



OIFIG AN CHIGIRE PRÍOSÚN
OFFICE OF THE INSPECTOR OF PRISONS

The background of the cover features a photograph of two hands gripping vertical metal bars, symbolizing imprisonment. The image is overlaid with a semi-transparent blue and green geometric design. The text 'ANNUAL REPORT 2018' is printed in large, bold, white capital letters at the bottom of the cover.

ANNUAL REPORT 2018

Childhood Friends

Two boys living on a street
As children they would often meet
Both went to the local school
But both were reared by different rules

One boy stayed out late at night
Played out of his mother's sight
Learnt the ways of truant fast
In petty crime that grew to last

The other boy he towed the line
Got into sport – began to shine
As years went by they drifted far
One learnt to drive, one stole a car

One day in Jail and Officer who
Was in charge and who I knew
Opened the door of the prison cell
As he looked in his expression fell

“That's Joe behind that prison door
I'm sure I know him from before
He was raised on my own street
As kids we'd play and often meet

When I was young my mother was
Strict and tough on us because
She said if we do not behave
We'd lose out on life and all it gave

Today I know her words are true
To see a kid that I once knew
On the gear and in a cell...”
When Joe saw him his own face fell

So there they were two childhood friends
And so too where their friendship ends
For one who held the cell door key
The other was locked in Solitary

By Regina Eviston



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Annual Report 2018



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Foreword



Minister,

I present to you the eighth Annual Report of the Office of Inspector of Prisons since its establishment as an Independent Office within the Department of Justice and Equality in 2007.

Section 32 of the Prisons Act 2007 provides that the Inspector of Prisons shall submit a report to you, not later than 31 March in any year or such later date as may be specified by you, on the performance of the Inspector's functions during the previous year. As previously advised, due to competing priorities and current resources, I was not in a position to submit this report to you by end of March 2019.

2018, has presented many challenges, all of which were embraced by my colleagues and I with enthusiasm and tenacity. I look forward to building on the legacy of previous post holders (non-statutory and statutory) and with the assistance and support of colleagues in the Office of Inspector of Prisons, Irish Prison Service, Department of Justice and Equality, academic community and advocacy organisations, continue the development of a 'world class' Inspectorate of Prisons.

I am reminded of Dostoevsky's famous quote "*the degree of civilization in a society can be judged by entering its prisons*" and more recently Nelson Mandela, former President of South Africa, who when incarcerated in Robben Island stated "*No one truly knows a nation until one has been inside its jails. A nation should not be judged by how it treats its highest citizens but its lowest ones.*" As a nation we do not have a great history when it comes to institutions. In relation to vulnerable persons in Ireland in the health and social care sectors for example, the elderly, children, persons with mental illness and persons with intellectual disabilities, oversight is provided by various bodies including the Health Information and Quality Authority (HIQA) and the Mental Health Commission (MHC).

The Office of the Inspector of Prisons provides the independent lens for society to peer into and behind the closed walls of our prisons. This must be embraced and welcomed and it is essential that regular inspections of our prisons are undertaken. Although regular inspection of prisons is a statutory requirement since 2007, only one prison inspection report has been published since 2014 and that was in 2017. There is no published inspection report of the following prisons Midlands, Portlaoise, Cork, Cloverhill and Wheatfield Place of Detention as the Office of Inspector of Prisons had insufficient human and fiscal resources to fully comply with statutory requirements.

Therefore, the office of Inspector of Prisons focussed on and published a wide range of thematic reports and guidance documents that are accessible on www.inspectorofprisons.gov.ie

The next few years should witness a sea change in the development of the Office of Inspector of Prisons and I look forward to establishing in 2019, an inspection regime, that is fair, transparent, human rights informed and preventative focussed. I also look forward to carrying out inspections with the assistance of appropriate resources. I appreciate that the call for resources across the public sector and in particular the Justice and Equality sector is infinite and resources are finite. However, if Ireland is to have a strong voice in relation to human rights internationally it must continue to demonstrate credibility by its actions at home. A modern preventative-focussed prison inspection regime coupled with regular inspections will assist in placing Ireland to the forefront of human rights protections for prisoners. I welcome your commitment to the provision of appropriate resources to enable the full attainment of my statutory functions.

I would like to take this opportunity to call on Government to progress the Inspection of Places of Detention Bill. Government approval for this Bill was received in May 2011. The current legislation underpinning the role of the Inspector of Prisons is lacking key provisions for a modern inspectorate and this has also been expressed by

the previous holder of this Office. I appreciate that the aforementioned Bill cuts across many Departments and not solely Justice and Equality and this adds to its complexity. I offer my full support in progressing this essential legislation.

I would like to extend my thanks to colleagues in the Office of Inspector of Prisons. Following the untimely death of my predecessor in late 2016, the work of the Office continued under the leadership of Helen Casey until my appointment on 7 May 2018.

I would like to thank you and the officials in your Department who have supported the Office during 2018. I congratulate Caron McCaffrey on her appointment as Director General of the Irish Prison Service in December 2018 and wish her success as she leads the Irish Prison Service in the years ahead.

You will note the inclusion of three poems in this report. They are reproduced with the permission of Regina Eviston, Prison Nurse, who, through her daily interactions with prisoners captured the essence of their joys and sorrows in her poetry.

Patricia Gilheaney
Inspector of Prisons
 21 August 2019



1.0 Introduction

The Office of Inspector of Prisons was established on a statutory basis, pursuant to Section 30 of the Prisons Act, 2007 (“the Act”) in January 2007. The Inspector of Prisons is appointed by the Minister for Justice and Equality to perform the functions conferred on him/her by Part 5 of the Act. Patricia Gilheaney the current Inspector was appointed on 7 May 2018 for a five year term in office subject to the provisions of Section 30 of the Act. The Inspector of Prisons is independent in the performance of her functions.

1.1 What do we do?

The key function of any inspectorate body is to carry out inspections and this is equally true for the role of Inspector of Prisons. Section 31(1) of the Act places an obligation on the Inspector of Prisons to carry out regular inspections of prisons. Although the legislation does not define ‘regular inspections’, international practice indicates a full inspection every three years as the sector norm.

In addition to inspections, the Inspector of Prisons may be requested by the Minister for Justice and Equality to carry out an investigation into any matter arising out of the management or operation of a prison, and if so requested, is obliged to carry out the investigation. The Inspector may, of her own volition, also carry out such an investigation. On completion of her investigation she shall submit a report to the Minister.

The role of the Inspector of Prisons is as follows:

- ▶ **U** Regular Inspection of all thirteen prisons in Ireland (one of which is temporarily closed since May 2017 for repurpose and refurbishment);
- ▶ **U** Carry out investigations of deaths in custody and also of any death of a person on temporary release from prison, within one month of his/her temporary release;
- ▶ **U** Carry out investigations requested by the Minister for Justice and Equality into any matter arising out of the management or operation of a prison;
- ▶ **U** Receive and reply to letters from prisoners in accordance with Rule 44 of the Prison Rules 2007-2017;
- ▶ **U** In accordance with Rule 57B of the Prison Rules 2007-2017
 - ▼ **u** Receive notifications of certain complaints within seven days of the Governor of a prison being notified of such a complaint;
 - ▼ **u** Receive a copy of a decision and the reasons for the decision of the Irish Prison Service Director General not to instigate an investigation if she is satisfied that the complaint is vexatious, without foundation or falls outside of the scope of Rule 57B;
 - ▼ **u** Receive a copy of every report submitted by an investigation team appointed by the Director General of the Irish Prison Service in accordance with Rule 57B, and if the investigation is not completed within three months receive a copy of an interim report.

- ▼^u Receive a copy of any report submitted under this rule and the Governor's finding and decision.
- ▼^u Receive letters from a complainant who is dissatisfied with the outcome of an investigation stating why he or she is not satisfied and,
- ▼^u Have oversight of all investigations carried out under Rule 57B, have access to any material relevant to any such investigation and may investigate any aspect that the Inspector considers relevant.

► **U**t is not a function of the Inspector to investigate or adjudicate on a complaint from an individual prisoner, but she may examine the circumstances relating to a prisoner complaint where necessary for performing her functions.

The Inspector of Prisons does not have statutory authority to publish inspection reports, investigation reports or annual reports. In accordance with Section 31 or 32 of the Act as applicable, as soon as practicable after receiving a report, the Minister must, subject to the following caveats, lay it before both Houses of the Oireachtas and publish it.

The Minister may omit any matter from any report laid before the Houses of the Oireachtas if he is of the opinion that:

1. Its disclosure may be prejudicial to the security of the prison or of the State, or
2. After consultation with the Secretary General to the Government, that its disclosure
 - a. would be contrary to the public interest, or
 - b. may infringe the constitutional rights of any person.

Where any matters are so omitted, a statement to that effect must be attached to the report concerned on its being laid before both House of the Oireachtas and on its publication.

1.2 Who are we?

On **1 January 2018** the staffing in the Office of Inspector of Prisons was as follows:

Acting Inspector of Prisons:

Ms Helen Casey (substantive post Principal Officer)

Higher Executive Officer:

Ms Eimear O'Neill

Higher Executive Officer:

Vacant since March 2017

Executive Officer (Fixed term):

Mr John Byrne

Clerical Officer:

Ms Eibhlís Burke

Ms Patricia Gilheaney was appointed Inspector of Prisons with effect from 7 May 2018 for a five year term in office in accordance with Section 30 Prisons Act 2007. Due to the pending relocation of the office from Nenagh to Dublin, the Higher Executive Officer transferred to another Government Department in September 2018. A Temporary Clerical Officer was subsequently assigned to the office on an interim basis for three months.

Staffing at 31 December 2018:

Inspector of Prisons:

Ms Patricia Gilheaney

Principal Officer:

Ms Helen Casey

Higher Executive Officer:

Vacant since March 2017

Higher Executive officer:

Vacant since September 2018

Executive officer (Fixed Term)

Mr John Byrne

Clerical Officer:

Ms Eibhlís Burke

Temporary Clerical Officer:

Mr Angelo Walsh (3 month contract to late January 2019)



2.0 Review of Operational Structure and Resources

In July 2018, following assistance from the Office of Government Procurement, PA Consulting Services Limited (“PA”) was commissioned by the Office of Inspector of Prisons to conduct a review of its operational structure and resources, developing a preferred operating model for the Office moving forward. The context for the review was that the former Inspector of Prisons was the first statutory post holder and he guided the office through its initial years and led the production of early inspection and thematic reports which represented a step-change in the formal scrutiny of Irish prisons. It was considered opportune to carry out a review as the Office seeks to introduce a robust programme of work, defined processes and formal protocols with delivery partners, all supported with an appropriate level of resources. The review report was completed on 5 December 2018 and submitted to the Minister for Justice and Equality and his officials on 6 December 2018.

All organisations are continually in a process of evolution of their operating models and growth in maturity of business processes. The review report acknowledged the hard work and dedication of staff in the Office of Inspector of Prisons. However, it identified a relatively immature organisation that is not currently fulfilling its primary statutory role in line with recognised international good practice. This is evidenced by, amongst other things:

- ▶ **U** Only 3 prisons have been subject to a formal inspection (i.e. a report published) in the last 5 years – the independent publication of a formal inspection report is recognised internationally (e.g. in UN guidance) as the core basic “good practice” metric of prison inspection regimes.
- ▶ **U** Half of the prison estate has not been formally inspected at all since the inception of the Office of Inspector of Prisons 10 years ago (it is noted that prisons had been visited multiple times in the course of various inspection, investigation and thematic report activities but the lack of formal Inspection Reports (and ideally an associated Action Plan published by the Irish Prison Service) means that the necessary openness, transparency and rigor is not properly evidenced.
- ▶ **U** No structured forward-looking programme of [announced and unannounced] inspections – there is currently insufficient resource within the Office to take on additional work over and above the investigations of Deaths in Custody, which in accordance with the relevant legislative provision have of necessity been prioritised.
- ▶ **U** No repeatable processes with many ways of working not aligned to recognised international “good practice” – there are some documented processes and checklists which, while undoubtedly valuable in themselves,

are not sufficiently robust or comprehensive, and do not provide the basis of a repeatable inspection and investigation regime.

- ▶ **U**Legal framework in the Prisons Act 2007 which lacks clarity and comprehensiveness – the need to formalise the statutory remit, powers and protections of the Inspector of Prisons (and those to whom her authority is appropriately delegated) was recognised by the previous Inspector and Acting Inspector.
- ▶ **U**nsufficient funding in the approved budget 2018 for the Office of Inspector of Prisons.

Consequently, the initial conclusion from PA's Review was that, looking forward, the current Inspection and Investigation regime within the existing Office of Inspector of Prisons is not fit for purpose.

It was acknowledged in the Report that the Inspector's stated intention is to drive development of:

- ▶ **U**A comprehensive and on-going programme of inspections across the prison system;
- ▶ **U**Robust and repeatable business processes which adhere to recognised international "good Practice";

- ▶ **U**Ecosystem of expert delivery partners and advisors;
- ▶ **U**A properly resourced Inspectorate which contributes to better outcomes from prisons, for prisoners, staff, visitors and society in general.

There is a significant amount of work to complete in Year 1 (2019) if a first full inspection of a prison under the new inspection regime is to be properly resourced and conducted by December 2019 [with the first inspection report of this new era completed in early 2020].

At time of writing this report there is slippage in terms of the original timeframes and the first full inspection of a prison under the new inspection regime is likely to occur in 2020. This first full inspection will be announced and conducted in a manner that supports collaborative learning with the IPS. After this initial inspection all other prisons should be fully aware of how the new inspection regime will operate. This first inspection, will be critical in setting both a new quality standard and a new tone in the work of the renewed Prisons Inspectorate.



3.0 Overview of 2018

3.1 Prison Visits

Following appointment an initial priority for the Inspector of Prisons was to visit every prison in the country and also the services that support the operation and management of prisons. The Inspector was invited to and attended a number of prisoner events including an event in Dóchas, female prison, on 8 May 2018, Red Cross Prisoner Graduation events in May/June/July in Castlerea Prison, Cloverhill Prison, Wheatfield Place of Detention and Mountjoy Prison.

Following a meeting with Mr Michael Donnellan, then Director General on 10 May 2018, prison familiarisation visits commenced on 21 May 2018 and were completed on 17 July 2018 (see Table 1). The purpose of the familiarisation visits was to 'walk the walk', view all areas of prisons and to avail of the earliest opportunity to meet with as many prisoners and prison staff (security, education, healthcare, psychology and chaplaincy) as possible.

Table 1: Familiarisation Visits to Prisons and Support Services by the Inspector of Prisons in 2018

DATE	LOCATION
21 May	Irish Prison Service Headquarters, Longford (meet Directors and staff).
6 June	Cork Prison
7 June	Limerick Prison
8 June	Dóchas Centre
12 June	Cloverhill
12 June	Wheatfield Place of Detention (Designated Wheatfield Prison by Ministerial Order with effect from 15 July 2019)
14 June	Arbour Hill Prison
19 June	Mountjoy Prison (including the Progression Unit). The Training Unit was closed for repurpose and refurbishment
20 June	Loughan House
21 June	Shelton Abbey
22 June	Midlands Prison
22 June	Portlaoise Prison
25 June	Operational Support Group (OSG)
11 July	Prison Service Escort Corps (PSEC)
11 July	Building Services Division (BSD)

The visits, although not formal inspections, identified a number of areas of concern as follows:

- ▶ **Safety**
 - ▼^u Protection
 - ▼^u Solitary Confinement / Restricted Regimes
 - ▼^u Environment – overcrowding / broken windows.
 - ▼^u Contraband
- ▶ **Prisoner Health and the provision of appropriate services**
- ▶ **Rehabilitation**
 - ▼^u Access to education and training (in particular in the last week of a quarter)
- ▶ **Equity and Women prisoners**
- ▶ **Chaplaincy**

Safety

Protection

The challenges faced by prison management and staff in providing safe and secure custody was observed. Over the past number of years in Ireland, society has witnessed an exponential growth in the number of crime related gangs and factions throughout the country. Prisons are not immune to the activities that occur in society as a whole, and when members of gangs/factions are confined within prisons it amplifies the problem and brings with it significant challenges for the provision of a safe environment. The Inspector welcomed the opportunity of being present for the prisoner committal process with the Governors of Cloverhill and the Midlands Prisons. Rule 63 (protection of vulnerable prisoners) of the Prison Rules 2007-2017 was availed of by prisoners at their own request or when it was considered necessary by the Governor. This process was mirrored across the remaining closed prisons. Rule 62 (removal of prisoner from structured activity on the grounds of order) was also implemented. The Inspector witnessed first-hand the challenges faced by prison management and prison officers in separating a number of rival gangs / factions not only in prison wings but also on landings in prisons. Membership or allegiance to these criminal gangs fluctuate on a continuous basis with some persons breaking links and others becoming affiliated. The use of colour coding to

signify with whom the prisoners could associate was and continues to be used to maintain a safe environment, and that in and of itself, is high risk due to the number of factions involved.

Solitary Confinement / Restricted Regimes

Prisoners placed on restricted regimes within the Irish prison system, some of whom are in-cell for more than twenty-two hours which is solitary confinement, is of particular concern and its effects on prisoners is well documented.¹² It is recommended that solitary confinement should be used only in exceptional circumstances, as a last resort and for as short a time as possible. Procedural safeguards are also required to ensure that all persons deprived of their liberty are treated with humanity and respect for the inherent dignity of the human person.³ During 2018, the Office of Inspector of Prisons collected and analysed data from the Irish Prison Service with the aim of producing a report evaluating the impact of the introduction of secondary legislation on the use of solitary confinement and /or restricted regimes in Irish Prisons. It is intended to share the findings with the Irish Prison Service and complete a report in 2019.

Environment

Overcrowding re-emerged in 2018 after a period of reducing numbers within the prison system. The early figures for 2019 illustrate that this is likely to continue. The causes are multifactorial. One factor being the increased number of members of An Garda Síochána, with a resultant increase in offenders being brought before the courts. There is also an increase in the number of prisoners serving long sentences. The prison system is open to criticism for overcrowding issues. However, it must be remembered that prisons cannot operate a 'closed door' policy as Governors are required to accept persons committed by the Courts. The Office of Inspector of Prisons is supportive of effective interventions that provide alternatives to custodial care. Overcrowding is a significant issue that must be addressed and all possible efforts and avenues exhausted if Ireland is to respect the inherent dignity of all persons in prisons.

¹ Shalev, S. (2008). *A Sourcebook on Solitary Confinement*. London: Mannheim Centre for Criminology, London School of Economics, pp.15-17.

² Scharff Smith, P. (2006). The effects of solitary confinement on prison inmates: a brief history and review of the literature. *Crime and Justice*, vol.34, p.441.

³ United Nations General Assembly A/66/268 (2011). Interim report of the Special Rapporteur of the Human Rights Council on torture and other cruel, inhuman or degrading treatment or punishment.



The Irish Prison Service has a programme in place for the replacement of windows. The Inspectorate noted many cells with broken windows that require urgent replacement. This was particularly evident in the Midlands Prison. This is a significant health and safety issue. The IPS is encouraged to expedite the window replacement programme.

Three to A Cell

*There are three to a cell and I ask myself why?
No dignity spared and nowhere to cry
No sympathy given from outsiders who
From high moral ground judge without knowing who*

*Is in that cell lying on the floor
Beaten, abused and pimped out for more
Raised in squalor, neglected by all
Is it surprising how far she could fall?*

*I have seen scars where no scars should be
Cleaned lice from her hair and bandaged her knee
Helped her to walk, talk and sleep easily
Then lock her in a cell meant for two, not for three*

By Regina Eviston

Contraband

The ready availability of contraband in prisons is a serious concern. Similar to prisons in England, Scotland and Wales, illicit drug use within prisons in Ireland continues. During one prison visit staff showed the Inspector illicit substances that were retrieved within the prison grounds on that day. The 'drugs trade' within prison reflects the 'drugs trade' outside of prison with some key

differences, namely, the costs of drugs in prison is higher than in the general community, due to the factors of supply and demand. The buying and selling of illicit drugs and mobile phones in prisons can lead to bullying and intimidation of not only the prisoners concerned, but also their families and friends. Prisoners selling illicit drugs and mobile phones can amass significant wealth whilst in prison and conversely place the prisoner who is buying the contraband in significant debt. Whilst acknowledging this issue exists and the inherent challenges it presents, it is important that the Irish Prison Service does not accept it 'as the norm' and continues to strive and increase its efforts to improve security at points of entry to prisons and also avail of technology to prevent mobile phone use within prisons. The advent of the use of drones compounds the contraband problem and challenges the Irish Prison Service to keep abreast of technological advances. During the year, the Inspector met with a number of families of prisoners who died in custody or while on temporary release in 2017 and 2018. They expressed concern that illicit drug use may have been a factor in their loved ones death.

Prisoner Health and the provision of appropriate services

The right to health is fundamental to the attainment of other human rights and is enshrined in a number of international covenants and instruments⁴. In 2016 the Inspector of Prisons recommended that a comprehensive assessment of the health needs of prisoners in all 13 prisons must be undertaken followed by a staffing needs analysis of healthcare personnel in each prison⁵. To date, there is no such report available.

The Prison Rules 2007-2017 provide the legislative underpinning for the provision of healthcare services (Part 10, rules 99 to 104 inclusive); and psychology services (Part 14, rules 112-113 inclusive) in prisons. Prisoners are entitled to receive primary healthcare services. A General Practitioner service is available in all prisons from either directly employed registered medical practitioners or by the use of locums sourced from a recruitment agency.

⁴ Report of Office of Inspector of Prisons (2016) Healthcare in Irish Prisons. Stationery Office: Dublin.

⁵ Report of Office of Inspector of Prisons (2016) Healthcare in Irish Prisons, p.17, section 3.1. Stationery Office: Dublin.

The Inspector of Prisons met the Director of Care and Rehabilitation on 21 May 2018, National Nurse Manager on 31 May 2018 and Head of Psychology on 11 July 2018. During the year the Irish Prison Service appointed a Clinical Lead and the Inspector met with him and the Director of Care and Rehabilitation on 11 October 2018.

The Health Service Executive National Forensic Service provides mental health care and treatment within prison settings. At the time of writing this report there continued to be no dedicated psychiatrist available to Castlerea prison which was raised previously by this Office. This situation is reflective of the dearth of psychiatrists generally in certain parts of the country. The Forensic Mental Health Service also operates in an environment where it has insufficient access to appropriate in-patient forensic facilities. The Council of Europe Committee for the Prevention of Torture (CPT) identified key concerns in this area in 2014⁶ and also expressed concerns regarding the capacity of the Central Mental Hospital (CMH). In its response⁷ Ireland referred to a number of developments including the granting of planning permission for a replacement CMH 120 bed forensic mental health facility in North Dublin. The Inspector welcomes the development of this new facility and acknowledges the advance stage of the build. However, she is concerned, having spoken to the National Director for Forensic Mental Health Services and healthcare staff in prisons, as it is likely that access by prisoners to an appropriate inpatient forensic facility will remain a challenge following the commissioning of the new facility. The lack of appropriate mental health care and treatment for prisoners is an issue that has also been identified by Prison Chaplains in their 2018 Annual Reports. The Inspector's concern regarding the dearth of appropriate mental health care provision was brought to the attention of the Minister and his officials during the year.

During the visits to prisons the Inspector noted times when psychologists, dentists and teachers were unable to or were delayed in meeting prisoners as there was no prison officer available to escort the professional and or prisoner to his/her appointment. This was particularly noticeable at the end of June, i.e. the end of a quarter when the allocation of resources for the three month period had been exhausted, prior to the end of the quarter. This resulted in the necessary prioritisation of security posts, including but not limited to, court and hospital escorts. The Inspector was informed that this situation was not an unusual occurrence towards the end of every quarter.

In 2013 the World Health Organisation (WHO) provided a policy brief on the organisation of prison health in the 21st century and reaffirmed the human rights approach to prison health that has been promoted by the WHO for over a decade.⁸ In relation to what is considered to be good governance for prison health, cognisance was taken by the Expert Group who prepared the policy brief, of the European policy framework for health, Health 2020, which aims at reducing health inequalities by improving the governance of health.⁹ With regard to the institutional arrangements for prison health, the Expert Group concluded that

- ▶ The management and co-ordination of all relevant agencies and resources contributing to the health and well-being of prisoners is a whole-of-government responsibility;
- ▶ Health ministries should provide and be accountable for healthcare services in prisons and advocate healthy prison conditions.

The group also acknowledged that the transferring of prison healthcare to the jurisdiction of health ministries and integrating prison health into national health systems is a long process. It

⁶ Report to the Government of Ireland on the visit to Ireland carried out by the European Committee for the prevention of Torture and Inhuman or Degrading treatment or Punishment (CPT) from 16 to 26 December 2014. CPT/Inf (2015) 38.

⁷ Response of the Government of Ireland on the visit to Ireland carried out by the European Committee for the prevention of Torture and Inhuman or Degrading treatment or Punishment (CPT) from 16 to 26 December 2014. CPT/Inf (2015) 39.

⁸ WHO (2013) Good Governance for prison health in the 21st century. Copenhagen:WHO Regional Office for Europe. (http://www.euro.who.int/_data/assets/pdf_file/0017/231506/Good-governance-for-prison-health-in-the-21st-century.pdf).

⁹ *Health 2020 policy framework and strategy*. Copenhagen, WHO Regional Office for Europe, 2012 (http://www.euro.who.int/_data/assets/pdf_file/0020/170093/RC62wd08-Eng.pdf)



noted that a pre-requisite for success required “... governments to give the process the highest political commitment, communicate fully across all levels of management and personnel, and carefully plan and execute the practical steps, including all necessary budgetary implications and transfers of funding.”¹⁰

The Expert Group were of the view that there are strong indications that a whole-of-government approach to prison health in the longer term will have beneficial effects including¹¹:

- ▶ Lower health risks and improved health protection in prisons;
- ▶ Improved health of prisoners;
- ▶ Improved performance of national health systems;
- ▶ Improved health of deprived communities;
- ▶ Improved public health of the whole community;
- ▶ Improved integration of prisoners into society on release;
- ▶ Lower rates of re-offending and re-incarceration and reduction of the size of the prison population; and
- ▶ Greater governmental credibility based on increased efforts to protect human rights and reduce health inequalities.

In February 2018, the conclusions of the WHO International Meeting on Prison Health Lisbon 2017 was published.¹² Over 100 experts in the fields of prison and public health from 30 countries worldwide in addition to representatives from a number of international agencies were represented. In order to reduce drug use and associated harms in prisons, an invitation was issued to policy makers, health and justice professionals and prison administrators to:

1. **Implement** a “whole of government approach” to prison healthcare,¹³ ensuring that the health and social care needs of people in prisons are considered in all policies, taking account

of the need for integration between prison health and wider public health and social care systems, and recognising prisons as a setting in which to address health inequalities, improve health and ensure equitable access to health services and thereby reducing reoffending;

2. **Operate** within a framework of equivalence of healthcare outcomes between prison and community based on need and the requirement for continuity of care between community and prison;
3. **Treat** the person as a whole, including psychosocial support as well as effective pharmacological treatment, recognising that drug dependence treatment should take account of wider health and social care issues;
4. **Ensure** that service design is informed by research evidence and that service delivery is evaluated by audit and/or appropriate implementation data that takes into account the prison setting and the transition into the community from custody, requiring multiagency partnership work and a systems leadership approach to health;
5. **Develop and agree** minimum staffing levels (both healthcare and custodial staff) and skill mix; ensure appropriate training and professional development for all staff to assure improvements in service delivery, acknowledging the challenges of working in a prison setting and the opportunities for all staff to impact on rehabilitation and reducing recidivism;
6. **Encourage** use of the United Nations comprehensive package of services to address HIV, TB, and viral hepatitis B and C;¹⁴ and undertake prison reform measures to develop, adopt and implement alternatives to conviction or punishment for drug related non-violent crime and to reduce the excessive use of (pre-trial) detention.

Rehabilitation

The Inspector noted the availability of a range of facilities and programmes for rehabilitation

¹⁰ See footnote 8 p.18-19.

¹¹ ibid

¹² 1) The Conclusions of the WHO international meeting on prisons and health Lisbon 2017 are available at <http://www.euro.who.int/en/health-topics/health-determinants/prisons-and-health/publications/2018/conclusions-of-the-who-international-meeting-on-prisons-and-health-2018>. P.3.

¹³ See footnote 8 above.

¹⁴ European Centre for Disease Prevention and Control and the European Monitoring Centre for Drugs and Drug Addiction. Systematic review on active case finding of communicable diseases in prison settings. Stockholm:ECDC;2017 (<https://ecdc.europa.eu/sites/portal/files/documents/Systematic-review-on-communicable-diseases-in-prison-settings-final-report.pdf>)

throughout the prison estate. However, it was regrettable to note that in some areas workshops were closed to facilitate the redeployment of Work Training Officers to other operational posts for example, security and escorts to courts/hospitals. The activities observed in workshops and education centres that were open were well attended and attendees were complimentary of the training / education provided.

Governors and Chief Officers highlighted challenges in optimising their management roles in deploying resources within prisons as they are required to adhere to a list of agreed priority posts and any deviation requires consultation with the Prison Officers Association at local and/or national levels. Governors must be enabled to fulfil the accountability role vested in them by the Oireachtas under the Prisons Act 2007 and deploy resources within their assigned prison as required. This of course should not interfere with issues relating to the terms and conditions of employment of staff which is a matter for Irish Prison Service management in consultation with local management and staff representative bodies.

Equity and Female Prisoners

A female in prison in Ireland does not have access to the range of custodial options that are available to males.

Women in Ireland have a right to be treated on an equal basis to men and this includes the provision of custodial care.

The capital development of improved facilities for women in Limerick medium secure prison is welcomed. However, alternatives to medium security custody for females on an equal basis to that of men are also required.

Professionalism of Staff

Throughout visits to prisons the office of Inspector of Prisons noted the professionalism and dedication of staff in challenging and sometimes dangerous situations. Unfortunately this was not universal. It was disappointing on one of the early visits, to come across an officer who refused the Inspector entry into a prison. He appeared to be intoxicated, i.e. strong smell of alcohol and difficulty in reading the inspector's photo identification card. Prison management was immediately verbally notified of the incident and a

report of the incident was subsequently submitted by the Inspector to management in the prison concerned.

Chaplaincy

The Office of Inspector of Prisons met with a number of prison chaplains during 2018. The Office also received a copy of the Chaplaincy 2018 Annual Reports from Cloverhill Prison, Wheatfield Place of Detention, Dóchas Female Prison, Mountjoy Prison, Limerick Prison, Midlands Prison and Arbour Hill prison. The role of Chaplaincy within the Irish Prison system is essential and established over many years. It is positive to note that permanent staff recruitment took place during the year to fill a number of vacancies. However, the chaplaincy service remains overstretched and under resourced especially in the larger prisons. It is striking to note the number of volunteers who support and assist the chaplaincy service and without whom the service would struggle to operate.

The Chaplaincy service across the prisons estate provides an essential support for prisoners and their families and assists in maintaining vital links with the community. It also provides key insights into prison life, for prisoners and for staff. A vital link for prisoners and their families is access to visits. Various difficulties surrounding visits were identified by chaplains and were also noted by the Office of Inspector of Prisons. The difficulties encountered included the following: phone calls to arrange visiting appointments not being answered and ringing out; insufficient availability of visits to meet demand and comply with legislative requirements; and delays in escorting prisoners and/or visitors to visiting areas. The Office of Inspector of Prisons issued correspondence to a prison Governor in early 2018 highlighting issues in relating to prisoner visits. This is an issue that requires further attention.

In order to continue to maximise the role of Chaplaincy within the prison system, it is recommended that a Head/Lead Chaplain with appropriate authority and supervisory responsibilities is appointed – a role that is vacant since 2015. This role would assist in supporting the standardisation of service provision. It is also recommended that consideration be given to introducing enhanced systems whereby the chaplaincy service inputs at a senior level into



Irish Prison Service strategic policy development. This would place the Chaplaincy voice as prisoner advocate at the centre of planning the future direction of the prison service.

3.2 Prisoner Complaints System

The Office of Inspector of Prisons requests monthly submission of data from all prisons in relation to complaints. Due to incomplete returns, an analysis of the 2018 data in relation to all categories of complaints in Prisons is not possible. This matter was raised by the Inspector with the then Director General of the Irish Prison Service on 11 July 2018.

In June 2016 the Minister for Justice and Equality published a report from the Inspector of Prisons entitled “*Review, Evaluation and Analysis of the Operation of the present Irish Prison Service Prisoner Complaints Procedure*”.¹⁵ The report identified significant deficiencies in relation to the operation of the prisoner complaints procedure and included 17 recommendations as follows:

1. Prisoners must be entitled, subject to recommendation 3, to bring complaints before a judicial or other authority;
2. The ‘judicial or other authority’ referred to in Recommendation 1 should be the Ombudsman;
3. Prisoners, except in the event of undue delay in the investigation of their complaints, must exhaust the internal prison complaints’ procedure prior to bringing their complaints before a judicial or other authority (Recommendation 1);
4. Complaints might be categorised as either category A (‘serious’) and Category B (‘minor’) complaints for investigation internally in the prison system;
5. A robust investigative mechanism must be put in place, in prisons, to ensure the proper investigation of Category A complaints;
6. Category B complaints should be resolved at the lowest possible level;
7. Prisoners should be entitled to make complaints to relevant professional bodies;
8. Prisoners should be entitled to seek explanations for decisions made by IPS Headquarters, Governors and others;
9. Frivolous and Vexatious complaints must be addressed;
10. Fair procedures must apply in all investigations;
11. Relevant and adequate training in the prisoner complaints process must be afforded to all relevant staff;
12. All Statutory obligations and duties under agreed protocols must be adhered to;
13. Prison staff at all levels from Director General to Recruit Prison Officer must be held accountable for their actions and/or their failures;
14. All staff from Director General to Recruit Prison Officer must ensure that the culture of the Irish Prison Service does not hinder the operation of a prisoner complaints structure;
15. An effective communications system must be put in place;
16. The Inspector of prisons, having oversight of the prisoner complaints procedure, should carry out periodic reviews of the operation of the procedure;
17. If the Inspector of Prisons recommendations are accepted immediate changes to Primary and Secondary Legislation will be required.

The Office is aware that, on foot of the above mentioned report, the Irish Prison Service is moving towards the introduction of a revised complaints system which will be supported by a comprehensive information management system and this is welcomed. It is noted that a communications strategy and training will be provided. The provision of dedicated resources in 2019 is essential to enable the implementation of the revised complaints system. A robust complaints system provides an excellent metric for the evaluation of service provision. It also assists the implementation of preventative measures to mitigate risks. The proposed provision of an appeals mechanism to the Office of the Ombudsman will ensure that complaints within the prison system are treated equitably to complaints from across the wider public services.

3.2.1 Analysis of Category A Complaint Notifications

Prison Rules (Amendment) 2013¹⁶ was commenced on 14 January 2013 and it introduced additional provisions (rules 57A and 57B) in

¹⁵ Department of Justice and Equality (2016) “*Review, Evaluation and Analysis of the present Irish Prison Service Prisoner Complaints Procedure*”. <http://www.justice.ie/en/JELR/Pages/Publications-prisons-and-probations>

¹⁶ S.I. No.11 of 2013.

relation to prisoner grievance procedures as set out in the Prison Rules 2007.

Rule 57B applies to any complaint made after the above mentioned date by any person alleging assault or use of excessive force against a prisoner, or ill-treatment, racial abuse, discrimination, intimidation, threats or any other conduct against a prisoner of a nature and gravity likely to bring discredit on the Irish Prison Service. Certain legal obligations are placed on Governors of Prisons and the Director General of the Irish Prison Service in terms of notifications and the provision of reports and reasoned decisions to the Inspector of prisons in relation to such complaints. Complaints under this rule are referred to as Category A Complaints by the Irish Prison Service.

In 2018 the Office of Inspector of Prisons was notified of seventy-nine (79) Category A complaints relating to nine (9) prisons. No notification of a Category A complaint was received from Arbour Hill, Loughan House and Shelton Abbey (Table 2).

Table 2: Category A Complaint Notifications to the Inspector of Prisons

PRISON	2018 NOTIFICATIONS OF CATEGORY A COMPLAINTS
Castlerea Prison	16
Cloverhill Prison	16
Cork Prison	4
Dóchas Centre	4
Limerick Prison	1
Midlands Prison	18
Mountjoy Prison	8
Portlaoise Prison	8
Wheatfield Place of Detention	4
Total	79

The requirements of and compliance with Rule 57B, are summarised in Table 3. It should be noted that the information provided is based on notifications received from the Irish Prison Service and the Office of Inspector of Prisons was not in a position to independently verify the data received. The data received indicates that the Irish Prisons Service was not in compliance in 2018 with

the reporting requirements of Rule 57B of the Prison Rules 2007-2017 regarding the Inspector of Prisons. This is an area that requires further attention.

On 3 December 2018, in accordance with the provisions of Rule 57B(12) Prison Rules 2007-2017, the Inspector issued correspondence to the Acting Director General of the Irish Prison Service seeking clarification in relation to a specific Category A Complaint Report and the associated Governor's decision. A substantive reply was received on 8 December 2018 outlining the restrictions in the existing Prison (Disciplinary Code for Officers) Rules 1996¹⁷ and the intention to move to the general Civil Service Code of Discipline once certain legal impediments are rectified.

Table 3: Notifications to Inspector of Prisons in accordance with Rule 57B Prison Rules 2007 – 2017

Rule 57B Prison Rules 2007-2017	Compliance Number and (%)
Notifications of category A complaints	n = 79
Governor notification to Inspector of Prisons within 7 days of being notified of the complaint [57B(4)]	65 (82%)
Inspector of Prisons shall be notified of the appointment of the investigation team [57B(5)(a)]	0 (0%)
Complaints deemed by the Director General of the Irish Prison Service to be vexatious, without foundation, or outside scope of rule and terminated. Inspector of prisons is notified of the decision and reasons for the decision [57B(5)(b)]	n = 4 4 (100%)
Complaints withdrawn by prisoners and Director General decides investigation should be terminated. The Inspector of Prisons is (a) advised and (b) the reasons documented. [57B(5)(c)]	n = 7 (a) 7 (100%) (b) 5 (71%)

¹⁷ S.I. No.289/1996.



Complaints that proceeded to investigation	n = 68
Full Investigation reports received by Inspector of Prisons	22 (32%)
Interim reports submitted to Inspector of Prisons	0(0%)
Number of Investigation Reports received where the complaint was grounded or upheld	2 (9%)

3.3 Letters from Prisoners

In accordance with Rule 44(1)(h) of the Prison Rules 2007-2017, a prisoner is entitled to send and receive an unopened letter from the Inspector of Prisons.

During 2018 the Inspector of Prisons received seventy-one (71) letters from forty-five (45) prisoners relating to ten (10) prisons and Wheatfield Place of Detention. No letters were received from prisoners in Loughan House. Table 4 illustrates the prison/place of detention from which prisoner letters were received and the month in which they were received.

Where Rule 44(l)(h) letters referred to a complaint, the Office of Inspector of Prisons

informed the prisoners concerned that it has no statutory role in relation to individual complaints. There were four requests to meet with the Inspector of Prisons. The prisoners concerned were advised that the Office of Inspector of Prisons would meet with them when in the relevant prisons carrying out statutory duties. Two prisoners were visited in Mountjoy Prison on 29 March 2018 and two in the Midlands Prison on 7 March 2018 and 16 October 2018 respectively. The remaining letters related to the following areas:

- ▶ Request for clarity regarding Irish Prison Service Policy on former prisoners visiting prisoners;
- ▶ Requests for Temporary Release (TR);
- ▶ Complaints regarding food;
- ▶ Complaints regarding family difficulties in making appointments for visits
- ▶ Complaints regarding access to health care (mental health care / dental care)
- ▶ Complaints regarding lost property;
- ▶ Letters informing the Inspector of Prisons of the submission of complaints considered by the prisoners concerned to be Category A complaints, e.g. allegations of verbal or physical assault by prison officers.

Table 4: Letters from Prisoners to Inspector of Prisons in 2018

Prison / Place of Detention	Jan	Feb	March	April	May	June	July	Aug	Sept	Oct	Nov	Dec	Sub total
Arbour Hill				1						1	2		3
Castlerea	3	1	1	2			1					1	9
Cloverhill	1	1		1			4		1		1		9
Cork						1							1
Dóchas								1					1
Limerick	1							1					2
Midlands	1	1			1		3	1	1	4	1		13
Mountjoy		2	3	1	3	3		1					13
Portlaoise				2	1					1		1	5
Shelton Abbey		2					1	1		3	1		8
Wheatfield			2	1					1	2	1		7
Total	6	7	6	8	5	4	9	5	3	10	6	2	71

3.4 Investigations

3.4.1 Deaths in Custody

Pursuant to Section 31 (2) of the Prisons Act 2007, in 2012 the then Minister for Justice and Equality requested the Office of Inspector of Prisons to carry out an investigation into every death in custody, including the death of a person who is on Temporary Release /release on Licence in the community. During 2018, the Inspector sought and received clarity in relation to investigations of deaths in custody of persons who have been living under license in the community for many years. Investigations of such deaths by the Office is now confined to persons whose death occurs within one month of temporary release from prison.

The objectives for Inspector of Prisons investigations of deaths in custody are to:

- ▶ **U**Establish the circumstances and events surrounding the death, including the healthcare provided by the Irish prison Service (IPS);
- ▶ **U**Examine whether any changes in IPS operational methods, policy, practice or management arrangements could help prevent a similar death in future;
- ▶ **U**Ensure that the prisoner's family have an opportunity to raise any concerns they may have, and take these into account in the investigation; and
- ▶ **U**Assist the Coroner's investigative obligation under Article 2 of the European Convention on Human Rights, by ensuring as far as possible that the full facts are brought to light and any relevant failing is exposed, any commendable practice is identified, and any lessons from the death are learned.

On 1 Jan 2018 there were five (5) deaths which occurred in 2017 with investigations in each case at various stages.

There were sixteen (16) deaths in custody from 1 January to 31 December 2018 inclusive. There were nine (9) deaths of male prisoners in prisons. Two (2) in Cork Prison, three (3) in the Midlands Prison, three (3) in Mountjoy Prison and one (1) in Wheatfield Place of Detention.

There were seven (7) deaths of persons on temporary release from prison during the same

period. Two (2) female prisoners on release from Dóchas, and one (1) male prisoner on release from each of the following prisons - Castlereagh, Cork, Mountjoy, Midlands and Shelton Abbey.

A total of twenty-one (21) death in custody investigations required completion in 2018. Nine (9) death in custody reports were completed and submitted to the Minister in 2018.

During 2018, the Minister published fifteen (15) death in custody reports as follows: one (1) from 2016; ten (10) from 2017 and four (4) from 2018.

As previously stated the investigation of deaths in custody was assigned to the Inspector of Prisons in 2012 under the provisions of Section 31(2) Prisons Act 2007, with a backlog of cases year on year since 2014. The resultant outcome is that there is a delay in the completion of timely death in custody investigation reports and an associated opportunity cost with no available resources for the inspection of prisons.

Access to records is essential to ensure that appropriate investigation of deaths in custody are undertaken. The Inspector of Prisons sought independent legal advices as to her powers under the Prison Act 2007 to access relevant medical records in cases of deaths in custody. The advice received was that the Inspector has authority to access such records. This advice is at variance with advices received by the Irish Prison Service and the Inspector of Prisons from the Office of the Attorney General who recommended legislative amendment. The Minister was notified accordingly. Investigations of deaths in custody are delayed and hampered in the absence of receipt of consent to access relevant medical records from next of kin. During 2018, the Inspector of Prisons sought assistance from an Embassy to contact relatives of a deceased prisoner residing outside of the jurisdiction. There are also issues in circumstances where a prisoner does not provide a next-of-kin on committal as such records cannot be accessed.

3.4.2 Preliminary Investigation into Certain Allegations of Wrongdoing in the Irish Prison Service

On 22 November 2018 the Inspector of prisons received a request from the Minister for Justice and Equality under Section 31(2) of the Prisons



Act 2007 (“the Act”), to carry out a preliminary investigation into allegations of wrongdoing in the Irish Prison Service that were reported in the Irish Examiner on the same date.

On 8 December 2018 the Inspector was provided with the Terms of Reference for the investigation and the appended Supplemental Affidavit sworn by a serving prison officer in relation to High Court Judicial Review Proceedings. The stated purpose of the preliminary investigation was to establish as far as possible the facts relating to the specific allegations to enable a determination to be made as to the need for any further inquiry. The Inspector was requested to submit to the Minister her report containing any findings of fact and any recommendations for further action by the end of February 2019 or as soon as possible thereafter. In order to complete the investigation within the allotted timeframe, the day to day work of the Office was put on hold for the duration of the investigation. The Report was submitted to the Minister on 12 March 2019 in accordance with Section 31 (2) of the Act.

3.5 Inspection of Places of Detention Bill Draft Scheme 2014.

The Inspector of Prisons was invited by the Department of Justice and Equality to make a submission on the Inspection of Places of Detention Bill Draft Scheme 2014. The Inspector submitted her views on 20 September 2018.

3.6 Related Activities

3.6.1 Training

The Office of Inspector of Prisons welcomed and availed of the opportunity to meet with Recruit Prison Officers in training. The role and functions of the Office were presented to the following seven cohorts of trainees during the year: 9 March, 10 April, 23 May, 18 July, 6 September, 6 November and 21 December.

3.6.2 Conference

The Inspector of Prisons accepted an invitation to address and attend the Irish Prison Service Nurses First National Conference on 15 and 16 November in the Irish Prison Service Training College, Stack House, Portlaoise. Nurses are

working in the prison system for the past 20 years and there are currently 151 nurses and 3 medical orderlies working across the prison system. The organising committee developed a professional programme with interest in the event demonstrated by an attendance of over 70%. Over the two days 20 presentations by 22 nurses covered a diverse range of topics in addition to 9 poster presentations from 7 nurses, all of which demonstrated the broad range of nursing expertise available within the Irish prison system. Working groups’ discussion and conference feedback questionnaires formed findings and recommendations across the following 6 areas: professional development; educational development; practice development; professional collaboration and staff frustration. Two papers¹⁸ presented at the conference were subsequently submitted to the Journal of Correctional Health Care and have been accepted for publication in 2020.

3.7 External Communications

3.7.1 Irish Penal Reform Trust

The Inspector of prisons delivered a key note address at the launch of the Irish Penal Reform Trust publication: *Progress in the Penal System 2018*. The report covers wide-ranging areas of penal policy including prison conditions, regimes and access to education and services. In addition to addressing the report, an opportunity was provided to the Inspector to share reflections on the vision for the role of the Office, the importance of human rights and inspection and the pursuit of progress within the prison system.

3.7.2 Expert network on External Prison Oversight and Human Rights

The International Corrections and Prisons Association (ICPA) established an Expert Network on External Prison Oversight and Human Rights Network in 2018. The Inspector of Prisons accepted an invitation to become a member. The Purpose of the network is to share information, best practices and lessons learned on effective external prison oversight and enhance openness, transparency and accountability among prison authorities. The network comprises sixty-five (65) members from twenty (20) countries including Ireland.

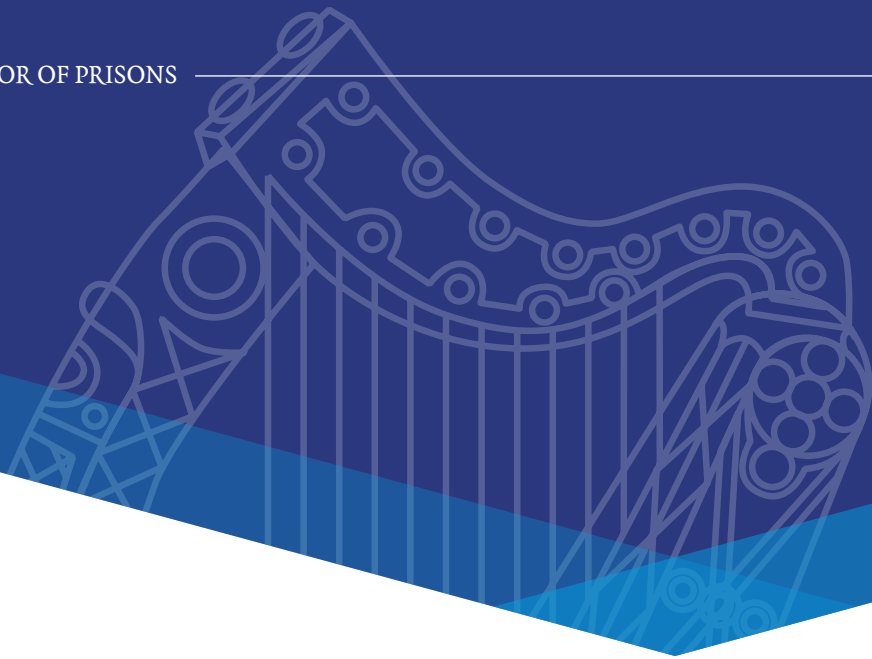
¹⁸ “A Qualitative Policy Study Exploring the Possibility and Potential Delivery of needle and Syringe Exchange Programmes in Irish Prisons.” Jay P Rosalim, RGN, RNP, BSc, MSc (ADP), Nurse Officer, Wheatfield Place of Detention. “Service Provision Study on the Implementation of Nurse-Led Clinic in Irish Judicial System.” Jay P Rosalim, RGN, RNP, BSc, MSc (ADP), Nurse Officer, Wheatfield Place of Detention.

4.0 Financial Information

The Office of the Inspector of Prisons is funded from Subhead A.3 of the Office of the Minister for Justice and Equality Vote. In 2018, the Office received an initial allocation of €391,000. In November 2018, a supplementary estimate

increased the Office allocation by €172,000 to €563,000. As at 31 December 2018, the Office returned a full year spend of €538,000 with a savings of €25,000 based on the increased allocation of €563,000.

	2018 Budget Allocation	Supplementary Estimate November	2018 revised allocation (plus supplementary)	2018 Actual Outturn
Pay	€265,000	€107,000	€372,000	€370,000
Non-Pay	€126,000	€65,000	€191,000	€168,000
Total	€391,000	€172,000	€563,000	€538,000



5.0 Protected Disclosures

The Office of the Inspector of Prisons has adopted the Protected Disclosure Policy of the Department of Justice and Equality as its policy on protected disclosures in the workplace. In line with the reporting requirements, it is confirmed that there were no protected disclosure reports received in 2018.

The Office of Inspector of Prisons was contacted by a serving prison officer in September 2018.

The officer advised that he had met the former Inspector and Acting Inspector and requested to meet the current post holder. The Inspector met the officer concerned on 30 September 2018 and explained the role of the Office of Inspector of Prisons. The Officer was aware that the Office has no role in relation to protected disclosures within the prison service. He advised that he was addressing the matter.

6.0 Public Sector Equality and Human Rights Duty

The Office of Inspector of Prisons embraces and is committed to ensuring it fulfils its responsibilities under Section 42 of the Irish Human Rights and Equality Commission Act 2014 which places a positive obligation on public bodies to have, in the performance of their functions, regard to the need

to eliminate discrimination, promote equality of opportunity and protect the human rights of staff and the persons to whom services are provided. Accordingly, during 2018 the Office of Inspector of Prisons placed this duty at the centre of its activities.



7.0 Governance and Internal Controls

The Office of the Inspector of Prisons is independent in its functions and reports to the Minister in terms of governance. In July 2018 the Inspector requested and it was agreed with the Department of Justice and Equality to put in place a Corporate Governance Assurance Agreement. Both parties inputted into a draft Agreement which is awaiting finalisation.

The “comply or explain” provision of the *Code of Practice for the Governance of State Bodies (2016)* has been applied to the Office of Inspector of Prisons. As the Office falls under the Justice Vote (Vote 24), it does not have its own Internal Audit Unit or Audit and Risk Committee. Furthermore it is not required to produce Annual Financial Statements. The Office has access to the Department’s Internal Audit and Internal Audit and Risk Committee in relation to financial governance. The Department’s Financial Management Unit reports on the Office’s income and expenditure in its monthly management reports. The monthly reports are reviewed by the Inspector and procedures are in place to ensure expenditure is authorised in accordance with the Department’s policies and procedures. The office is compliant with tax law obligations.

A Data Processing Agreement is in place between the Department of Justice and Equality and the Office of Inspector of Prisons. In accordance with clause 5.7 of the Corporate Governance Assurance

Agreement dated 5 March 2017, the ICT Division in the Department provides the Office of the Inspector of Prisons with ICT services.

The Code of Governance for State Bodies 2006, requires the provision of a Statement of Internal Controls (SIC). The Inspector of Prisons at the Office of the Inspector of Prisons is required to confirm that controls are operating effectively within the Office of the Inspector of Prisons. The SIC applies to all controls operating in the Office of the Inspector of Prisons including ICT matters. On 16 May 2019, the ICT Division in the Department of Justice and Equality confirmed that to the best of their knowledge and belief, adequate ICT controls, as set out in a Statement of Assurance, were in place and operating effectively in 2018.

During 2018 the Office of Inspector of Prisons developed a Risk Management System and associated Risk Register. A copy of the Risk Register was provided to the Department of Justice and Equality at Governance meetings.

Procurement undertaken by the Office in 2018 was carried out in consultation with Departmental officials and the Office of Government Procurement.

The Baker

Tommy makes his daily bread
In prison every day
He never wants to talk to us
He has no words to say

The Guard who watches over him
Says he's good and so relies
On Tommy to make the pastries
Brown bread and buns and pies

Tommy is a Lifer
In Jail that's what they call
A man who is sentenced to life
Awaits parole board call

He gets up every morning
Seven days a week
Dressed in white he makes the bread
Humble, quiet and meek

Rehabilitation
In prison – what they do
To help a man serve out his life
Make bread as time in lieu

I often think about him
As he Kneads the dough to rhyme
This must be his bread of life
In hours that do not chime

He never looks beyond the gate
I wonder if he dreams
If he could rearrange his fate
The man he could have been

He is busy baking
Tomorrow – years ahead
There will always be a “Tommy”
And a jail in need of bread.

By Regina Eviston

