



Ministry  
of Justice

**Sam Gyimah MP**  
Parliamentary Under-Secretary  
of State for Justice

Mrs Susan Fitzjohn  
Chair, Independent Monitoring Board  
HMP/YOI Rochester  
1 Forte Road  
Rochester, Kent  
ME1 3QS

12 December 2017

Dear Susan,

**HMP/YOI ROCHESTER: INDEPENDENT MONITORING BOARD ANNUAL REPORT  
FOR 1 APRIL 2016 – 31 MARCH 2017**

Thank you for your Board's report for the year ending 31 March 2017. I am grateful to you and your colleagues for all the hard work that has been put into capturing your helpful observations, particularly as you have been short of Board members during the reporting period. My sincere apologies for the delay in replying.

I fully understand the concerns raised in your annual report and your separate letter of 7 August 2017 to the Secretary of State regarding the delay to redeveloping the prison and the impact on staff, related recruitment issues and maintenance of the buildings. As I outlined in my letter to you of 23 August 2017, I am also disappointed about the delay to the closure, but wish to assure you that the decision was not taken lightly and was unavoidable under the circumstances.

I am grateful for your comments that more investment is needed across the estate targeted at addressing drug misuse. There is no empirical or peer-reviewed research evidence that shows greater resources as being directly correlated to better outcomes or reduced reoffending. Every prison in the country has substance misuse treatment services in place alongside full health and mental healthcare provision. NHS England (NHSE) invested £400 million for healthcare in prisons in 2016 /17 and is working with every prison across the estate to continually review and improve these services. In line with patient needs, NHSE delivers substance misuse treatment integrated with primary care and mental health services.

It is pleasing that the Board has recognised the innovation shown in addressing the dangers of psychoactive substances and the high quality clinical and psychosocial services that have been delivered during the year. The dedicated drug recovery wing does enable very focused services to be concentrated on those with the highest need and ensure that the available staff resource is best managed to deliver maximum outcomes. The substance misuse service (SMS) also offers an outreach service on all other wings within HMP/YOI Rochester.

The services in HMP/YOI Rochester (and all other prisons) are designed on the basis of a health needs assessment and full, active cooperation of partners, including those with lived experience. It is perfectly usual for a SMS in custody or the community to be working with a mixed cohort of people who have different needs and preferences, and may be seeking different outcomes. However, it is not ideal for prisoners on drug recovery wings not to be in active treatment (or to have 'no intention to change'), and if this presents population pressures this should be raised between the commissioner and the Governor, and other partners.

HM Prison and Probation Service (HMPPS) takes seriously the ongoing challenges that psychoactive substances and other illicit drugs pose to our establishments and we continue to implement a range of supply and demand reduction measures to address both the availability and use of such harmful substances. This is based on a multi-agency approach working closely with health partners and law enforcement agencies.

Prisons have at their disposal a range of security measures to reduce drugs being smuggled into prisons including physical searching, the use of x-ray machines, CCTV surveillance cameras, intelligence-led searches and drug detection dogs. HMPPS has also introduced new intelligence units which are working with establishments and law enforcement partners to develop intelligence on individuals and organised crime groups linked to the supply of drugs in prisons. To deter and disrupt the use of dangerous drugs, we are the first jurisdiction in the world to have developed a drug test for psychoactive substances which as of September 2016 was available in all prisons. HMPPS continues to work with its contracted laboratory to analyse data to ensure we are testing for the most commonly misused substances. In addition, is committed to exploring new technology and currently looking at the effectiveness and feasibility of the use of body scanner technology (which can detect items secreted internally or held on the body) to complement existing searching methods

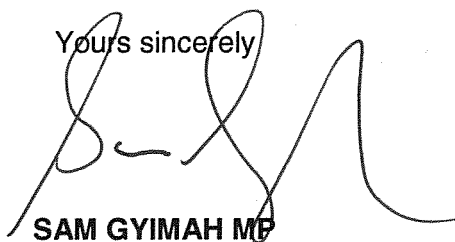
Following the introduction of the Psychoactive Substances Act (PSA) in May 2016, there have been a number of successful convictions for possession in a custodial setting, including punishments of 14 months imprisonment. In addition to the PSA, the Misuse of Drugs Act 1971 was amended in December 2016 to make all third generation synthetic cannabinoids (a group of psychoactive substances commonly found in prisons) a Class B drug. The amendment to the Act provides another powerful tool to charge those found in possession of psychoactive substances and carries a heftier maximum sentence of 10 years' imprisonment. Drug treatment also has a very important role to play in tackling the problem. SMSs are commissioned through NHSE to provide a range of services. Alongside these treatments, HMPPS is working closely with health partners to provide information, guidance and support to prisoners, visitors and staff on the impact and damaging consequences of drugs.

It was encouraging to receive your comments that the Board considers HMP/YOI Rochester to be a well-run prison and that the new Governor and senior management team have brought stability and increased safety to the prison. I am sorry to hear of the challenges faced by the Board as a result of the closure of the prison. Your concerns have been forwarded to the IMB secretariat who will respond to you directly. I note the Board will continue to be diligent in its monitoring to ensure that the same level of care and rehabilitation is provided to prisoners despite the scheduled closure.

I also note you have raised some local issues of concern in your report which the Governor will continue to keep you aware of as work continues. HMPPS comments in response to other issues raised in your report are set out in the attached annex.

The Justice Secretary and I appreciate the valuable role played by members of Independent Monitoring Boards throughout the estate and we are very grateful for your continued hard work on behalf of HMP/YOI Rochester.

Yours sincerely



**SAM GYIMAH MP**

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**HMPPS comments on matters raised in the report**

**Research on Prisoner-on-Prisoner Violence**

HMPPS is grateful to the Board for bringing the research findings to our attention. The Prison Safety Team, who are leading the work to improve safety and reduce violence, will consider the findings and conclusions as part of their work on reforms to key policies and processes.

**Prisoners' Property**

HMPPS understands the importance of property to prisoners and strives to ensure it is managed as effectively and efficiently as possible. It is in the interests of both prisoners and staff that property is dealt with promptly, fairly and with attention to detail. Work on producing a new prisoners' property framework was delayed so that it could take place alongside a national project to reduce HMPPS annual litigation expenditure. A national cost reduction project began in early 2017, with work streams focusing on improving the handling of claims and preventing the causes of litigation. This work is feeding into the prisoners' property review. HMPPS now expects to publish the new framework early next year.

Prison Service Instruction 12/2011 requires governors to comply with volumetric control requirements. When any prisoner's property levels exceed the volumetric control limit for in-possession items, they will continue to be encouraged to send items out, or have them disposed of.

The vehicle fleet is designed to carry the number of prisoners it is intended for, together with their property to the volumetric limit; there is insufficient room to transport property outside this limit. The requirement for the transportation of property is measured against two volumetric sized boxes and a single outsized item which must not weigh over 15 kg. In addition to this, the escort contractor will take legal documentation.

The contractor will decline to transport any other property that exceeds the volumetric limit due to the limited storage space upon the vehicle. The sending establishment will need to make arrangements to have any excess property forwarded on at their expense. Prison Escort and Courts Service continue to monitor all aspects of the contractors' performance and on occasions where they fail to meet the agreed levels this will be raised with the contractor for improvement.

**Rehabilitation and Preparation for Release**

HMPPS would like to reassure the Board that, despite the intention to close HMP/YOI Rochester, we expect the Community Rehabilitation Company (CRC) to maintain its commitment to providing 'through the gate' resettlement services, and we continue to manage the contract robustly to ensure this happens. It should be noted that the change to the timescale for closing the prison has helped the CRC with its recruitment of more suitable staff to fill posts.

The HMPPS contract management team has introduced a compliance schedule for the CRC's 'Through the Gate' services within the prison, and chairs a bi-monthly Service Integration Group, attended by a prison departmental head, which works through concerns and issues of this nature. In light of the Board's views we are also aware that the HMPPS Senior Contract Manager will be specifically discussing this aspect of your report with the Chief Executive Officer of the CRC, at the next quarterly contract governance meeting.