Services.

5.5 The main criteria for work suitable for CSO's are that the work:

- should not be at the expense of employing someone for the task
- is not for the profit of any business or individual and
- is of benefit to the community

5.6 Projects suitable as work for these offenders may be found by Offender Managers, suggested by the public or by SHG, or suggested by Enterprise St Helena - a Non-Government Organisation established to promote the growth of the Island's economy. Sometimes the work is carried out alongside prisoners or offenders on probation working on the same task.

5.7 The Orders appear to work well, and again expand the options available to the court to what I consider to be an excellent range of sentencing alternatives.

5.8 There is also some evidence that the visibility by members of the community of offenders working in public is helping to change attitudes on St Helena to the issues of imprisonment and punishment of offenders. Positive

comments on the benefit to society of this work in the community are now received, which is helpful in the encouragement of a more enlightened approach than traditionally existed on the Island.

5.9 This non-custodial work by prison staff has been carried out largely within existing resources and, as such, has created some strain on the staff involved. I understand that supervision of non-custodial options was formerly within the remit of the Social Services Department, although the system had fallen into disuse for some years until prison managers assumed responsibility and revitalised alternatives to custody. The current arrangements mean that some individuals have to work more regularly at weekends than previously, and this generally reduces the options available to the Prison and Probation Manager for deploying his resources. Whilst some capacity has been created by efficiencies within the prison, **I recommend that a small additional budget should be provided to the prison for the staffing costs of the supervision of community work**, particularly at weekends. Given that this work was presumably originally funded within Social Services, perhaps this may be an opportunity for the transfer of funding between Departments which could be investigated by the Chief Secretary.

Release under supervision

5.10 The St Helena Gaols Rules (2001) read as follows:

7. (1) Subject to this Rule the Superintendent may, on account of a prisoner's good conduct and industry while in gaol, grant him a remission of portion of his sentence not exceeding one third of the prisoner's adjudged term, if his sentence is 30 days or more.

5.11 Technically, this was similar to the position in the UK when prisoners were released unconditionally at the two-thirds point in a sentence (if they had not already been granted parole). This changed in England & Wales for sentences over 1 year, when release at the half-way point was introduced with the Criminal Justice Act 2003. This release could then be subject to licence conditions and include statutory supervision by the Probation Service and recall to prison in the event of a breach of licence conditions.

5.12 The effect of the current St Helena legislation is, in practice, to release prisoners at the two-thirds point in their sentence without any further supervision or requirement upon them to comply with any conditions. On occasions, further restrictions have been imposed separately by the police when, for example, a prisoner is still seen as posing a risk to the public. But ideally, release from prison should be subject to appropriate licence conditions imposed as a part of the sentence and with the potential consequence of a recall to prison to complete the balance of the sentence if licence conditions are breached. This would then enable, for example, conditions to be imposed on the movements and personal contacts of a violent offender, the continuation of treatment in the community by an alcoholic, restrictions in movement of a sex offender etc.

5.13 I discussed the potential for the introduction of an amendment to the legislation with interested parties whilst on St Helena, and there was general support for such a move. It was seen as particularly relevant for [REDACTED]

[REDACTED], but beneficial in the longer term for all prisoners. **I recommend that an amendment to the Gaols Rules should be introduced to enable prisoners to be released subject to any such conditions as may be appropriate, and to recall them to prison in the event of a breach of those conditions.** In this way, supervision and control for public safety can be exercised over prisoners released into the community as part of their prison sentence. Since my visit, I understand that amendments to the legislation are already being drafted on the Island.

5.14 Other aspects of legislation referred to in previous reports remain to be adjusted on St Helena to achieve comparison with the UK position, so **I repeat the recommendation from last year that the Gaols Ordinance and Rules should be amended to exclude specific items removed from the legislation in England and Wales in recent years.**

Public protection

5.15 Otherwise, on public protection matters generally, I was pleased with the arrangements I saw for the protection of the public from the most dangerous of offenders. Based on the UK's Multi-Agency Public Protection Arrangements (MAPPA), systems have been introduced since my last visit to safeguard the public on St Helena.

5.16 There is a monthly meeting, chaired by the Prison and Probation Manager, which demonstrates good inter-departmental cooperation between agencies such as the prison and offender managers, the police, Social Services and mental health professionals. Although without specific legislation at present to enforce compliance, all agencies currently voluntarily comply and share information on those identified individuals potentially posing the greatest risk to the public. One of the benefits of life within a fairly closed community such as St Helena is that considerable knowledge of the activities of known individuals can be brought to the table from information gathered from various sources.

5.17 [REDACTED]

[REDACTED] Examples were provided to me of good cooperation between agencies to protect individual members of the public from those believed to pose a specific risk to them.

5.18 The system is new, having been in operation for only around 3 months, and monitoring will be necessary to ensure continued cooperation. Even without new legislation to enshrine the arrangements, the intention is that the Governor will issue instructions to appropriate SHG organisations to comply with the MAPPA concept, which should be sufficient.

5.19 I found the arrangements to be a pragmatic approach to the problem, introduced with minimal cost and formality but maximum cooperation between departments for the benefit of the St Helena public.

St Helena criminal justice arrangements

5.20 Another potential addition to St Helena's arrangements which has not yet been introduced would be the availability of a restorative justice approach. This involves both victim and offender, and focuses on their personal needs as evolved through meetings or conferences between them supervised by appropriate staff. The process is seen as a powerful tool in changing the attitudes of both victims and offenders, and in reducing further offending.

5.21 As the process would only be suitable for certain types of offence, and requires the use of specially trained staff, I make no recommendation about its introduction at present. However, its use could be considered in the future under appropriate circumstances.

5.22 Otherwise, I believe that the structure of criminal justice arrangements on St Helena has developed considerably over the past few years. This has been particularly noticeable in relation to the prison, with improvements in prisoner care, plans for a new prison and its expanded role in offender management within the community.

5.23 The structure of the courts, Attorney General and Crown Counsel arrangements, the availability of public solicitor advice, and the much broader range of sentencing options now available to the courts are all examples of a mature system which is of considerable benefit to the community. I consider that the criminal justice system on St Helena would be a sound model for other Overseas Territories without the benefit of such an arrangement at present.

Appendix 1

Visit of Keith Munns, Southern Oceans Prisons Adviser, to St Helena September 2013

Terms of Reference

1. Meet with the Governor, Manager of the Governor's Office, Chief of Police, Prison & Probation Manager, Deputy Superintendent(s) of Gaols, prison managers and staff, Attorney General, Crown Prosecutor, Public Solicitor, and other appropriate stakeholders and community representatives on the Island.
2. Review the progress on implementation of recommendations from previous Prison Adviser reports, especially that of the visit in September 2012.
3. Review the prison's current physical facilities.
4. Review the plans and preparations for the proposed replacement prison.
5. Examine all aspects of the treatment of prisoners, including security, arrangements for tackling offending behaviour, activities, incentives, health and resettlement. Examine the arrangements for meeting the needs of different types and categories of prisoner.
6. Examine the current operational arrangements for management of the prison and advise on management strategies, organisational arrangements and working practices, including training requirements and recruitment & retention issues.
7. Examine existing legislation and regulations applicable to the prison, and provide advice on any necessary changes to ensure compliance with current standards.
8. Provide an independent scrutiny of the conditions for, and the treatment of, prisoners, using a modified version of the 'healthy prison' expectations in use by the UK's Inspectorate of Prisons. **(Note: this aspect of the Terms of Reference has been covered in a separate report 'Outcomes for Prisoners')**
9. Provide OTD and the Governor of St Helena with a written report, with executive summary and recommendations, within one month of the visit.

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Action on Recommendations from September 2012 report

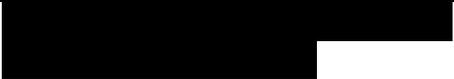
Recommendation	Prison management comment	Update August 2013 by prison management	Prison Advisor's view of current position
High priority			
1. Probation Orders should continue to be available to the court, with their management and administration falling to staff within the prison (4.5)	The Offender Management Service – staffing has been enhanced and is in a sustainable position with increased local staffing and a TCO Probation Officer will arrive in October 2013. One key role will be the training of local staff	Completed & On-going	Complete
2. Community Orders should be introduced for suitable offenders as an additional alternative to custody (4.19)	Community Service Orders / Unpaid Work are being delivered, managed and administrated by HM Prison & Offender Management Service and are an accepted sentencing option. However	Completed March 13	Complete

	supervision of offenders remains an un-funded task which is proving difficult to sustain.		
3. Action needs to be taken to mitigate the effects of imprisonment on any female prisoner sentenced to over 3 months (5.6)	The Female section has been redecorated and a regime developed for managing female prisoners using community support. [REDACTED]	Completed March 13	Complete as far as possible within current physical restraints. The accommodation is not fit for long-term use.
4. The prison staffing complement should not reduce because of a reduced number of prisoners (5.16)	A new staffing structure with an agreed MSL and enhanced management support at key times has been implemented	Completed March 13	Complete
5. Attention should be given to the identification, training and development of individuals to fill future Offender Manager vacancies (5.23)	Two permanent local Offender Managers have been identified and a training programme will commence on the arrival of a Probation TC in October 2013	Completed March 13	Complete
6. Sex offender treatment programmes should be introduced as soon as possible on the basis described in this report (5.57)	A specialist Probation Officer TC post has been recruited and support for UK based Forensic services has been	On target for October 13	Ongoing

	agreed and funded for this year		
7. The opportunities for more intensive work on specific aspects of offending behaviour should be explored (5.58)	A TC Probation Officer has been recruited and arrives October 13 and will work in association with local Prison and OM Staff	On Target	Ongoing
8. To ensure proper treatment of prisoners and reduce the risk of legal challenge, dates for the move to the new prison should not be allowed to slip (6.6)	Final Planning Permission was given in August 13 and a provisional completion date of Summer 15 has been agreed. Prison management has a key role in driving this forward. This is the positive this project has ever been and the first realistic timescale on the table	Alternative arrangements in place	Ongoing
9. Serious consideration should be given to commencing work on the new prison prior to the relocation of CBU patients, with appropriate	This has been researched but has proved not to be practically or publically acceptable due the extensive nature of the works required. However certain peripheral groundwork and general development preparation is planned to commence in advance	Alternative arrangements in place	Complete

10. [REDACTED]	[REDACTED]	Alternative arrangements in place	Complete
11. TV points should be provided in all cells in the new prison except those to be used as police holding cells or as a Segregation Unit (6.14)	These have been put in the plans	Completed	Complete
Medium priority			
12. Avenues should be explored to encourage a more enlightened view of the purposes of imprisonment amongst the population of St Helena (4.11)	We have engaged with local media and are also heavily involved in community work making practical reparations.	Completed	Ongoing
13. Home Detention Curfew should be considered in the future if it were felt to be an appropriate additional non-custodial option for the courts (4.19)	This has been put forward to Judicial Services with some potential operating models but is ultimately out of our hands	Discharged – passed to Judicial Services	Complete - not a requirement at this stage
14. Regime monitoring arrangements should be expanded (5.24)	A new system is being trialled to provide more information	Completed	Completed, but not yet introduced
15. C&R refresher training should take place frequently to ensure learning remains up to date (5.30)	All staff received training in May 2013	Completed	Complete

<p>16. Avenues should be explored for funding for vocational training for prisoners to assist in their resettlement after release (5.44)</p>	<p>Ideas are being progressed through community & partnership arrangements however the currently remains no funding for vocational training</p>	<p>In progress</p>	<p>Outstanding – see section 4.22</p>
<p>17. Opportunities for increased use of the shared drives on existing computer systems should be explored to encourage better sharing of information between the prison and the police (5.48)</p>	<p>In progress. We are currently improving our IT and a number of systems are being developed. We now have multiple shared drives and increased IT Access. Information sharing agreements have been put in place with Falklands & Ascension Island</p>	<p>In progress</p>	<p>Ongoing. During my visit, access to drives were being improved between police and prison managers</p>
<p>18. [REDACTED]</p>	<p>A system has been implemented</p>	<p>Completed</p>	<p>Complete</p>
<p>19. Systems of counselling services should be introduced for both staff and prisoners (5.61)</p>	<p>Access to the CPN is available for prisoners and staff. The service is used regularly and regular clinics are held within the prison</p>	<p>Completed</p>	<p>Complete - additional counselling not available at present</p>

<p>20. A formal letter of thanks should be sent by FCO to MoJ for their support to Overseas Territories in the provision of equipment for the new prison (6.5)</p>		<p>Completed</p>	<p>Draft completed and provided to FCO for agreement and submission</p>
<p>21. Prison staff should be briefed on the development of plans for the new prison as they evolve (6.12)</p>	<p>Formal briefings took place in February & August 13 and developments are given on daily briefings</p>	<p>Completed</p>	<p>Complete</p>
<p>22. The Gaols Ordinance and Gaols Rules should be amended to exclude specific items removed from the legislation in England and Wales in recent years (7.3)</p>	<p>This has been flagged up but remains out of our direct control – some minor amendments have been tabled to address deficiencies in Post Custodial Supervision</p>	<p>Out of our control</p>	<p>Outstanding – see section 5.14</p>

Low priority			
23. Sales of farm produce to staff should be carefully costed to reflect an accurate market value (5.34)	Prices have been reviewed April 2013 to ensure they remain reasonable but competitive as we cannot afford any significant wastage. However new SHG accounting procedures have had an impact on the on-going financial management of the farm	Completed	Complete
24. The possibility should be explored of providing TV decoders for the new prison at a reduced cost (6.15)	This has been flagged up and initial enquires made but will be an operational budgetary requirement to be addressed once a new operating budget has been agreed.	On-going	Ongoing

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REGIME FOR PRISONERS

PRISON REGIME

THIS REGIME MIGHT NOT APPLY TO PRISONERS WHO ARE SEGREGATED OR DEEMED A HIGH SECURITY RISK AND THEREFORE AN APPROPRIATE REGIME THAT ENSURES THE SAFETY OF THE PRISONERS, STAFF AND THE PUBLIC WILL BE ADMINISTERED AND MONITORED.

MONDAY - FRIDAY		
TIME	ACTIVITY	I.E.P STATUS
06.30	(Cell doors unlocked prisoners released)	All
07.00 – 08.00	Prisoners will be woken, will rise and dress for the day Beds to be made/personal area of cell to be tidied/personal laundry	All
08.00-08.30	Breakfast and prepare for work	All
08.30-12.30	(Cell doors locked) Core working period (Basic prisoners may be locked up)	All
12.30-13.00	Lunch/personal laundry/TV during lunch (E&S Only)	All
13.00-16.00	(Cell doors locked) Core working period (Basic prisoners may be locked up)	All
16.00-18.00	(Cell Doors unlocked) Evening meal/Phone use/Personal Laundry /TV	All
18.00-19.30	(Prisoners Secured 20.00 Cell doors locked)TV/ Association	B
18.00-21.30	(Prisoners Secured 22.00 Cell doors locked)TV/ Association/Phone use until 20.00	S
18.00-21.30	(Prisoners Secured 22.00 Cell doors locked) TV/ Association visits area upstairs/ Phone use until 21.00	E

SATURDAY		
TIME	ACTIVITY	I.E.P STATUS
06.30	(Cell doors unlocked Prisoners Released)	All
07.00 – 08.00	Prisoners will be woken, will rise and dress for the day Beds to be made/personal area of cell to be tidied/personal laundry	All
08.00-08.30	Breakfast	All
08.30-12.00	General Cleaning/Personal Laundry	All
12.00-13.00	Lunch (TV E&S only)	All
13.00-15.30	Social Visits	All
13.00 -16.00	In Cell (Basic only)	B
13.00- 16.00	Association/TV/Personal Laundry	E & S
16.00-18.00	Evening Meal/Phone	All
18.00-19.30	(Prisoners Secured 20.00 Cell doors locked) TV/Association	B
18.00-21.30	(Prisoners Secured 22.00 Cell doors locked) TV /Association / Phone use until 20.00	S
18.00-21.30	(Prisoners Secured 22.00 Cell doors locked) TV/ Association visits area upstairs Phone use until 21.00	E

Sunday		
TIME	ACTIVITY	I.E.P STATUS
06.30	(Cell doors unlocked Prisoners Released)	All
08.00-09.00	Prisoners will be woken, will rise and dress for the day Beds to be made/personal area of cell to be tidied	All
09.00-09.30	Breakfast	All
09.30-12.30	TV/Association /Personal Laundry	All
12.30-13.30	Lunch/TV	All
13.30-16.00	TV/Association /Personal Laundry (E&S only)	E&S
13.30-16.00	In Cell (Basic only)	B
16.00-18.00	Evening Meal/Phone use	All
18.00-19.30	(Prisoners Secured 20.00 Cell doors locked) Association/TV	B
18.00-21.30	(Prisoners Secured 22.00 Cell doors locked) Association/TV/Phone use until 20.00	S
18.00-21.30	(Prisoners Secured 22.00 Cell doors locked) Association /TV visits area upstairs / Phone use until 21.00	E

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