



**GOVERNMENT OF BERMUDA**

**ANNUAL REPORT**

**TREATMENT OF  
OFFENDERS BOARD (TOOB)**

**2022**



## **TREATMENT OF OFFENDERS ACT (1979)**

The Treatment of Offenders Board was created by The Treatment of Offenders Act 1979. This Act was brought into operation on 1<sup>st</sup> September 1979 by BR 35/1979.

The Minister appoints the Treatment of Offender Board for the time being responsible for the treatment of offenders. The Act stipulates that members of the board should include persons who possess expertise in medicine, psychology, law, or education.

The Treatment of Offenders Board is governed by: -

- The Prison Rules 1980
- The Prison Act 1979
- The Prison Amendment Act 2013
- The Treatment of Offenders Act 1979

## **TREATMENT OF OFFENDERS BOARD 2022**

Ms. Zayna Foggo (Chair)

Mrs. Komieko Roberts (Deputy Chair from April 2022)

Mr. Glenn Woods (Deputy Chair until March 2022)

Mr. Cleveland Foggo

Mr. Vance Hollis

Mr. Paul Wilmot

Mr. Delano Bulford

Mr. Anthony Darrell

Pastor Damon Hendrickson (Resigned May 2022)

Ms. Roydell Neverson (Resigned June 2022)

Mr. Jahmal Snaith-Simmons

Mr. Victor Roach (Appointed June 2022)

Ms. Debra Ray-Rivers (Appointed June 2022, Resigned July 2022)

Ms. Christal Hanna (Appointed June 2022)

Ms. Kiara Wilkinson (Appointed June 2022)

## **REPORT PURPOSE**

This report is in accordance with Section 8 (1) of the Treatment of Offenders Board Act 1979 and Rule 170 of the Correctional Rules 1980 as per 1989 Revision.

## **MEETINGS**

The Board meets on the First Wednesday of each Month (Westgate) and on the Third Wednesday of each Month (Co-Ed/Farm Right Living House). A decision was made to provide an option for board members to either attend in person or via WebEx in 2022. After a year of WebEx meetings, the decision to allow members to attend in person was welcomed.

At these meetings the Board considers the Monthly Facility Report, Interviews, Adjudications and Rota Visit Reports.

COVID restrictions affected Rota Visits. As stipulated by section 9(2) of the Prisons Act 1979 and section 160(4) of the Prison Rules 1980, there shall be a monthly Rota visit of two TOOB Board members who shall have 'free access to every part thereof [of any prison] and to every prisoner detained therein.' (Prisons Act 1979 section 9(2)).

Though the Board was able to conduct a reduced number of visits, members were permitted to resume visits into each facility, but not without undergoing strict processes of testing, temperature readings and mandatory mask wearing.

## **CHAIR'S REPORT**

On behalf of the Treatment of Offenders Board (TOOB), I take this opportunity to thank the Bermuda Government and the Minister of National Security, The Honourable Michael Weeks, JP, MP for entrusting members to service the corrections community.

Members of whom have served for several years to include those who have been newly appointed have a wealth of knowledge, experience, and desire to facilitate change within the correctional community. Whilst in this season current Board members no longer comprise of the required Act which stipulates that members of the Board should include persons who possess expertise in medicine, psychology, law, or education, as Chair I can assure you that those who currently serve, possess the aptitude, wisdom, passion, and integrity to make informed and fair decisions. The Board's commitment to service and professionalism over the years is appreciated and must be commended.

Acknowledgement is given to the outgoing Chairperson Ms. Zayna Foggo, her contribution to the Board and the corrections community is to be respected and her knowledge, influence and

dependability has not gone unnoticed. Ms. Foggo was replaced by the Minister of National Security and appointed Deputy Chair Mrs. K Roberts in February 2023, for reasons unknown. Thank you to several seasoned board members who remained and a huge thank you to all newly appointed members who bring a fresh perspective on change.

The objective of the board is to operate co-operatively and collaboratively with The Department of Corrections to ensure matters relating to a prison or prisoner are dealt with expediently and in the best interest of all parties.

Throughout 2022, members of the board participated in monthly meetings, Rota visits, special meetings with the Lifers Committee, and one on one mentorship approved by Chief Caisey-Brown, whereby she permitted Board member Mrs. Roberts to mentor Inmate Warner in the capacity of offering knowledge and direction as it relates to entrepreneurship. During this time Mrs. Roberts also suggested that Inmate Warner gain the assistance of BEDC, whereby she made contact and in turn Mr. Lambert from BEDC agreed and began offering assistance to Inmate Kevin Warner.

Rota visits and interviews unveiled the harsh realities of life in prison. Inmates and Administration both noted that the environment at the facilities continues to be of grave concern – physical and otherwise. Levels of tension at Westgate continue to rise as the demographics of the inmate populace shifts. Westgate is home to young men with long-term sentences.

The physical condition of the facilities is understandably poor, given their age. Each facility continues to record its restorative needs with the government Works and Engineering department. The 2022 hurricane season added to the deterioration and destruction of the facilities and the perimeters. Thus, security breaches are still of grave concern.

The Board continues to adjudicate inmates for various forms of prison rule violations. The following is a statistical breakdown of Adjudications and Interviews for Infractions against Prison Rules and general concerns of inmates, respectively.

**ADJUDICATIONS**

Adjudications are conducted with a quorum of five (5) members. There were fourteen (14) adjudications at the Westgate Facility and none at the other facilities.

Month	Westgate	Farm	Co-Ed	Monthly Total
January	1	0	0	1
February	0	0	0	0
March	1	0	0	1
April	3	0	0	3

May	1	0	0	1
June	0	0	0	0
July	2	0	0	2
August	1	0	0	1
September	1	0	0	1
October	1	0	0	1
November	1	0	0	1
December	2	0	0	2
<b>Facility Total</b>	<b>14</b>	<b>0</b>	<b>0</b>	<b>14</b>

The ever-increasing number of mobile phone and equipment related offenses is an ongoing battle for The Department of Corrections team. They continue to work to combat this issue.

### INTERVIEWS

Month	Westgate	Farm	Co-Ed	Monthly Total
January	0	0	0	0
February	2	0	0	2
March	2	0	0	2
April	2	0	0	2
May	3	1	0	4
June	0	0	0	0
July	1	0	1	2
August	2	0	0	2
September	0	0	0	0
October	2	1	0	3
November	0	0	0	0
December	2	0	0	2
<b>Facility Total</b>	<b>16</b>	<b>2</b>	<b>1</b>	<b>19</b>

### ROTA VISITS

Rota visits are conducted in teams of two (2) or more members at each facility. They allow for on-site discussions and resolutions with both inmates and Department of Correction administration and officers of ongoing concerns. Rota visits convened, after a long-term restriction regime. Although, members were permitted back into the facilities, it was not without having to go through the proper mandated processes implemented by the corrections

departments which included antigen testing, temperature readings and mask-wearing whilst in the presence of inmates.

Month	Westgate	Farm	Co-Ed	Monthly Total
January	0	0	0	0
February	1	1	0	2
March	0	1	1	2
April	1	0	0	1
May	0	0	0	0
June	0	0	0	0
July	1	1	1	3
August	0	0	0	0
September	0	0	0	0
October	0	0	0	0
November	1	0	0	1
December	0	1	0	1
<b>Facility Total</b>	<b>4</b>	<b>4</b>	<b>2</b>	<b>10</b>

#### **Westgate Correctional Facility**

There was a total of four (4) visits to the facility. During these visits, members spoke with inmates about the challenges at the facility and their overall well-being.

#### **Farm Facility**

There were four (4) visits to the facility. During these visits, members spoke with inmates about the challenges at the facility and their overall well-being.

The main concern at the Farm facility with both inmates and the Department of Corrections officers are with the condition of the facility. The lack of classes (educational opportunities), mentorship and work release opportunities continue to be a pressing concern for inmates.

The chicken coups and gardens are thriving. The Farm facilities crops allow for fresh vegetables to be shared amongst the other facilities.

#### **CO-ED Facility**

There were two (2) Rota visits to the facility in 2022. Again, the number of Rota visits to the facility was inhibited by COVID quarantine protocols.

The Right Living House program shifted to the facility after the program closed at the Farm. It continues to benefit inmates immensely. The success rate for the program remains positive and the Board commends the inmates and staff on a job well done.

The main issues expressed by inmates at Co-Ed are relative to the overall physical state of the facility.

### **ACKNOWLEDGEMENTS**

The Board acknowledges the Premier, the Honourable David Burt, JP, MP, Minister of National Security the Honourable Michael Weeks JP, MP, his Permanent Secretary Christopher Farrow, and the Administration and staff of the Ministry of National Security.

The Board extends a special thank you to Wilmot Trucking owned by Mr. Paul Wilmot, who donated lumber and books. Mr. Wilmot and Mrs. Roberts jointly donated a microwave and urn, after an appeal from an inmate during an interview.

The Board appreciates the help provided throughout the year by the Commissioner of Corrections, the Assistant Commissioners, the Chief Officers, and the Corrections staff. Further, the Board extends its appreciation to the Office of the Ombudsman and the Human Rights Commission. It is through transparency, collaboration, hard work and funding that we can begin to make headway in the Corrections Facilities. We must continue striving to improve the health and wellbeing of the corrections community.

Submitted by:



**Mrs. Komieko Roberts, Deputy Chair**

*\*The writing/format of this Annual Report was established some years ago, therefore I take no personal credit for the language and format of this report.*

