

**REPORT OF PROCEEDINGS OF
LEGISLATIVE COUNCIL**

**Douglas, Tuesday, 26th March 2002
at 10.30 a.m.**

Present:

The President (the Hon N Q Cringle), The Lord Bishop (the Rt Rev Noël Debroy Jones), Hon Mrs C M Christian, Messrs E A Crowe, J R Kniveton, E G Lowey, Dr E J Mann, Messrs J N Radcliffe and G H Waft, with Mrs M Cullen, Clerk of the Council.

The Lord Bishop took the prayers.

Apologies for Absence

The President: Now, hon. members, we have the two absentees: Mr Delaney is still missing and the Attorney-General, who is on government business.

Hon. members, we have a short agenda to deal with. The single item is a question.

**Prison Service — Evaluation — Tagging of Prisoners — Siting of New Prison —
Question by Mr Waft**

Question 1. The hon. member (Mr Waft) to ask a member of the Council of Ministers (Mrs Christian):

- (1) *When will there be an evaluation and audit of the Island's prison service;*
- (2) *is it the intention of the Department of Home Affairs to introduce tagging procedures to reduce the number of inmates; and*
- (3) *when is a decision expected to be taken on the siting of the new prison?*

The President: I call on the hon. member Mr Waft.

Mr Waft: Thank you, Mr President, I beg to ask the question standing in my name.

The President: May I ask a member of the Council of Ministers, Mrs Christian, to respond.

Mrs Christian: Mr President, in terms of the evaluation and audit of the Island's prison service the most relevant and contemporary action has been a full review of the Isle of Man Prison undertaken by Her Majesty's Inspectorate of Prisons shortly before Christmas. This inspection was overseen by the Chief Inspector of Prisons, Ms Ann Dower. The Department of Home Affairs anticipates that the draft report produced as a consequence of the inspection will be received in the near future.

The inspection was a comprehensive review involving seven members of the HM inspectorate team and will comment broadly on the prison, the management regime, facilities and infrastructure of the Island's prison. It is also anticipated that comment will be received concerning the interaction and inter-relationship between the Isle of Man Prison and other relevant government agencies. HM Inspectorate of Prisons has no statutory right or responsibility for the inspection of the Isle of Man Prison but came to the Island at the express invitation of the Department for Home Affairs. It is the first time for many years that a review of this type relating to the prison has been undertaken.

With regard to the second part of the question, electronic monitoring of offenders as part of a probation order will be available to the courts under section 30 of the Criminal Justice Act 2001 when an appointed day order is made for that section. At present, arrangements are still being finalised for the awarding of a contract to the suppliers of the electronic devices, which will

give practical effect to the monitoring. Final costs are now being determined. It is anticipated that after the letting of that contract, steps will be taken to have an appointed day order moved.

With regard to the third part of the question, consequent to the appointment of a new minister and members of the Department for Home Affairs, the minister has been reviewing the development of the new prison project, including its siting. I understand that that review will be completed shortly and will be the basis of a submission to the Council of Ministers.

The President: Hon. member Mr Waft.

Mr Waft: Thank you, Mr President. Would the minister be able to tell us how long it has been since the last inspection of Victoria Road Prison? That is on the first part. On the second part, there is a query as to the final costs of the tagging and the electronics that will be involved. Is it estimated at all how many people would benefit from the tagging procedures? And on the third part, how many sites are now under investigation for the prison?

The President: Mrs Christian.

Mrs Christian: Mr President, I do not know how many years it has been since a review of this kind. Suffice it to say that the information I have been given is that it was many years.

With regard to the second part of your supplementary question - how many people is it estimated may benefit from tagging? - I do not have any indication to what extent the benefit of the tagging procedures may be used. The use of tagging in the United Kingdom, as the hon. member is probably aware, being a rather controversial issue with divided views as to its effectiveness, I am advised, though, that the Department for Home Affairs has been keen and considers that political opinion in general is supportive of the advancement of electronic monitoring, and the department remains committed to introducing it.

With regard to the number of sites, I have no idea how many sites are being reviewed. I await, as does the Council of Ministers, a report from the Department for Home Affairs.

The President: I call on the hon. member Mr Lowey.

Mr Lowey: Mr President, could the minister enlighten me? She said HM Inspectorate of Prisons in the UK is going to review the prison, but will that include penal policy? I should imagine the inspectorate will look at the prison and find its shortcomings, which we all are, I think, aware of, so I have no doubt at all about what the outcome of that will be, but I think the questioner is really trying to say, 'Are we at the start of the 21st century really sending the right people to prison? Are we sending too many people to prison? In other words, is the inspectorate going to look at the penal policy or is that for the department to do?

Mrs Christian: Mr President, it is my view that penal policy is a matter for the politicians and not for HM Inspectorate. HM Inspectorate will be looking at the prison facilities and obviously will again be reviewing its shortcomings. I understand it is also looking at the management regimes which are applying in the prison, the management of young offenders and the relationships and working practices between the prison and other government agencies such as the probation service, Social Services Division, the DHSS, medical facilities and so on. I understand that the prison authorities will use the comment from the inspection report to advise management issues in respect of the new prison, as it will use that report in relationship with its working and dealing with other departments. However, I have not been given any information to the effect that it would review the penal policy and I do not believe that it would be appropriate in any case for them to do so.

The President: Mr Kniveton.

Mr Kniveton: Yes, Mr President. Would the minister agree that we have now reached a very unhealthy situation as far as the public, and the prison staff and indeed the prisoners are

concerned that this matter has now gone on for so many, many years, and does she not agree that it is long past time that a decision should be made?

The President: Mrs Christian.

Mrs Christian: Mr President, I agree with everything the hon. member has said about the length of time it has taken to progress the development of the new prison. The principle of the policy of the Council of Ministers is established in relation to the site at Braddan. It is the appointment of a new minister who has decided to review the situation which will result in a further report coming to the Council of Ministers to consider whether any change of the existing policy should be considered.

Mr Kniveton: Can I ask, Mr President, is there a date due for that report?

Mrs Christian: No. 'Shortly' is the advice I have been given and I feel quite sure that the Council of Ministers would also put pressure on the department to conclude its review very quickly because it is an entirely unsatisfactory situation that people now perceive that the matter is, yet again, up in the air.

The President: Mr Waft.

Mr Waft: Yes, thank you, Mr President. I just wondered if there has been any investigations done recently to establish the level of criminal activities on the Island as opposed to the UK and Europe? The last time, I believe, it was done we were found to be imprisoning more people than

Mr Lowey: It was the highest in Europe, yes.

Mr Waft: I just wondered if there had been any recent investigations to address the situation?

The President: I think you are in danger of widening the question out, but nevertheless, Mrs Christian, if you have that figure?

Mrs Christian: Mr President, I regret I do not have that information as it does not relate directly to the question and the department have not supplied me with supplementaries which would allow me to answer that question. However, I would say the number of people in prison is a matter which lies with the interpretation of the law courts, and if the politicians feel that the courts have too wide a brief in that respect, then it is for the politicians to amend the law.

Mr Lowey: We still imprison people for debt.

The President: My understanding is that it is about half of what it was previously. Is that right?

Mrs Christian: Yes.

The President: Mr Waft.

Mr Waft: As you have brought in the courts, (*Laughter and interjections*) I wonder when the last investigation was done into the criminal prosecution service and indeed the judicial system.

Mrs Christian: Mr President, I am not in a position to answer that.

The President: Okay, hon. members, I think in fairness, that draws to a conclusion the proper questions, which relate to the item on the order paper, so the Council will now sit in committee of the whole council. Thank you, hon. members.

The Council sat in private.