

**Interim Report presented to the
Minister for Justice, Equality and Law Reform
by Judge Michael Reilly, Inspector of Prisons**

September 2008

1. Introduction

I was appointed Inspector of Prisons for Ireland on the 21st November 2007 to take effect from the 1st January 2008. My remit is set out in Part 5 of the Prisons Act 2007.

2. Reports

Under Section 32.1 of the Prisons Act, I must inter alia, submit an annual report to you on the performance of my functions during the previous year. Section 32.3 of the said Act, as you know, provides that the Minister, subject to subsection 4 shall cause a copy of it to be laid before each House of the Oireachtas and to be published. There is no provision for dealing with the publication of Interim Reports but in view of the contents of this particular report I hope you see merit in publishing it.

As my first Annual Report will not be submitted to you until early in 2009 I felt it appropriate that I should, by way of this Interim Report, make known to you and to the general public, should you decide to publish this report, in broad terms the approach I intend to adopt in order to fulfil my mandate.

3. Resources

My staff consists of a retired prison governor (who acts as advisor on prison matters), an office manager, a researcher and a clerical officer (still to be recruited). This is adequate for present purposes but I shall probably refer to the issue of resources in my annual reports. My headquarters will be in Nenagh where an office has been identified and is being refurbished. Progress in this matter is satisfactory.

4. Actions since my appointment

I have, since my appointment, visited all the prisons in the State for the purpose of familiarising myself with the layout, the design capacity, the educational facilities, the vocational training facilities, the recreational facilities and the general conditions under which prisoners are kept. These visits were announced visits. I have also visited a number of prisons unannounced both during the day and at night. My staff is conducting

research on best practice nationally and internationally. I have had contact with Inspectors of Prisons in other jurisdictions and have visited H.M.

Inspector of Prisons in London. I met with the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT - Council of Europe) in Strasbourg.

5. Some preliminary findings

I have already identified shortcomings in certain prisons. I have brought these to the attention of the Prison Service. I will deal in detail with these shortcomings and any other matters of concern in my Annual Report and the progress made to alleviate such shortcomings. There are particular matters deserving of priority attention which are referred to later in this report.

6. Principles I intend to adopt

My tenure as Inspector of Prisons will be characterised by independence, fairness and the setting of standards, which the law envisages and, which you and the general public would wish to see emphasised.

My independence will be demonstrated by consistency in demanding that prisoners are treated in accordance with international norms and that prisons are operated to best standards.

I will deal fairly with people be they prisoners, prison officers, officials of the Prison Service or people in general. I will listen to all constructive suggestions. I will take on board and evaluate criticisms of the system and or complaints from all sources. In this connection I am mindful of the provisions of Section 31.6 of the Prisons Act 2007. However, if I find faults in the system or in specific prisons I will bring these to the notice of the appropriate person or authority. I will give them an opportunity to explain themselves and appropriate time to rectify the faults. It will not be part of my approach to catch people out. However this is not to be taken as suggesting that I will overlook faults that I discover or that I could be considered a ‘soft touch’.

I will of course bring to your attention in my Annual Report and / or in my specific reports on individual prisons any faults that I uncover and the steps taken, if taken, to deal with these matters.

7. Standards

I will set standards. These I will make known to all relevant bodies and persons and I will endeavour to ensure that they are understood. I will not only set these standards but will ensure to the best of my ability that they are maintained. When setting these standards I will be mindful of the guidance available from such reputable bodies as the Council of Europe and the United Nations. These standards will incorporate the widely recognised Human Rights principles as applied to prisoners, other citizens and staff. I am aware that the running of any prison is no easy task and I am conscious of the reality that resources for all public services are, understandably, limited. However neither of these could be accepted for disregarding or denying individual human rights.

8. Working arrangements

I am conscious that prisons operate 24 hours a day 365 days a year. Therefore, side by side with my ‘programmed’ visits I will make ad hoc, unannounced visits to all prisons not alone during business hours but also during off peak hours. By this I mean during the night and at weekends. I will be doing this not for the purpose of wrong-footing anyone, but simply because in my view inspection systems which are entirely predictable as to timing no longer carry any measure of public credibility. This will establish and maintain credibility in the inspection system - the maintenance of standards will not be dependent on the arrival or non arrival of the Inspector. I will be in a position to refute suggestions that standards are upped only when I am expected to arrive.

In accordance with my mandate I will carry out detailed inspections of prisons. These inspections will be thorough. Initially my team and I will carry out an unannounced inspection which will entail an in-depth analysis of all areas of the prison. As part of this visit I will talk to prisoners and member

of staff. I will bring matters of concern (if any) to the notice of the Governor and the Irish Prison Service (if relevant). If I require further information on technical details I will request same. Approximately 2/3 months later I will carry out an announced inspection.

During this announced inspection I will meet with prisoners, visitors, representatives of the Visiting Committee, the senior managers, the Prison Officers Association, members of staff, the chaplains, the teachers, the doctors, the dentists, the Probation Officers, the Addiction Counsellors and any others who wish to see me or who provide services to prisoners. I will make further unannounced visits both during ‘working hours’ and off peak hours between my first inspection and the submission of my report. I will endeavour, in consultation with management, to address any matters of concern that I encounter. I will expect full cooperation from management and the Irish Prison Service in this regard. To date I have received this cooperation. Therefore, my reports on individual prisons will not reflect one particular point of time; instead, it will be reflective of an ongoing inspection and consultative process over a number of months. It will offer an accurate representation of the conditions in the particular prisons.

I have already begun this process. I have completed a report on Loughan House Open Centre and I have carried out an unannounced inspection of Castlerea Prison and will report on same in due course.

The general – broadly consultative – approach I intent to adopt which I have just described will not be possible in all cases if it immediately becomes apparent to me that there are matters of very serious concern to be addressed for example a pattern of abuse by staff or serious human rights abuses. I will bring these to your notice immediately and will follow up with a full investigation.

9. Matters of particular concern

I have already identified a number of areas which cause me particular concern - chief of which are overcrowding, the sentence management of prisoners,

inter prisoner conflict, the prevalence of drugs and mental health issues. These problems are the experience of prison systems internationally.

Overcrowding is a long standing issue in some of our prisons. I have already come across instances of excessive overcrowding. I am at present focussing on this issue.

There should be a sentence plan for all convicted prisoners from the date of their admission into the prison system until their release. This should cover, inter alia, the prison regimes, the expectations of prisoners should they engage with the services available, possible remission and their release date.

Different prisons should have different roles to play in the sentence management of prisoners. This is a complex subject which I will address in my annual reports.

Inter prisoner conflict is a problem in our prisons. This may well reflect attitudes of groupings in the outside world. It can be the source of extremely serious concern to more vulnerable prisoners and is simply not tolerable. I will address this in future reports.

The prevalence of drugs in our prisons is a matter of public comment and concern. It is an international problem. It is an area in which positive action is required by prison management.

A matter of great concern to me and of importance in a human rights context is the whole area of prisoners with mental health problems. If prisoners have mental health problems they as prisoners of the State have an absolute right to treatment in an appropriate setting. It cannot be said that this right is respected as matters stand.

10. Conclusion

My Annual Reports will deal, not only with the issues raised in this interim report, but will address any matters which are of concern to me relating to the Irish Prison system.