

**The Irish Prison Population -  
an examination of duties  
and obligations owed to prisoners**

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of the Prisons Act 2007.

Judge Michael Reilly  
Inspector of Prisons

29 July 2010

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Judge Michael Reilly  
Inspector of Prisons

29 July 2010

## Chapter 1

### Introduction

- 1.1. The purpose of this report is to set out in clear and unambiguous terms the type of accommodation, the type and level of services and the regimes (including prisoner safety) that we as a country are obliged to provide for prisoners having regard to our international and domestic obligations and acknowledged best practice. This report deals with such obligations in the context of the present overcrowding of our prisons.
  
- 1.2. My reason for being forthright in setting out our obligations towards our prisoners is in order that no one can claim to be surprised if we, as a country or individual prisons, are criticised by regulatory agencies in the future for failing to adhere to our obligations if heed is not taken of this report. A far more urgent reason for taking heed of our obligations is that if we as a country or our prison service as an entity fail to adhere to our obligations we or our prisons face the live prospect of litigation either in our domestic courts as a result of the incorporation of the European Convention on Human Rights into Irish Law or in the European Court of Human Rights by way of an application under Articles 2, 3, 6 or 8 when all domestic remedies have been exhausted. I should point out that in special and extraordinary circumstances and where it can be demonstrated that a state has failed to improve systemic or structural conditions or problems an application can be made directly to the European Court of Human Rights without exhausting domestic remedies. In these instances the 'bar' is very high as the Court prefers to allow States to remedy their own legal wrongs. The cases of **Cenbauer -v- Croatia**<sup>1</sup>, **AB -v- Netherlands**<sup>2</sup> and **Kalashnikov -v- Russia**<sup>3</sup> are relevant in this regard.
  
- 1.3. I am conscious of the grave economic situation that our country is in and of the reality that resources for all public services are, understandably, limited. However, neither of these could be accepted for disregarding the obvious overcrowding of our prisons. I accept that the changes required of our prison system to deal with overcrowding cannot occur overnight. It is for this reason

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<sup>1</sup> Application No. 73786/01, Decision as to the admissibility of case on 5th February 2004

<sup>2</sup> Application No.37328/97, Judgement of 29th January 2002

<sup>3</sup> Application No. 47095/99, Judgement of 15th October 2002

I point out that, provided certain minimum criteria are met, a degree of overcrowding may be justified which would not infringe our obligations. In the immediate short term certain levels of overcrowding may be necessary but this should only occur if a clear commitment is given to eliminate such overcrowding in a defined time and that the safeguards set out in this report are implemented.

- 1.4. In Chapter 7 of my Annual Report for 2008 I stated that overcrowding in prisons is an international problem and that in Ireland the problem is acute. On the 6th May 2009, the date of the presentation of that report to the Minister for Justice, Equality and Law Reform (hereinafter referred to as 'the Minister') the prison population stood at 3926. On the 23rd July 2010 there were 4478 prisoners in Irish prisons.
- 1.5. In my Annual Report for 2008 I stated that the Irish Prison Service has no control over the number of prisoners entering our prisons. The Irish System, unlike that in some other countries, must take all prisoners who are remanded in custody or sentenced. At times illegal immigrants who face no other charges are detained in our prisons.
- 1.6. In my report I distinguished between the design capacity of our prisons and the stated bed capacity. I referred specifically to Mountjoy Prison, Cork Prison and Limerick Female Prison. It was clear that the stated bed capacity as certified by the Irish Prison Service exceeded the design capacity of these prisons.
- 1.7. I fully acknowledge that the prison population has exploded over the last number of years. In 1951 the average daily population was 488. In 2000 it was 2948. On the 23rd July 2010 it stood at 4478. The rate of imprisonment in 1997 was 68.1 per 100,000, in 2000 it was 80.4 per 100,000 and in 2010 is standing at 93 per 100,000. Since 1997 in excess of 1,720 new prison places have come on stream. Successive Ministers and the Irish Prison Service must be complimented on this prison building programme. The design of all new accommodation complies with best practice. Additional accommodation is due to open in Wheatfield Prison this year and is planned

for the Midlands Prison. A sustained building programme must be maintained in order that outdated prisons and cells can be replaced.

- 1.8. A country's obligations to its prisoners fall under three general headings - (a) accommodation, (b) services and regimes and (c) prisoner safety.
- 1.9. As a country our obligations towards our prisoners can be found in our Constitution, our laws, our jurisprudence, our prison rules and in the standards that I published. Our international obligations can be found in the many international instruments to which we are a party, the jurisprudence of the European Court of Human Rights, the European and International rules that refer to prisoners and the reports of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (hereinafter referred to as the 'CPT').
- 1.10. At paragraph 1.8 above I have set out the three general headings under which we owe obligations to prisoners. All prisons must satisfy the three criteria - appropriate accommodation, adequate services and regimes and prisoner safety. If a prison fails to meet one or a number of these conditions it is overcrowded. The population must be reduced to the point where all three conditions are satisfied. Therefore, we, as a country, would not meet our obligations simply by providing adequate accommodation if we did not provide appropriate services and regimes and ensure the safety of our prisoners.
- 1.11. I have carried out a forensic examination of each prison having regard to the above considerations.
- 1.12. The purpose of this report is to place in context the overcrowding of our prisons (where this occurs) having regard to our domestic and international obligations towards our prisoners. I have first examined whether, as a country, our prison system is in compliance with our international and domestic obligations towards our prisoners, and, following such examination, have pointed out in a reasoned and analytical manner what is required to ensure that we do comply with our obligations. I have set out the results of a forensic examination of the accommodation, the services and regimes that

exist and the degree to which prisoners are safe in our prisons. The results of such examinations have enabled me to give guidance on the numbers that should be accommodated, the level of services that should be provided, the types of regimes that should exist and the concerns that should be acted on to ensure the safety of prisoners in each prison.

- 1.13. In Chapter 2, I set out my conclusions as to the size of cells required to accommodate one or more prisoners. I detail the reasons leading to such conclusions and the authorities that inform such conclusions.
- 1.14. In Chapter 3, I detail the level of services that should be provided and the types of regimes that should exist in all prisons. Again I detail my reasons and the authorities that inform such conclusions.
- 1.15. In Chapter 4, I set out the authorities that support the obvious statement that prisoners are entitled to be kept in safe and secure custody.
- 1.16. In Chapter 5, I give an overview of the present position in all of the 14 prisons in the Irish Prison System.
- 1.17. In Chapters 6 to 19, I give comprehensive details of each prison with a commentary on each.
- 1.18. In Chapter 20, I give details of initiatives already taken to reduce the prison population together with a number of suggestions which are made purely to stimulate a wider debate on the issue.
- 1.19. Arguments that overcrowding should be eliminated, and at the same time, that additional prisons should not be built are often heard. These statements are mutually exclusive. If practices such as 'slopping out' referred to later in this report are to be changed new accommodation must be provided. Of course the larger debate on a reduction in the prisoner population is a different matter but that debate should not cloud the issues being dealt with in this report.
- 1.20. It is important to note that my observations of the physical characteristics of our prisons, of the services provided to prisoners and the regimes in the



prisons do not reflect one particular point in time; instead it is reflective of an ongoing process over two and a half years.

1.21. I will keep the overcrowding issue under constant review and will refer to it as necessary.

1.22. It would be wrong if this report was to be used as a vehicle for hysterical outbursts, irrational debate or point scoring, rather it should be used as a reference and guiding tool to enable successive administrations and the Irish Prison Service lay out a road map for our prisons which will ensure that we, as a country, adhere to our obligations. The road map which should be published should have realistic goals which should be adhered to.

## Chapter 2

### Cell Accommodation

- 2.1. Standards 18 to 30 of the *Standards for the Inspection of Prisons in Ireland* which I published on the 24th July 2009 are the relevant standards that should apply to accommodation in our prisons. This chapter should be read in conjunction with and should act as an explanatory memorandum of such standards.
- 2.2. Best practice for the accommodation of prisoners has evolved over the years. Society has come from decreeing that prisoners be kept in harsh conditions with little or no services or appropriate regimes to the more enlightened thinking of today.
- 2.3. As a general principle I have concluded that best practice in Ireland should be that cell sizes should conform to the following sizes:-
  - (a) For single occupancy - 7m<sup>2</sup> with a minimum of 2m between walls. Such cells should have in-cell sanitation. It would be preferable to have the sanitary facilities screened.
  - (b) For each additional prisoner - an additional 4m<sup>2</sup> (Example: 2 prisoners - 11m<sup>2</sup>, 3 prisoners - 15m<sup>2</sup>, 4 prisoners - 19m<sup>2</sup>). Where two or more prisoners share a cell there must be in-cell sanitation which, in all cases, must be screened.

In reaching the above conclusions I also had regard to, *inter alia*, the climatic conditions in Ireland.

- 2.4. In reaching my conclusions as to the appropriate square and cubic capacity of accommodation cells I have had regard to the Irish Constitution, our domestic laws and jurisprudence, the International Instruments that bind our country, the various reports of the CPT, the decisions of the European Court of Human Rights, International Rules that refer to prisoners, the European Prison Rules, the Irish Prison Rules, Standards for the Inspection of Prisons in Ireland, best practice and my observations of prisons.

- 2.5. I am supported in my conclusions by the reports of the CPT referred to in paragraph 2.6, the 2nd General Report of the CPT referred to at paragraph 2.7, a judgment of the European Court of Human Rights referred to at paragraph 2.8 and the European Prison Rules referred to at paragraph 2.9.
- 2.6. The following extracts from the reports of the CPT on individual countries are of relevance:-
- (a) Report on United Kingdom CPT/Inf (2002) 6 at paragraph 52 stated - *"Although quite acceptable for one person, a cell measuring 8.5m<sup>2</sup> represents cramped accommodation for two. Even with a separate sanitary annex cells of such a size offer limited living space for two prisoners"*.
  - (b) Report on Ireland CPT/Inf (2003) 36 at paragraph 41 when referring to the Dóchas Centre stated that the material conditions in the single cells measuring 13.5m<sup>2</sup> were very good.  
At paragraph 42 when referring to Cloverhill Prison they stated that single cells measuring 9.5m<sup>2</sup> were of *"an adequate size"*.  
At paragraph 44 when referring to Cork Prison they stated that the authorities were to cease using cells measuring 7.5m<sup>2</sup> to accommodate more than one prisoner and that the cells measuring 21m<sup>2</sup> were to accommodate no more than 4 prisoners. They went on to state that efforts were to be made to avoid placing two prisoners in 9m<sup>2</sup> cells.
  - (c) Report on Bosnia / Herzegovina CPT/Inf (2004) 40 at paragraph 70 stated that *"any cells measuring less than 6m<sup>2</sup> should be taken out of service as prisoner accommodation"*.
  - (d) Report on Poland CPT/Inf (2006) 11 at paragraph 75 stated that there should be at least 2m between walls.
  - (e) Report on Ireland CPT/Inf (2007) 40 at paragraph 48 stated that accommodating *"two prisoners in cells of 9.5m<sup>2</sup>... is totally unacceptable"*.  
At paragraph 54 they commented adversely on the continuing practice of holding three prisoners in cells measuring 11m<sup>2</sup>.
  - (f) Report on Germany CPT/Inf (2007) 18 at paragraph 115 stated that cells of 7m<sup>2</sup> - 10m<sup>2</sup> were of a reasonable size for single occupancy.

At paragraph 122 they stated that cells of 10m<sup>2</sup> were of a good size for single occupancy and just about adequate for two inmates.

- (g) Report on Denmark CPT/Inf (2008) 26 at paragraph 49 stated that single cells of 8m<sup>2</sup> provided adequate conditions in terms of living space.
- (h) Report on Sweden CPT/Inf (2009) 34 at paragraph 56 stated that single cells of 6m<sup>2</sup> were not particularly spacious but "*given that prisoners spent a significant proportion of the day outside their cells they offered adequate accommodation*".
- (i) Report on United Kingdom CPT/Inf (2009) 30 at paragraph 37 when referring to a double cell measuring 8.5m<sup>2</sup> stated that such cells represented cramped accommodation for two but were acceptable for one person.
- (j) Report on Austria CPT/Inf (2010) 5 at paragraph 75 stated that cells offered sufficient living space as follows - single cells measuring some 8.5m<sup>2</sup>, double cells some 13.5m<sup>2</sup> and cells with 5 beds some 25m<sup>2</sup>.  
At paragraph 80 when referring to cells with bunks measuring "*a mere*" 7.5m<sup>2</sup> (including the sanitary annex) stated that - "*The CPT wishes to stress that cells of such a size should be used for single occupancy only*".
- (k) Report on Bosnia / Herzegovina CPT/Inf (2010)10 at paragraph 24 stated that there should be - 4m<sup>2</sup> per person in multi-occupancy cells.
- (l) Report on Italy CPT /Inf (2010) 12 at paragraph 70 described single cells of 8.75m<sup>2</sup> as a 'reasonable size'.

2.7. In their 2nd General Report<sup>4</sup>, the CPT, in the context of police cells, dealt with the minimum requirements for cells in the following terms at paragraph 43 -

*"The issue of what is a reasonable size for a police cell (or any other type of detainee/prisoner accommodation) is a difficult question. Many factors have to be taken into account when making such an assessment. However, CPT delegations felt the need for a rough*

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<sup>4</sup> CPT/Inf (92) 3

*guideline in this area. The following criterion (seen as a desirable level rather than a minimum standard) is currently being used when assessing police cells intended for single occupancy for stays in excess of a few hours: in the order of 7 square metres, 2 metres or more between walls, 2.5 metres between floor and ceiling".*

- 2.8. The European Court of Human Rights in the case of **Kalashnikov -v- Russia**<sup>5</sup> adopted the above when dealing with the Law and referred at paragraph 96 of its judgment to the size of cells in the following terms -

*".....the Court recalls that the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment ("the CPT") has set 7 m<sup>2</sup> per prisoner as an approximate, desirable guideline for a detention cell".*

One would assume that this decision which endorsed the guidance given by the CPT on cell size would be followed in future cases.

- 2.9. The European Prison Rules (2006) provide at Rule 18.1 -

*"The accommodation provided for prisoners, and in particular all sleeping accommodation, shall respect human dignity and, as far as possible, privacy, and meet the requirements of health and hygiene, due regard being paid to climatic conditions and especially to floor space, cubic content of air, lighting, heating and ventilation".*

- 2.10. I have already stated at paragraph 2.3 that cells should be of a certain size. In certain circumstances cells of a smaller size could be deemed appropriate in the short term. However, cells of 6m<sup>2</sup> should never be used for accommodation purposes and cells of less than 9m<sup>2</sup> should never be used to accommodate more than one prisoner.

- 2.11. Cells measuring 9m<sup>2</sup> - 11m<sup>2</sup> could be considered appropriate accommodation for two prisoners in the following circumstances:-

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<sup>5</sup> (Application No 47095/99), Judgement of 15th October 2002

- (a) Where there is adequate and relevant structured activity available to such prisoners in the prison.
- (b) Where such prisoners are unlocked for the greater part of the day.
- (c) Where the regimes in the particular prison are appropriate.
- (d) Where the issue of prisoner safety does not lead to undue concern.

2.12. In my commentary on each prison in Chapters 6 to 19, I will comment on the issues raised in paragraphs 2.10 and 2.11 as appropriate.

## Chapter 3

### Services and Regimes in Prisons

- 3.1 The standards contained in Sections 2, 5 and 6 of the *Standards for the Inspection of Prisons in Ireland* which I published on the 24th July 2009 are the relevant standards that should apply to services and regimes in our prisons. This chapter should be read in conjunction with and should act as an explanatory memorandum of such standards.
- 3.2. The United Nations Standard Minimum Rules for the Treatment of Prisoners, the European Prison Rules (2006), the Irish Prison Rules (2007) and the observations of the CPT make clear the obligations expected in the provision of services and regimes in prisons. I refer in paragraph 3.7 to a decision of the European Court of Human Rights for the purpose of illustrating that the Court takes into consideration not alone overcrowding but services and regimes in the prison when dealing with an application under Article 3 of the European Convention on Human Rights.
- 3.3. The United Nations Standard Minimum Rules for the Treatment of Prisoners, the European Prison Rules and the observations of the CPT do not have statutory authority but must be considered persuasive.
- 3.4. There is divided legal opinion as to whether the Irish Prison Rules have statutory authority. While they are 'secondary legislation' I am persuaded as to their status as explained in the case of **State (Walsh and McGowan) -v- Governor of Mountjoy**<sup>6</sup>, by O'Higgins C.J. when dealing with the Irish Prison Rules 1947 (being then in force) when he stated that "*having been made under the authority of the various Prison Acts, they have statutory effect and must be so regarded*".
- 3.5. Services and regimes in prisons overlap. Therefore for the purpose of referring to such services and regimes I have bulked them together to include, *inter alia*, - education, structured vocational work training, recreation, exercise, religious observance, health, welfare, diet, contact with family, visits,

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<sup>6</sup> Unreported, High Court, 12th December 1975

number of telephones, adequate probation, addiction and psychology services, appropriate kitchen, laundry and reception areas and the time spent by prison officers in escorting prisoners. I deal with the 'slopping out' regime of certain prisons in paragraphs 3.16 to 3.24.

3.6. I have stated in paragraph 3.5 that I have bulked regimes and services together. In this context I have referred to both education and health issues. I have not carried out an audit on the adequacy, efficiency or relevance of these services. An independent education audit should be commissioned by the Irish Prison Service. A commitment to have such an audit carried out should be given with a timeframe. I intend, over the next 12 months, looking at the health services provided in our prisons. I will commission expert medical and other relevant expertise to assist me in such an examination. In particular I will scrutinise the adequacy, efficiency and relevance of existing services. I will submit a report on this important aspect of prison life to the Minister in 2011.

3.7. I have not, in this report, referred to the current disciplinary procedures for prisoners or those for dealing with prisoner complaints. I am not satisfied that either conform to best practice. In my forthcoming Annual Report I deal with both issues in order to give guidance to the Irish Prison Service and prison management as to what should be expected in order to comply with standards, our obligations as a country and best practice. I am confident that my guidance will be followed.

3.8. I set out hereunder the authorities that I have relied on when determining the level and appropriateness of services and regimes that should be found in our prisons. I have done this in order that my comments regarding services and regimes in my commentary on each prison are placed in context.

(a) **United Nations Standard Minimum Rules for the Treatment of Prisoners**

Rule 63(3) states:- "*It is desirable that the number of prisoners in closed institutions should not be so large that the individualization of treatment is hindered*".



(b) **European Prison Rules (2006)**

Rule 25.1 states:- *"The regime provided for all prisoners shall offer a balanced programme of activities"*.

Rule 25.2 states:- *"This regime shall allow all prisoners to spend as many hours a day outside their cells as are necessary for an adequate level of human and social interaction"*

Rule 25.3 states:- *This regime shall also provide for the welfare needs of prisoners"*.

Rule 25.4 states:- *"Particular attention shall be paid to the needs of prisoners who have experienced physical, mental or sexual abuse"*.

Rule 102.2 states:- *"Imprisonment is by the deprivation of liberty a punishment in itself and therefore the regime for sentenced prisoners shall not aggravate the suffering inherent in imprisonment"*. This provision is mirrored in **Article 10(3) of the International Covenant on Civil and Political Rights**.

(c) **Irish Prison Rules (2007)**

Rule 27(1) states:- *"Subject to any restrictions imposed under and in accordance with Part 3 of the Prisons Act 2007 and Part 4 of these Rules, each prisoner shall be allowed to spend as much time each day out of his or her cell or room as is practicable and, at the discretion of the Governor, to associate with other prisoners in the prison"*.

Rule 27(2) states:- *"Subject to Rule 72.....each prisoner may, while in prison, engage or participate in such structured activity as may be authorised by the Governor....including work, vocational training, education, or programmes intended to ensure that a prisoner, when released from prison, will be less likely to re-offend or better able to re-integrate into the community"*.

Rule 27(3) states:- *"In so far as is practicable, each convicted prisoner should be engaged in authorised structured activity for a period of not less than five hours on each of five days in each week"*.

(d) **Extracts from the CPT's 2nd General Report - CPT/Inf(92)3**

Paragraph 46 states:- *"All services and activities within a prison will be adversely affected if it is required to cater for more prisoners than it was designed to accommodate"*.

Paragraph 47 states:- *"A satisfactory programme of activities (work, education, sport etc) is of crucial importance for the well-being of*

*prisoners.....The CPT considers that one should aim at ensuring that prisoners in remand institutions are able to spend a reasonable part of the day (8 hours or more) outside their cells, engaged in purposeful activity of a varied nature. Of course regimes in establishments for sentenced prisoners should be even more favourable".*

Paragraph 50 states:- *"The CPT would add that it is particularly concerned when it finds a combination of overcrowding, poor regime activities and inadequate access to toilet/washing facilities in the same establishment. The cumulative effect of such conditions can prove extremely detrimental to prisoners".*

- 3.9. The European Court of Human Rights in hearing an application under Article 3 of the Convention in the case of **Alver -v- Estonia**<sup>7</sup> stated at paragraph 56:-

*"In light of the foregoing, the Court considers that the conditions of the applicant's detention described above, in particular the overcrowding, inadequate lighting and ventilation, impoverished regime, poor hygiene conditions and state of repair of the cell facilities, combined with the applicant's state of health and the length of the period during which he was detained in such conditions, were sufficient to cause distress and hardship of an intensity exceeding the unavoidable level of suffering inherent in detention".*

The purpose of including the extract from the above Judgment is to demonstrate that the European Court of Human Rights takes seriously issues such as overcrowding, lighting and ventilation, impoverished regimes, poor hygiene conditions and the state of repair of cell facilities all of which I have raised in this report.

- 3.10. In paragraph 2.8, I drew attention to the case of **Kalashnikov -v- Russia**<sup>8</sup> for the purpose of illustrating that the Court endorsed the guidance of the CPT in relation to cell size. There is no reason to suggest that they would not endorse other guidance from the CPT in future cases relating to matters

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<sup>7</sup> Application No. 64812/01, Judgement of 8th February 2006

<sup>8</sup> Application No 47095/99, Judgement of 15th October 2002

other than cell size. Therefore, the pronouncements from the CPT referred to in paragraph 3.8(d) take on added significance.

- 3.11. It is reasonable to assume that, when a new prison is built, the services and regimes as detailed in paragraph 3.5 will be provided and will be adequate for the number of prisoners intended to be accommodated in such a prison.
- 3.12. When additional prisoners are accommodated in existing prisons either by 'doubling up' or by the building of additional cell accommodation without an expansion of the appropriate services and regimes such prisons could not be said to provide adequate services and regimes for the expanded population. An example of this is to be found in my commentary on Wheatfield Prison in Chapter 19.
- 3.13. In prisons where workshops and educational facilities are provided it should be assumed that relevant structured activities are available for all prisoners in such prisons. This is not always the *de facto* position as such facilities may not be operating to their capacity or may not be operating at all. An example of the latter can be found in Portlaoise Prison where new workshops, finished to the highest standard, have been built in the new C wing. Apart from two, these workshops have not been commissioned. I refer as appropriate to this aspect in my commentaries on prisons in Chapters 6 to 19.
- 3.14. I have stated in paragraph 3.13 that in certain instances facilities may not be operating to their capacity. A number of reasons can contribute to this - lack of a supervisor, no gym teacher, no supervising officer, the absence of a teacher, the deployment of officers to other duties etc. Any one of the above can lead to curtailment or closure of facilities. I refer as appropriate to this aspect in my commentaries on prisons in Chapters 6 to 19.
- 3.15. Having regard to the matters outlined in this chapter I have concluded that relevant structured activity should be available for all prisoners wishing to avail of such activities for a minimum of five hours each day of five days a week. This would of course be in addition to out of cell time and recreation time. I am, of course, aware that a number of prisoners may not be able to avail of such activities for a variety of reasons - disciplinary, protection, security considerations etc. When commenting on this aspect in individual

prisons in Chapters 6 to 19, I accept that my conclusions as to the services available in each individual prison are subjective. They are, however, based on information from each prison and my observations of each prison over a 30 month period. In this connection I should reiterate that I have total access to all prisons and records 24/7.

- 3.16. The 'slopping out' practice in Cork, Limerick, Mountjoy and Portlaoise Prisons has a direct and substantial bearing on the prison regime in such prisons.
- 3.17. I have observed at first hand over a 30 month period the practice and methods used for 'slopping out' in these prisons. I have been present on the landings when prisoners have been unlocked at all times of the day - (first thing in the morning and at all other times when prisoners are unlocked). I have observed the prisoners emptying their buckets or pots into slop hoppers and in some instances into bins. In Cork, Limerick and Mountjoy Prisons this practice is carried out in a chaotic and unstructured manner. This is because of the number of prisoners and the short period of time allocated. The situation is far less chaotic in Portlaoise Prison because the numbers are smaller.
- 3.18. Prisoners often have to queue to 'slop out'. The total contents of their 'slop out' buckets or pots do not always end in the slop hoppers but splash on the surrounding floor or worse onto the prisoners. In certain prisons the slop hoppers were invariably dirty. The facilities for cleaning the 'slop out' buckets or pots was inadequate. The smell in most of these areas was unacceptable.
- 3.19. All of the prisoners in Portlaoise Prison who are obliged to 'slop out' are accommodated in single cells and spend the majority of the day out of their cells. All of the prisoners in Cork Prison and a majority of prisoners in Limerick and Mountjoy Prisons who are obliged to 'slop out' are in double cells or multi occupancy cells.
- 3.20. I have already stated that 'slopping out' is a feature of Cork, Limerick, Mountjoy and Portlaoise Prisons. These are old prisons dating from the mid 19th century. I have been led to believe that it would be expensive to provide in cell sanitation in all cells in these prisons. I cannot give a view on the costs involved except to say that in-cell sanitation is being installed in the

refurbished E Block in Limerick Female prison. The E Block forms part of the oldest prison in the country.

3.21. Ireland as a country owes many obligations to its prisoners. Some of these I have referred to earlier in this report. For the purpose of this part of the report it is relevant that I refer to specific obligations to prisoners contained in Article 40 of the Irish Constitution which were referred to in the case of **The State (C) -v- Frawley**<sup>9</sup> as follows:-

- (a) A right to bodily integrity.
- (b) A right not to have his health exposed to risk or danger.
- (c) A right not to be exposed to inhuman or degrading treatment.

In addition to the above prisoners enjoy additional rights such as the right to privacy.

3.22. As an independent office holder appointed under the Prisons Act 2007 it would be incorrect of me to engage in any debate which could be construed as arguing whether the conditions under which prisoners are obliged to 'slop out' contravene Articles 3 and 8 of the European Convention on Human Rights. However, it would be remiss of me not to draw attention to the evolving jurisprudence of the European Court of Human Rights. I do this in order to set out the factual situation as I see it and to explain and place in context my comments on certain prisons referred to in Chapters 9, 11, 14 and 15.

3.23. The jurisprudence of the European Court of Human Rights is ever evolving. In the case of **Kalashnikov v Russia**<sup>10</sup> the Court came close to the view that overcrowding alone could amount to a breach of Article 3 of the Convention, whereas, in the case of **Orchowski -v- Poland**<sup>11</sup> the Court took the view that overcrowding *per se* amounted to a violation of Article 3 of the European Convention on Human Rights.

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<sup>9</sup> 1976 IR 365

<sup>10</sup> Application No 47095/99, Judgement of 15th October 2002

<sup>11</sup> Application No. 17885/04, Judgement of 22nd October 2009

- 3.24. 'Slopping out' *per se* has not been found by the European Court of Human Rights to be in breach of Article 3 of the Convention. The Court looks at the totality of the conditions of the detention as stated in the case of **Bakmutsky -v- Russia**<sup>12</sup> in the following terms:- *".....When assessing conditions of detention one must consider the cumulative effects as well as the applicant's specific allegations....."* .
- 3.25. In the case of **Peers -v- Greece**<sup>13</sup> the European Court Human Rights found that, where there was no in-cell sanitation resulting in a prisoner having to attend to his sanitary requirements in front of another prisoner allied to an impoverished regime, this amounted to a violation of Article 3 of the Convention.
- 3.26. The Scottish case of **Napier -v- The Scottish Ministers**<sup>14</sup> is relevant in the context of this part of this report. Briefly the facts of the case are that the prisoner spent 20 to 23 hours in a cell with no in-cell sanitation. He had to attend to his sanitary needs in the presence of other occupants of the cell. Because of the overcrowding in the prison and the numbers 'slopping out' at one time the court described this process as a - *"free for all"*. In his petition to the court the prisoner relied on what was described in court as - *".....the triple vices of overcrowding, slopping out and impoverished regime....."*. Lord Bonomy in his judgment observed:-

*".....While I should look at each one individually, in the final analysis they cannot be viewed in isolation, since each one has an impact on, and is affected by, the others"*.

- 3.27. In their 2007 report on Ireland<sup>15</sup> the CPT stated at paragraph 56:-

*"In its report on the 1993 visit, the CPT considered the act of discharging human waste, and more particularly of defecating, in a chamber pot in the presence of one or more other persons, in a confined space used as a living area, to be degrading....."*

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<sup>12</sup> Application No. 36932/02, Judgement of 25th June 2009

<sup>13</sup> Application No. 28524/95, Judgement of 19th April 2001

<sup>14</sup> (2005) CSIH 16

<sup>15</sup> CPT/Inf (2007) 40

*The other consequences of the absence of integral sanitation - the hours spent in the presence of chamber pots containing one's own excreta and that of others and the subsequent 'slopping out' procedure - are scarcely less objectionable. The whole process is extremely humiliating for prisoners. Moreover, 'slopping out' is also debasing for the prison officers who have to supervise it".*

3.28. In their Standards<sup>16</sup> the CPT stated at paragraph 50:-

*"The CPT would add that it is particularly concerned when it finds a combination of overcrowding, poor regime activities and inadequate access to toilet/washing facilities in the same establishment. The cumulative effect of such conditions can prove extremely detrimental to prisoners."*

3.29. In my commentary on each prison I will comment on the services and regimes and how such services and regimes impact on the particular prison. In certain prisons it will be seen that, despite sufficient accommodation being available, the lack of services to prisoners would lead to the inescapable conclusion that such prisons were overcrowded.

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<sup>16</sup> CPT/Inf1E(2002)1 - Rev. 2009

## Chapter 4

### Prisoner Safety

- 4.1. Subject to paragraph 4.11 Standards 1, 63, 64, 132, 133, 178, 180 and 181 of the *Standards for the Inspection of Prisons in Ireland* which I published on the 24th July 2009 are the relevant standards that should apply to prisoner safety in our prisons. This chapter should be read in conjunction with and should act as an explanatory memorandum of such standards.
- 4.2. The level of safety and security provided in a prison have an impact on the adequacy of the conditions in a prison. The reasons for violence in prisons may be numerous but can be due to overcrowding if such overcrowding militates against the provision of adequate services or a diminution in regimes.
- 4.3. The Irish Constitution, the European Convention on Human Rights, the European Court of Human Rights, the European Prison Rules and the Irish Prison Rules give guidance on prisoner safety.
- 4.4. **Article 40.3.2. of the Irish Constitution** contains an express protection of the right to life.
- 4.5. Under **Article 2 of the European Convention on Human Rights** the State has a duty to prevent deaths and serious injury to those in its custody. There are three elements to this Article:-
  - (a) It may be breached in cases of unnecessary or excessive use of force by state agents. The relevant case from the European Court of Human Rights is - **McCann & Others -v- United Kingdom**<sup>17</sup>.
  - (b) It may be breached if state authorities fail to take steps to protect the lives of individuals that are actually known, or ought to be known, to be at risk. The case of **Osman -v- United Kingdom**<sup>18</sup> decided that it may be breached in circumstances where the authorities failed to take

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<sup>17</sup> Application No. 18984/91, Judgement of 5th September 1995

<sup>18</sup> Application No. 87/1997/871/1083, Judgement of 28th October 1998



reasonable measures within the scope of their powers to avert the risk to the prisoner and in the case of **Rebai -v- France**<sup>19</sup> when the threat came from a third party such as a cell mate and in the case of **Keenan -v- United Kingdom**<sup>20</sup> when the threat came from the detainee himself.

- (c) The third element deals with a state's obligation to carry out an effective investigation following a death in custody. This element is not relevant to this report.

4.6. The **European Prison Rules** give the following guidance:-

**Rule 49** states:-

*"Good order in prison shall be maintained by taking into account the requirements of security, safety and discipline, while also providing prisoners with living conditions which respect human dignity and offering them a full programme of activities in accordance with Rule 25".*

**Rule 52 (1)** states:-

*"As soon as possible after admission, prisoners shall be assessed to determine whether they pose a safety risk to other prisoners, prison staff or other persons working in or visiting prison or whether they are likely to harm themselves".*

**Rule 52 (2)** states:-

*"Procedures shall be in place to ensure the safety of prisoners, prison staff and all visitors and to reduce to a minimum the risk of violence and other events that might threaten safety".*

**Rule 52 (3)** states:-

*"Every possible effort shall be made to allow prisoners to take a full part in daily activities in safety".*

**Rule 52 (4)** states:-

*"It shall be possible for prisoners to contact staff at all times, including during the night".*

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<sup>19</sup> Application No. 26561/95, Judgement of 25th February 1997

<sup>20</sup> Application No. 27229/95, Judgement of 3rd April 2001

4.7. The **Irish Prison Rules** provide as follows:-

**Rule 75 (3) (i)** states:-

*"The Governor shall develop and maintain a regime which endeavours to ensure the maintenance of good order and safe and secure custody and personal well being of prisoners".*

**Rule 85 (3) (a)** states:-

*"A prison officer shall ensure the maintenance of good order and safe and secure custody".*

4.8. The reason that I have referred to the above authorities is to enable me place in context references that I make to prisoner safety when commenting on certain individual prisons in Chapters 6 to 19.

4.9. In the Irish Prison Service latest Annual Report for 2008 they state that there were 759 incidents of inter-prisoner violence during the year 2008<sup>21</sup>. I have not carried out an exhaustive audit to determine the exact numbers of incidents of inter prisoner violence in each prison. I have examined the records of such incidents in each prison in a general way. Such examination has enabled me give a view on the extent and seriousness of inter prisoner violence in various prisons. This view is contained in my commentary on each relevant prison.

4.10. I am aware that there will always be incidents of inter prisoner violence, incidents of self harm and accidents in our prisons. The risk of same can never be eliminated. There will also be incidents of force being used by staff against prisoners. This would be legitimate provided that it were appropriate and relevant in particular circumstances.

4.11. I do not address the question of possible assaults by officers on prisoners. This will form part of a further report which will deal with the issue in the context of prisoners' complaints procedures and the punishment of prisoners for stated misbehaviour.

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<sup>21</sup> Irish Prison Service Annual Report 2008, p. 27

## **Chapter 5**

### **An overview of all prisons**

- 5.1. There are three types of cells in our prisons - accommodation cells, holding cells and 'special cells'. I use the generic word 'special cells' as these are subdivided into safety observation cells and close supervision cells. These 'special cells' are for a specific purpose and are not for use as accommodation cells. In the tables in Chapters 6 to 19 I refer to such 'special cells' only to show the numbers of such cells in the various prisons. They are not counted when counting the capacity of accommodation cells. The use of 'special cells' will form part of a separate detailed report. 'Holding cells' should never be used for accommodation purposes.
- 5.2. The Irish Prison Service produces an analysis of the prisoner population for each day. This information includes, *inter alia*, the bed capacity of each prison in addition to the numbers accommodated in each prison. The stated bed capacity of each prison means no more than that there are either beds or bunks to accommodate the stated bed capacity. I cannot find evidence that any other matters such as the services to be provided or the regimes that should exist have been considered as relevant when decisions are made as to what the bed capacity of any prison should be.
- 5.3. Since I took up my position as Inspector of Prisons the stated bed capacity of a number of prisons has been increased. I acknowledge that in some prisons additional accommodation and in certain cases additional services have been provided. In prisons where this has not happened I can see no objective reason for increasing the stated bed capacity.
- 5.4. The following table demonstrates the increases in stated bed capacity over two and a half years while at the same time giving the figures for the number of prisoners actually in the prisons on the relevant dates.

**Analysis of Stated Bed Capacity (BC) and number in custody (NIC) of Irish Prisons between 23rd January 2008 and the 23rd July 2010**

Institution	23/01/08		23/06/08		23/01/09		23/06/09		22/01/10		22/06/10		23/07/10		Comment
	BC	NIC	BC	NIC	BC	NIC	BC	NIC	BC	NIC	BC	NIC	BC	NIC	
<b>Mountjoy (Male)</b>	547	540	547	540	540	625	540	650	590	599	590	685	630	728	Sep unit opened but should not increase no's.
<b>Mountjoy (Female)</b>	80	85	80	85	85	105	85	109	85	125	85	138	105	140	
<b>St Patrick's</b>	220	213	220	213	216	220	217	229	217	212	217	216	217	210	
<b>Cork</b>	150	272	150	272	272	289	272	305	272	304	272	310	272	316	
<b>Limerick (Male)</b>	211	275	211	275	275	295	275	303	290	313	290	312	290	322	
<b>Limerick (Female)</b>	12	20	12	20	20	18	20	23	20	24	20	22	20	23	
<b>Castlerea</b>	183	228	183	228	228	248	228	269	351	376	351	387	351	414	New wing opened.
<b>Cloverhill</b>	400	431	400	431	431	452	431	466	431	437	431	470	431	462	
<b>Wheatfield</b>	320	370	320	390	390	411	390	428	430	445	430	450	470	507	
<b>Portlaoise</b>	316	210	316	210	210	103	240	114	399	243	359	265	359	273	New wing opened.
<b>Arbour Hill</b>	138	139	138	148	148	148	148	156	148	155	148	154	148	151	
<b>Training Unit</b>	96	96	96	96	107	102	107	110	107	115	107	114	107	114	
<b>Midlands</b>	475	474	475	469	469	481	469	513	516	518	516	536	566	568	
<b>Loughan House</b>	85	102	85	130	130	124	150	122	150	135	150	143	160	142	New wing opened.
<b>Shelton Abbey</b>	60	60	90	90	90	84	100	92	100	87	100	100	110	108	New wing opened.

- 5.5. I have forensically analysed each prison in the State from the viewpoint of accommodation, services, regimes and the safety of prisoners. I have inspected and measured all cells in all 14 prisons. In Chapters 6 to 19, I give specific details in respect of each prison of the following - (a) the number of cells with the floor and cubic area of each, (b) whether the cells have in-cell sanitation and whether such facilities are screened, (c) the prison population as of the 23rd July 2010, (d) the number of prisoners who, having regard to the criteria laid down in chapters 2, 3 and 4 of this report should be accommodated in such cells, (e) the Irish Prison Service stated bed capacity of each prison, (f) the maximum number of prisoners who could engage in relevant structured activity on any day, and, (g) the number of staff vacancies and their impact on the reduction (if any) of such structured activity. I include a commentary on each prison highlighting those issues that I deem appropriate.
- 5.6. When I deal with accommodation issues it is clear from the square area of each prison cell as to whether or not such accommodation complies with our obligations. When dealing with the services provided and the regimes to be found in the various prisons one could, in certain circumstances, be misled as to the level of services available. In certain prisons, workshops and other facilities are in place but are not in use. Examples of this can be found in Portlaoise Prison, Castlerea Prison and Loughan House Open Centre. In these prisons new workshops have been provided but have not been commissioned. In other prisons workshops are closed. The major reason that workshops as described are not open is that staff essential to the running of such workshops have not been appointed. These posts are not new posts but are posts unfilled. I deal with this issue in my commentary on each prison.
- 5.7. As I have stated at paragraph 5.5 (f) and (g) I have set out the maximum number of prisoners who can avail of structured activity in each prison. This maximum number is based on the assumption that the workshops, schools and other facilities are open for all sessions and that other work is not curtailed. In my commentary on each prison I have given my view as to the actual number of prisoners who can engage in relevant structured activity. I accept this is a subjective view but it is based on specific information gleaned from each

prison in addition to my own observation of each prison over a 30 month period.

- 5.8. As I have already stated there are 14 prisons in our prison system. Numbers of these are old prisons with antiquated facilities. The cells in some of these prisons do not match the standard that should be expected of prisons as set out in paragraph 2.3. It would be unreasonable to suggest that all such cells should be condemned and taken out of circulation. There are, however, absolute minimum standards that should be met in the short term pending the building of new facilities.
- 5.9. In circumstances where prisoners are out of their cells for the greater part of the day, where they are engaged in relevant structured activity, where the prison regimes are adequate and where the prisoner safety is not an issue a case can be made for accommodating prisoners in cells of a lesser size to that described in paragraph 2.3 as more particularly detailed in paragraphs 2.10 and 2.11.
- 5.10. In my commentaries on individual prisons in Chapters 6 to 19, I have examined each prison in the light of paragraphs 5.5. and 5.6 and have set out the maximum number of prisoners who should be accommodated. I have done this by reference to individual cells or blocks of cells. This exercise should leave no doubt as to the maximum number of prisoners that can be accommodated in particular cells. I have also pointed out the numbers that can be accommodated when such prisoners or prisons do not meet the standards set out in paragraph 5.6. This would refer to restricted out of cell time, inadequate services and regimes and concerns as to prisoner safety.
- 5.11. In my commentaries on each prison I have not referred to the new drugs searching procedures employed in each prison. This is a worthwhile initiative which I have referred to in earlier reports.
- 5.12. I intend asking each prison to compile electronically a list of the numbers of prisoners, their status (protection, vulnerable etc) and where in the prison they are located. I will expect this list to be available on a daily basis. Certain prisons are in a position to supply this information at present. I will consult

with the prison management in each prison and with the Irish Prison Service with a view to agreeing the format of such a document.

- 5.13. If the information as suggested in paragraph 5.12 is readily available it will be an easy task for me, any other regulatory authority, the Irish Prison Service or the Department of Justice and Law Reform to monitor the prison population on any given day. It will then be possible, having regard to my analysis of each prison as contained in my commentaries, to see at a glance whether individual prisons meet our obligations towards our prisoners.

## Chapter 6

### Arbour Hill Prison

#### Overview of cell accommodation

Landing	Number of same size cells	Size of cells LxBxH	Square metres	Cubic Metres	Sanitation Y/N	Screened Y/N
West 1	14	3.3x2.1x2.69	6.93	18.64	Y	Y
	1	3.3x4.4x2.7	14.52	39.20	Y	Y
West 2	18	3.3x2.1x2.69	6.93	18.64	Y	Y
	1	3.3x4.4x2.7	14.52	39.20	Y	Y
North 1	14	3.3x2.1x2.69	6.93	18.64	Y	Y
	7	3.2x2.6x2.8	8.32	23.30	Y	Y
North 2	14	3.3x2.1x2.69	6.93	18.64	Y	Y
	8	3.2x2.6x2.8	8.32	23.30	Y	Y
	1	3.3x4.4x2.7	14.52	39.20	Y	Y
East 1	16	3.3x2.1x2.69	6.93	18.64	Y	Y
	1	3.3x4.4x2.7	14.52	39.20	Y	Y
	1 Close Supervision Cell	3.2x2.03x2.4	6.5	15.60	Y	Y
East 2	20	3.3x2.1x2.69	6.93	18.64	Y	Y
	1	3.3x4.4x2.7	14.52	39.20	Y	Y

#### Commentary on Arbour Hill Prison

- 6.1. The cells measuring 6.93m<sup>2</sup> are used for single occupancy. The cells measuring 8.32m<sup>2</sup> accommodate 2 prisoners and the cells measuring 14.52m<sup>2</sup> accommodate 3 prisoners. None of the cells comply with the standard measurements referred to in paragraph 2.3 for the number of prisoners they accommodate.
- 6.2. All cells have screened in-cell sanitation facilities. Prisoners have access to showers during the day.



- 6.3. According to the Irish Prison Service the bed capacity of the prison is 148. All this means is that there are either beds or bunks for 148 prisoners. The prison population on the 23rd July 2010 was 151.
- 6.4. There are no protection prisoners in Arbour Hill Prison. The majority of prisoners have been convicted for crimes of a serious sexual nature. Many of the prisoners are serving life sentences or other sentences of a significant length. The age profile of the prisoners is much higher than in the other prisons. This has led to a settled environment and inter-prisoner violence is rare.
- 6.5. Relevant structured activity can be provided for a maximum of 152 prisoners. The following activities are available:- education, the library, the gym, maintaining the grounds, cleaning the prison, the paint party, working in the kitchen, the laundry, the wood workshop, the metal workshop, waste management facility, the Braille workshop, the print workshop and the fabric workshop. The structured activities in the prison are always full when open. Only in extreme circumstances are workshops or other facilities for the prisoners closed or curtailed.
- 6.6. Arbour Hill Prison is the main centre for the new sex offender programme - Building Better Lives, which came into operation in September 2009. The programme is divided into 3 stages and prisoners engage with the programme 5 days a week. On the 20th May 2010, there were 62 prisoners engaged in the programme. The Midlands Prison and Wheatfield Prison are satellite centres for the programme. The indications so far are that the programme is very successful and more successful in terms of offender engagement than the previous programme.
- 6.7. As of mid June 2010 there were 9 staff vacancies in the prison. In common with other prisons these vacancies occur in the more senior grades with supervising staff being the worst affected. Management endeavour to keep the workshops open even if there is limited staff available. Unfortunately due to staff shortages in recent times the waste management facility has had to close for significant periods.

- 6.8. Illicit drug use is not a serious problem in the prison.
- 6.9. On all of my visits I found the prison clean and well maintained, as were the grounds.
- 6.10. There is a calm atmosphere in the prison. Staff treat prisoners with respect. Management are proactive in their dealings with both prisoners and staff.
- 6.11. I consider that Arbour Hill prison provides a safe environment for prisoners and staff.
- 6.12. I have stated at paragraphs 2.10 and 2.11 that prisoners could be accommodated in cells smaller than provided for in paragraph 2.3. Taking this criteria the maximum that should be accommodated in the prison would be 131. I have stated in this commentary that Arbour Hill prison has a settled community, has adequate services and activities for 150 prisoners and that the regimes in the prison are appropriate. Taking this into consideration and because of the present economic climate the prison population could be capped at 146 in the short term. This could be achieved by doubling the 7 cells on North 1 and the 8 cells on North 2 which measure 8.32m<sup>2</sup>. Any increase over this number would mean that the prison is overcrowded.

## Chapter 7

### Castlerea Prison

#### Overview of cell accommodation

<b>Landing</b>	<b>Number of same size cells</b>	<b>Size of cells LxBxH</b>	<b>Square metres</b>	<b>Cubic metres</b>	<b>Sanitation Y/N</b>	<b>Screened Y/N</b>
A1	35	3.97x2.44x2.44	9.69	23.64	Y	Y
A2	46	3.97x2.44x2.44	9.69	23.64	Y	Y
A3	46	3.97x2.44x2.44	9.69	23.64	Y	Y
Segregation Unit	3	3.96x2.44x2.44	9.66	23.57	Y	Y
	1 Close Supervision Cell	3.01x2.44x2.31	7.34	16.96	Y	Y
	1 Safety Observation Cell	3.01x2.44x2.31	7.34	16.96	Y	Y
Assessment Unit	4	4.88x3.66x2.44	17.86	43.58	Y	Y
	2	3.97x2.44x2.44	9.69	23.64	Y	Y
CBU 1	1	4.47x3.56x2.77	15.91	44.07	Y	Y
	6	4.47x3.02x2.75	13.5	37.13	Y	Y
CBU 2	3	4.44x3.03x2.74	13.45	36.85	Y	Y
	1 Close Supervision Cell	4.40x2.96x2.74	13.02	35.67	Y	
	1 Safety Observation Cell	4.39x2.92x2.69	12.82	34.49	Y	
Erritt	13	4.43x3.01x2.76	13.33	36.79	Y	Y
Trier	13	4.43x3.01x2.76	13.33	36.79	Y	Y
Tarmon	13	4.43x3.01x2.76	13.33	36.79	Y	Y
Kilteeven	13	4.43x3.01x2.76	13.33	36.79	Y	Y
The Grove	9 houses of varying sizes					

## Commentary on Castlerea Prison

- 7.1. Castlerea Prison consists of 3 areas- the old prison block, the new block and the Grove.
- 7.2. The old block consists of one wing with 3 landings and a basement. The new block consists of 3 wings, each with 2 landings. All cells in both blocks have screened in-cell sanitation facilities. The Grove consists of 9 independent houses.
- 7.3. The stated bed capacity as certified by the Irish Prison Service as of the 23rd July 2010 was 351. All this means is that there were beds or bunks for 351 prisoners in the prison. On that day the prison population was 414 prisoners of whom 80 were protection prisoners.
- 7.4. The 132 cells on A1, A2, A3, the Segregation Unit and the Assessment Unit measuring 9.66m<sup>2</sup> to 9.69m<sup>2</sup> meet the criteria for single occupancy as set out in paragraph 2.3. The 4 cells in the Assessment Unit measuring 17.86m<sup>2</sup> meet the criteria to accommodate 3 prisoners. The 52 cells in Erritt, Trier, Tarmon and Kiltewan measuring 13.33m<sup>2</sup> meet the criteria for double occupancy. The CBU was specifically designed to accommodate vulnerable or ill prisoners. Prisoners are never doubled up in these cells. On occasions the cells in the CBU are used for disciplinary purposes but in all cases as single cells. The 9 houses in the Grove accommodate 55 prisoners in separate rooms.
- 7.5. There is one safety observation cell in the Segregation Unit and one in CBU2. The prison requires two such cells. From a practical and medical point of view it would be preferable to have the two cells in CBU2.
- 7.6. Protection prisoners are accommodated in the Assessment Unit and on two landings in the new wing. Protection prisoners are locked down for up to 23 hours a day. They have access to the yards but to little structured activity.
- 7.7. The prisoners in the Grove are occupied at all times. Most of them work during the day and many attend classes in the evening. Classes also operate

during the day. There is a school, a gym, a kitchen and dining room, workshops and a visiting area for the prisoners in the Grove. The prisoners work in the waste management facility, the horticulture area and maintain the grounds surrounding the prison. The Grove is not overcrowded having regard to the criteria set out in this report. The numbers in the Grove should be capped at 55. Consideration might be given to building additional houses in the Grove. Any such additional accommodation would want to be accompanied by an increase in relevant structured activities for such prisoners.

- 7.8. It is difficult to be accurate as to the number of prisoners accommodated in the old and new blocks who could be engaged in relevant structured activity for four reasons - an actual shortage of workshops, insufficient capacity in the school, a shortage of trained personnel in the workshops and the redeployment of officers to other duties. The latter two leads to the curtailment or abandonment of activities. The following activities could be provided:- education, the library, the gym, working in the joinery workshop, the fabric workshop, the light assembly workshop, the laundry, the kitchen and painting and maintaining the prison. In many cases the workshops and the library are closed.
- 7.9. As of mid June 2010, 20 posts were vacant in the prison. Many of these are at senior and supervisory level. This means the curtailment or abandonment of activities i.e. there is provision for a health and safety workshop but it is not operational as the Assistant Industrial Supervisor position is vacant.
- 7.10. Because of staff shortages management have to lock down certain areas of the prison for extended periods. This can mean that prisoners can be confined to their cells for up to 23 hours a day.
- 7.11. From information supplied by the prison, from my conversations with management, staff and prisoners and most important from my observations of the workings of the prison at first hand, I am satisfied that relevant structured activity could be provided for a maximum of 195 prisoners in the old and new prison blocks.

- 7.12. The prison was clean during my recent inspections and the grounds were well-maintained. The laundry and reception areas have been renovated.
- 7.13. Drugs are not a major cause for concern in the prison. I have been informed that a methadone maintenance programme is to be introduced in the coming months.
- 7.14. There are not sufficient CCTV cameras in the prison.
- 7.15. Management interact well with staff and prisoners.
- 7.16. If one takes the size of the cells in Castlerea Prison a case could be made for the accommodation of 449 prisoners as follows:-

2 prisoners in each cell on A1.	Total 70
2 prisoners in each cell on A2.	Total 92
2 prisoners in each cell on A3.	Total 92
2 prisoners in cells of 9.66m <sup>2</sup> in Segregation Unit	Total 6
4 prisoners in cells of 17.86m <sup>2</sup> in Assessment Unit	Total 16
2 prisoners in cells 9.69m <sup>2</sup> in Assessment Unit	Total 4
1 prisoner in each cell in CBU	Total 10
2 prisoners in each cell in Erritt	Total 26
2 prisoners in each cell in Trier	Total 26
2 prisoners in each cell in Tarmon	Total 26
2 prisoners in each cell in Kiltieven	Total 26
Maximum capacity in the Grove	Total 55

- 7.17. As I have stated at paragraph 1.8 accommodation is not the only criteria when deciding if a prison is overcrowded. Castlerea Prison does not have adequate relevant structured activity for a significant percentage of its population in the old and new blocks. Therefore the prison is at the present time overcrowded.
- 7.18. A maximum of 360 prisoners could be accommodated in the prison in the short term pending the building of a further prison or the extension of present facilities but only if the following are attended to:-

- (a) Prisoners if doubled up must be out of their cells for most of the day.
- (b) All workshops must be operating to their capacity.
- (c) The school must be operating to its capacity.
- (d) Posts must not be stripped which result in the curtailment or abandonment of the services at (b) and (c) above.
- (e) Visiting must not be curtailed.
- (f) Relevant and adequate health care must be provided for all prisoners.

7.19. Unless the prison can comply with the requirements set out at paragraph 7.18 the population should be reduced to a maximum of 300 prisoners.

7.20. There is space within the walls of Castlerea Prison to build a further secure wing. If this was contemplated the cell size should meet the criteria set out in paragraph 2.3 and appropriate services should be incorporated in order that prisoners could be actively engaged in relevant structured activity for at least five hours each day.

## Chapter 8

### Cloverhill Prison

#### Overview of cell accommodation

Landing	Number of same size cells	Size of cells LxBxH	Square metres	Cubic metres	Sanitation Y/N	Screened Y/N
A1	6	3.9x2.4x2.7	9.36	25.27	Y	Y
	16	3.9x3.0x2.7	11.7	31.59	Y	Y
A2	6	3.9x2.4x2.7	9.36	25.27	Y	Y
	16	3.9x3.0x2.7	11.7	31.59	Y	Y
B1	2	4.x2.4x2.7	9.6	25.92	Y	Y
	21	4.x3.x2.7	12	32.40	Y	Y
B2	2	4.x2.4x2.7	9.6	25.92	Y	Y
	21	4.x3.x2.7	12	32.40	Y	Y
C1	2	4.x2.4x2.7	9.6	25.92	Y	Y
	21	4.x3.x2.7	12	32.40	Y	Y
C2	2	4.x2.4x2.7	9.6	25.92	Y	Y
	21	4.x3.x2.7	12	32.40	Y	Y
D1	4	4.x2.4x2.7	9.6	25.92	Y	Y
	8	4.x3.x2.7	12	32.40	Y	Y
D2	5	4.x2.5x2.5	10	25.00	Y	Y
	5	4.x2.4x2.5	9.6	24.00	Y	Y
	12	4.x2.4x2.6	9.6	24.96	Y	Y
	2 Safety obs cells	2.9x2.3x2.5	6.67	16.68	Y	N
	4 Close supervision cells	4.x2.3x2.5	9.2	23.00	Y	N
E1	5	4.x2.4x2.7	9.6	25.92	Y	Y
	6	4.x3.x2.7	12	32.40	Y	Y
E2	5	4.x2.4x2.7	9.6	25.92	Y	Y
	6	4.x3.x2.7	12	32.40	Y	Y



## Commentary on Cloverhill Prison

- 8.1. Cloverhill Prison is a remand prison. It has 192 ordinary accommodation cells. 56 cells which measure in the region of 9m<sup>2</sup> were designed for single occupancy and comply with the measurement for such of 7m<sup>2</sup>. 136 cells which measure 11m<sup>2</sup> to 12m<sup>2</sup> were designed for double occupancy and comply with the measurement for such of 11m<sup>2</sup>. All of the ordinary accommodation cells have screened in-cell sanitation facilities.
- 8.2. I do not propose in this report reiterating the extra obligations that must apply to remand prisoners. Suffice is to say that they are set out in Standards 22, 51, 97 and 157 of the *Standards for the Inspection of Prisons in Ireland* which I published on the 24th July 2009. With the exception of the availability of adequate structured activities and overcrowding the prison complies with these standards.
- 8.3. According to the Irish Prison Service the bed capacity of the prison is 431. All this means is that there are beds or bunks for 431 prisoners in the prison. On the 23rd July 2010 there were 462 prisoners in the prison. The population reached 500 on the 14th June 2010.
- 8.4. On the 23rd July 2010 there were 149 protection prisoners in the prison. They are accommodated on C2, D2, E1 and E2. Apart from those accommodated on D2 protection prisoners are locked up for extended periods of time and have access to limited structured activity.
- 8.5. At present when 3 prisoners are accommodated in cells measuring 11.7m<sup>2</sup> to 12m<sup>2</sup>, two are on bunks and the third sleeps under a shelf which is approximately 0.75m high.
- 8.6. D2 landing is a high support unit. All cells on D2 are used for single occupancy. One side of the landing is reserved for prisoners who are being supported by the Central Mental Hospital In-reach Team. The other side is used to accommodate vulnerable prisoners and a number of protection prisoners. The prisoners on D2 are allowed out of their cells during the

normal hours of unlock. They have access to a recreation area, a gym and a yard. This is an exemplary unit and the only one of its kind in the Irish Prison Service.

8.7. Relevant structured activity can be provided for a maximum of 174 prisoners. The following activities can be provided:- education, gym, library, working in the kitchen, the reception and laundry, maintaining the grounds, painting and cleaning the prison. There are no workshops in the prison. A significant number of prisoners spend their days in the yards or the recreation areas.

8.8. As of mid June 2010 there were 4 staff vacancies in the prison. These shortages can lead to a reduction and a diminution of regimes as referred to earlier in this report.

8.9. The educational facilities are good with dedicated teachers teaching a range of relevant subjects. The school can only accommodate 40 prisoners at any one time. The gym is large with modern equipment which is well maintained. The library is adequate and well stocked with relevant books etc. The indoor recreational areas are large, clean and appropriate. The yards are large, clean and well utilised.

8.10. The prison was clean and well painted during all my inspections, both announced and unannounced.

8.11. The prevalence of drugs is not a major cause for concern in Cloverhill Prison but as the prison population is transient problems arise that may not be found in the committal prisons.

8.12. Inter prisoner violence is not a major problem.

8.13. The management and staff have a positive relationship with the prisoners.

8.14. Periods spent on remand or awaiting trial have increased which is one reason for the increase in population.

8.15. Considering the present economic climate a case could be made for accommodating numbers in excess of the design capacity of the prison. This could only be done where prisoners are out of their cells for most of the day and engaged in relevant activities. Prisoners who are locked down for extended periods should never be accommodated in cells of less than that outlined in paragraph 2.3. The purpose of the following table is to give guidance to the prison management and the Irish Prison Service as to the maximum number of prisoners who could be accommodated in the prison.

Landing	Number of same Size cells	Size of cell in Square metres	Maximum accommodation in each cell complying with paragraph 8.15	Maximum accommodation in each cell when not complying with paragraph 8.15
A1	6	9.36	2	1
	16	11.7	2	2
A2	6	9.36	2	1
	16	11.7	2	2
B1	2	9.6	2	1
	21	12	3 See Note 1	2
B2	2	9.6	2	1
	21	12	3 See Note 1	2
C1	2	9.6	2	1
	21	12	3 See Note 1	2
C2	2	9.6	2	1
	21	12	3 See Note 1	2
D1	4	9.6	1 See Note 2	1
	8	12	1 See Note 2	1
D2	5	10	1 See Note 2	1
	5	9.6	1 See Note 2	1
	12	9.6	1 See Note 2	1
	2 Safety Observation 4 Close Supervision	N/A N/A		
E1	5	9.6	2	1
	6	12	3 See Note 1	2
E2	5	9.6	2	1
	6	12	3 See Note 1	2

Note 1:- These cells should be redesigned in order that the third occupant has a bed which is not under a shelf. However, protection prisoners should never be accommodated 3 to a cell.

Note 2:- As these cells are in a high support unit they should never be used to accommodate more than one prisoner as at present.

From the above table one can see that provided prisoners are out of their cells for most of the day and engaged in structured activity the prison could accommodate a maximum of 446 prisoners.

- 8.16. I stated at paragraph 8.7 that there is structured activity for 174 prisoners in Cloverhill Prison. The prison in conjunction with the Irish Prison Service must set out their proposals for maximising the existing facilities and providing additional services. Such a proposal should be available by the 1st June 2011 and should include time lines that must be adhered to.

## Chapter 9

### Cork Prison

#### Overview of cell accommodation

Landing	Number of same size cells	Size of cells LxBxH	Square metres	Cubic metres	Sanitation Y/N	Screened Y/N
A1	14	3.39x2.16x2.77	7.32	20.28	N	NA
A2	14	3.39x2.16x2.77	7.32	20.28	N	NA
A3	16	3.39x2.16x2.77	7.32	20.28	N	NA
B1	12 (2 holding cells)	3.54x2.26x2.87 3.44x2.85x2.23	8 9.8	22.96 21.85	N N	NA NA
B2	18	3.54x2.26x2.87	8	22.96	N	NA
B3	16	3.54x2.26x2.87	8	22.96	N	NA
C1	16	4.26x2.16x2.77	9.2	25.48	N	NA
C2	16	4.26x2.16x2.77	9.2	25.48	N	NA
C3	16	4.26x2.16x2.77	9.2	25.48	N	NA
D1	3 (2 safety obs cells)	3.82x2.21x2.57 4.00x2.16x2.77	8.44 8.64	21.69 23.93	N Y	NA N
D2	5	3.82x2.21x2.57	8.44	21.69	N	NA
Isolation Cell	1	2.16x2.16x2.26	4.67	10.55	Y	N

## Commentary on Cork Prison

- 9.1. All 146 accommodation cells comply with the measurement of 7m<sup>2</sup> for single occupancy. The 8 accommodation cells in D1 and D2 are used exclusively for single occupancy. Apart from the 2 safety observation cells and the isolation cell none of the cells have in-cell sanitation with the result that prisoners must 'slop out'. None of the cells are of sufficient size to accommodate two prisoners. According to the Irish Prison Service the bed capacity of the prison as of the 23rd July 2010 was 272. All this means is that there are beds or bunks for 272 prisoners.
- 9.2. In my Annual Report for 2008 I adopted the view of my predecessor the late Mr. Justice Kinlen and that of the CPT that 'slopping out' amounts to inhuman and degrading treatment.
- 9.3. On 23rd July 2010 there were 316 prisoners in the prison. 70 were protection prisoners. This has meant that all accommodation cells with the exception of the 8 cells in D Division were doubled up and in some cases accommodated three prisoners.
- 9.4. Protection prisoners are, in the main, accommodated on landings C2 and C3. The cells on these landings measure 9.2m<sup>2</sup>. The protection prisoners are locked in their cells for extended periods of up to 23 hours a day.
- 9.5. All prisoners eat their meals in their cells.
- 9.6. Structured activity can be provided for a maximum of 200 prisoners. The following activities are provided:- education, gym, library, working in the kitchen, the laundry, the joinery workshop, the Hurley workshop, the industrial cleaning workshop, the fabric workshop, the computer workshop, cleaning the prison and maintaining the grounds.
- 9.7. As of mid June 2010 there were 17.5 staff vacancies in the prison. In common with other prisons these vacancies occur in the more senior grades with supervising staff being the worst affected. When posts are vacant this has an

effect on the activities that can be provided for prisoners as such activities are either curtailed or abandoned. Management and staff make all efforts to keep the above activities open.

- 9.8. On all of my visits to the prison I found it clean. The 'slop out' facilities were always clean and disinfected on all my visits whether announced or unannounced and whether at night or during the day. The interior of the prison was well painted. The staff were well motivated.
- 9.9. Drugs are a problem in the prison but I have been informed that because of the type of nets over two yards this is not a source of supply.
- 9.10. Inter prisoner violence while present in the prison does not give rise for undue alarm.
- 9.11. There are not sufficient CCTV cameras in the prison.
- 9.12. Adopting the criteria for cell size set out in paragraph 2.3 none of the cells in Cork Prison should be used to accommodate more than one prisoner. By this criteria the maximum population should not exceed 146.
- 9.13. I have referred at paragraph 1.8 to the three issues that affect overcrowding - accommodation, services and regimes and prisoner safety. I am satisfied that the services for the prisoners and the regimes with the exception of overcrowding and 'slopping out' in the prison are relevant, adequate and appropriate.
- 9.14. Because the services and regimes are relevant, adequate and appropriate a case could be made, subject to paragraph 9.15, for accommodating a maximum of two prisoners in the 48 cells in the C Division which measure 9.2m<sup>2</sup>.
- 9.15. If the 48 cells on C Division are used to accommodate two prisoners the following conditions must apply:-

- (a) Only prisoners who are allowed out of their cells for the maximum period should be accommodated.
- (b) As there is no in-cell sanitation prisoners must be unlocked on demand when they wish to avail of toilet facilities.

9.16. If the numbers were to be increased as set out at paragraph 9.14 and the criteria as set out in paragraph 9.15 were to be adopted the prison could accommodate a maximum of 194 prisoners.

9.17. I am conscious that a decrease in population to 194 prisoners cannot be achieved overnight. It is reasonable to suggest that the Irish Prison Service should publish their plans for an orderly reduction of the population over a reasonable time frame. This time frame must be reasonable from all points of view and must then be adhered to.



## Chapter 10

### Dóchas Centre

#### Overview of cell accommodation

House	Number of same size cells	Size of cells LxBxH	Square metres	Cubic metres	Sanitation Y/N	Screened Y/N
Cedar House	18	4.26x2.92x2.76	12.43	34.31	Y	Y
Elm House	10	4.26x2.92x2.76	12.43	34.31	Y	Y
Hazel House	12	4.26x2.92x2.76	12.43	34.31	Y	Y
Laurel House	10	4.26x2.92x2.76	12.43	34.31	Y	Y
Maple House	10	4.26x2.92x2.76	12.43	34.31	Y	Y
Rowan House	10	4.26x2.92x2.76	12.43	34.31	Y	Y
Phoenix House	2 Apartments	6.3x8.0x2.76	50.4	139.1	Y	Y
	1 Apartment	7.9x6.3x2.76	49.77	137.37	Y	Y
	2	3.8x3.6x2.76	13.68	37.76	Y	Y
	2	4.0x3.6x2.76	14.4	39.74	Y	Y
Health Care Unit	2	4.42x3.55x2.76	15.69	43.31	Y	Y
	1	4.04x4.25x2.76	17.17	47.39	Y	Y
	1 Safety obs cells	3x4.5x2.58	13.5	34.83	Y	N
	1 Safety obs cell	3x4x2.58	12	30.96	Y	N
	2 Close supervision cells	4.54x2.38x2.58	10.8	27.86	Y	N

## Commentary on the Dóchas Centre

- 10.1. The prisoner accommodation is in 7 houses. The Centre was designed to accommodate 78 prisoners in single rooms. The rooms measure 12.43m<sup>2</sup> and comply with the measurement for single occupancy. All rooms have a shower and toilet annex, except for the 2 safety observation cells and the 2 close supervision cells. The room sizes have been calculated to include the shower and toilet annex. There are 3 apartments in Phoenix House. The measurements of Phoenix House are approximate. These apartments were meant to be step-down units for prisoners nearing the end of their sentences. They should continue to be used for this purpose. If they are to be used for accommodation purposes it is difficult to calculate the exact number of prisoners who could be accommodated in Phoenix House.
- 10.2. Within the last 12 months I began a full inspection of the Dóchas Centre. This was for the purpose of writing a separate report on the Centre. After a number of months I decided to defer writing such a report as I discerned a marked change in the Centre. Had I written the report it would have given a distorted view of the Centre as it is today as I would have concluded that apart from a drug problem and certain overcrowding the Centre could be held up as a model prison.
- 10.3. The bed capacity of the prison has greatly increased and prisoners are now accommodated by placing beds in rooms that were not designed for accommodation purposes such as offices and recreation rooms and by doubling up some of the single rooms. On occasions I found up to 5 prisoners accommodated in a recreation room. There are no call bells in the recreation rooms or the offices with the result that prisoners are not able to contact officers in the usual way.
- 10.4. On the 23rd July 2010 the bed capacity of the Centre as certified by the Irish Prison Service was 105. On that day the population was 140. Babies up to 12 months old are entitled to remain with their mothers in the Centre. In recent times there were up to 6 babies in the Centre. Mothers who have babies with them have their own rooms. There is free association between prisoners.

There is no separate mother and baby unit. In the context of babies being in the prison, where there is free association between prisoners, this gives rise to serious child protection issues. I have already raised this with the Centre and the Irish Prison Service.

- 10.5. It is prison policy not to maintain a protection regime. All prisoners are encouraged by both management and staff to mix, regardless of their crime/status or outside associations. I observed prisoners, who if in a male prison would be placed on protection, engaging freely with other prisoners and actively engaging in prison life. This inclusive regime operates effectively in the Dóchas Centre for the benefit of prisoners, staff and management. I endorse this regime. It should not change.
- 10.6. 3 of the 7 houses operate a more relaxed regime than the others. The prisoners in these houses are considered trusted prisoners. The prisoners in the more secure houses are locked in their rooms during all periods of lock down.
- 10.7. Prisoners eat their main meals in the 2 dining rooms. The kitchen and dining rooms are just adequate to cater for the existing prison population.
- 10.8. Structured activity could be provided for a maximum of 70 prisoners. The following activities could be provided:- training in hairdressing and beauty therapy, work in the kitchen, the fabric workshop and the laundry, cleaning and maintaining the grounds, cleaning the houses, industrial cleaning and education. The prisoners can make use of the grounds for leisure purposes in addition to the gym and the all weather pitch.
- 10.9. As of mid June 2010, 10 posts were vacant ranging from the grade of Governor through to prison officer grade. Some of these positions have been vacant for approximately 3 years. As a result of staff shortages in the industrial training areas some of the workshops have never been in operation such as the Industrial cleaning and the craft workshops.
- 10.10. All of the rooms in the Centre could, having regard to paragraph 2.3, accommodate two prisoners. This could be achieved by having relevant structured activity for all prisoners and having appropriate regimes in place.

The Dóchas Centre does not have relevant structured activity for all the prisoners now accommodated, neither does it have appropriate services.

- 10.11. When I first visited the Centre and during the initial stages of my inspection as referred to at paragraph 10.2 the atmosphere in the Centre was calm, there was interaction between prisoners, between staff and prisoners and the services to prisoners were adequate.
- 10.12. The present position is that there is a fraught atmosphere, there is conflict between prisoners, there is not the same interaction between staff and prisoners and the services to prisoners are stretched beyond capacity. The reasons for this are, *inter alia*, the increase in prisoner population, the reduction in staff, the diminution of services, the ever increasing availability of drugs and the tension between prisoners. I am satisfied that the prisoners are treated with respect and in a humane manner by staff.
- 10.13. Over population of a prison has an impact on the provision of health and welfare services, both of which are important in all prisons but more so in a female prison. In a prison which accommodates a number of babies the importance of these services cannot be overemphasised. In relation to female specific health care all the relevant and necessary screenings are carried out in the Dóchas Centre. All the healthcare services required for babies are available in the Dóchas Centre. The provision of healthcare is strained trying to cope with the needs of the increase in population.
- 10.14. The Healthcare Unit in the Centre which comprises 3 ordinary cells, 2 safety observation cells and 2 close supervision cells is now almost exclusively used for accommodation purposes, with figures exceeding 20 more often than not.
- 10.15. The prison and its grounds were clean and tidy during all my inspections. The grounds are well maintained with help from prisoners.
- 10.16. There is now no dedicated drug-free area in the prison due to overcrowding. In the past the 3 houses referred to at paragraph 10.6 were to all intents and purposes drug free but because of overcrowding prisoners with drug problems

are accommodated in these houses - sometimes in recreation areas or offices. Drugs are a serious problem in the Dóchas Centre. There are no nets over the yards. The increase in population has also intensified the demand for illicit drugs in the prison. During a number of my latter visits I observed prisoners obviously under the influence of some form of drugs.

10.17. Having regard to the above I cannot make a case for an extension of the prison population above the design capacity of 85 which was the stated bed capacity on the 24th June 2010.

10.18. There is space within the Dóchas complex to provide additional workshops and additional space for educational purposes. If these facilities were provided a case could be made for an increase in the prison population.

10.19. I accept that it will not be possible to reduce the population to 85 immediately. The Irish Prison Service must publish its plan for the reduction in numbers. This plan must be realistic and must be adhered to. The following must be attended to immediately:-

- (a) Mothers with babies must always have separate rooms. Child care issues as raised at paragraph 10.4 must be addressed and relevant protocols must be introduced.
- (b) Appropriate call systems for prisoners wishing to call staff during periods of lock up must be provided in all areas that are used for accommodation purposes.

10.20. A realistic timeframe which must be adhered to must be published within three months for the following:-

- (a) The provision of services and appropriate regimes.
- (b) The utilisation of existing services to their maximum potential.
- (c) The deployment of adequate and appropriate staff who have received specific and relevant training to deal with female prisoners.
- (d) The Irish Prison Service future plans for the Centre in order that I or any other regulatory authority is not inspecting in a vacuum.

10.21. I have raised my concerns regarding overcrowding at the Centre with the Irish Prison Service on a number of occasions and most recently on the 14th July 2010. Just prior to the submission of this report I have been informed by the Irish Prison Service that:-

*"Work is due to commence on converting an administrative building on the Dóchas site into a new accommodation block. This accommodation will provide approximately 50 - 70 spaces later this year.....Our target is to have this new accommodation ready for occupation by mid December 2010. Until these new spaces become available the Irish Prison Service will continue to implement its contingency plans, including the installation of additional bunk beds, to deal with overcrowding".*

10.22. The only interpretation of paragraph 10.21 is that it is the intention of the Irish Prison Service to maintain the Dóchas Centre both in the short term and in the long term as an overcrowded prison with all the negative aspects that that brings with it. An example of a 'contingency plan' was the increase in bed capacity from 85 on the 24th June 2010 to 105 on the 5th July 2010.

10.23. I will continue to monitor the population of the Centre and will bring any concerns to the attention of the appropriate authorities.

## Chapter 11

### Limerick Prison

#### Overview of cell accommodation

Landing	Number of same size cells	Size of cells LxBxH	Square metres	Cubic metres	Sanitation Y/N	Screened Y/N
A1	8	4.10x2.01x2.70	8.24	22.25	N	N/A
A2	9	4.10x2.01x2.88	8.24	23.73	N	N/A
	1	4.27x1.82x2.88	7.77	22.38	N	N/A
A3	8	4.20x2.00x2.69	8.4	22.60	N	N/A
	1	4.34x1.79x2.69	7.77	20.90	N	N/A
	1	4.21x2.43x2.69	10.23	27.52	N	N/A
B1	6	4.10x1.94x2.94	7.95	23.37	N	N/A
	1	4.34x1.75x2.94	7.6	22.34	N	N/A
B2	10	4.10x1.94x2.94	7.96	23.40	N	N/A
B3	10	4.10x1.94x2.94	7.96	23.40	N	N/A
C2	30	3.97x2.39x2.62	9.49	24.86	Y	Y
C3	24	3.97x2.39x2.62	9.49	24.86	Y	Y
C4	24	3.97x2.39x2.62	9.49	24.86	Y	Y
D1	4	3.97x2.35x2.70	9.33	25.19	Y	N
	2(Close Ob)	3.95x2.30x2.60	9.09	23.63	Y	N
D2	16	3.97x2.37x2.55	9.41	24.00	Y	N
D3	16	3.97x2.37x2.55	9.41	24.00	Y	N
D4	16	3.97x2.37x2.55	9.41	24.00	Y	N
E 1 Women	4	4.28x2.07x2.85	8.86	25.25	Y	N
	1(Close Ob)	4.20x2.01x2.72	8.44	22.96	Y	N
E2	6	4.28x2.07x2.85	8.86	25.25	Y	N
E3	14 proposed	3.95x2.3x2.6	9.09	23.63	Y	Partially

## Commentary on Limerick Prison

11.1. Limerick Prison consists of a male and a female prison. In paragraphs 11.2 to 11.20, I deal with the situation in the male prison and in paragraphs 11.21 to 11.36 with the situation in the female prison.

### **Male Prison.**

11.2. All 185 accommodation cells comply with the measurement criteria set out in paragraph 2.3 for single occupancy. Using the same criteria none of the cells are of sufficient size to accommodate two prisoners. None of the 55 cells on A and B wings have in-cell sanitation.

11.3. According to the Irish Prison Service the bed capacity of the prison on the 23rd July 2010 was 290. All this means is that there are beds or bunks for 290 prisoners. On that date there were 322 prisoners in the male prison of whom 50 were protection prisoners.

11.4. Protection Prisoners are, in the main, accommodated on B2, B3 and D1 landings. The protection prisoners are locked in their cells for extended periods of up to 23 hours a day.

11.5. All prisoners eat their meals in their cells.

11.6. Prison management consider if all workshops are open and if the school is operating to capacity a maximum of 239 prisoners could be constructively engaged on any one day. They concede that there is a significant element of double counting in these figures. I have monitored the workshops and the school and based on my observations and experience I consider that a maximum of 195 prisoners are constructively engaged on any one day. The following activities are provided:- education, gym, library, working in the kitchen, the computer workshop, the carpentry workshop, the craft workshop, the building workshop, cleaning and painting the prison and maintaining the grounds.



- 11.7. As of mid June 2010 there were 22 staff vacancies in the prison. In common with other prisons the greatest number of vacancies occur at senior level with the supervisory grades suffering the most. These shortages lead to a reduction of services, the curtailment or at times the abandonment of activities and a diminution of regimes.
- 11.8. On all of my visits I found parts of the prison dirty. Many areas of the prison require painting. More use could be made of prisoner painting parties. The majority of the cells in the A and B Divisions were dirty and required painting. Windows in a number of the cells were broken.
- 11.9. All prisoners on A and B Wings must 'slop out'. I have observed this exercise at first hand and can only describe it as chaotic. The slop hoppers were generally dirty. Urine splashed on the floor and surrounding areas, faeces could be seen on and in the slop hoppers after use and prisoners have to queue to use the slop hoppers. Prisoners have no washing facilities in their cells to wash their hands after using the 'slop out' utensils during lock down periods. I endorse the view of the late Mr. Justice Kinlen and the CPT that 'slopping out' is inhuman and degrading.
- 11.10. On one landing the only fresh water tap for drinking water was immediately above the slop hopper. I brought this to the attention of management and the situation has been remedied. I must comment that this was never "noticed" as a serious health risk by local management or senior management in the Irish Prison Service.
- 11.11. Drugs are a major problem in the prison. I and my staff have observed many prisoners obviously under the influence of drugs.
- 11.12. There are not sufficient indoor recreation areas and on certain wings none at all with the result that if prisoners do not want to go to the yards in inclement weather they have no alternative but to return to their cells. On all of my visits to the prison both announced and unannounced I found a considerable number of prisoners lying in their cells.

- 11.13. Inter prisoner violence is a problem in the prison. I am conscious that this is contributed to by the gangs in our prisons and specifically in Limerick Prison.
- 11.14. There are not sufficient CCTV cameras in the prison.
- 11.15. There is a video link between the prison and Limerick District Court. The Irish Prison Service, local prison management, the Courts Service in Limerick and the assigned District Court Judge in Limerick should be complimented for introducing and operating this service. The introduction of this service has led to considerable savings in both manpower and money as prison escorts to courts are very demanding on both resources. This service should be rolled out to other courts and should be replicated in other prisons. The service could then be expanded to facilitate family contact between prisoners either on remand or serving sentences in different prisons.
- 11.16. The new facilities in C and D Wings such as the sports hall, the recreation areas and the healthcare unit certainly contribute to an enhancement of services for prisoners and an improvement in the prison regime.
- 11.17. If adequate, relevant, structured activity was available to the prisoners, if appropriate services and regimes were in place and if prisoners were out of their cells for a considerable part of the day a case could be made for accommodating two prisoners in the cells in C and D Blocks. This case cannot be made at the present time because of the negative aspects of the prison, the lack of services and regimes and the threat to prisoner safety.
- 11.18. The cells on A and B Blocks should be used for single occupancy.
- 11.19. None of the cells in the prison are suitable to accommodate two or more prisoners who are on extended lock down.
- 11.20. If prisoners are accommodated in cells with no in-cell sanitation such prisoners must be unlocked during times of lock down to enable them access toilet facilities.

## **Female prison**

- 11.21. All 10 accommodation cells in the female prison comply with the measurement criteria for single occupancy. Each cell measures 8.86m<sup>2</sup>. Each cell has in-cell sanitation. This area is not in a separate annex and is not screened. None of the cells are of sufficient size to accommodate two prisoners. According to the Irish Prison Service the bed capacity of the female prison as of the 23rd July 2010 was 20. All this means is that all cells are doubled by the installation of an additional bunk.
- 11.22. On the 23rd July 2010 there were 23 prisoners in the prison. Of these one was a protection prisoner. The numbers in Limerick female prison have been as high as 30 on a number of occasions. When there are more than two prisoners in a cell the additional prisoner sleeps on a mattress on the floor.
- 11.23. Prisoners eat all of their meals in their cells.
- 11.24. I have stated that the in-cell sanitation is not screened. The toilet is not covered. I have observed food trays and towels being used as toilet covers. When there is more than one prisoner in a cell a prisoner attending to her sanitary or washing requirements does so within feet and in full view of her fellow prisoner. The situation is far worse when there are three prisoners in the cell.
- 11.25. The exercise yard for the prisoners is very small and totally inadequate. The prisoners can make use of the excellent gym and recreational hall in the male prison. This does not happen on a regular basis.
- 11.26. There is little structured activity for the prisoners.
- 11.27. On all of my visits I found the prison clean. There was little interaction between the prison staff and the prisoners. There is no dedicated senior manager in charge of the female prison.
- 11.28. The atmosphere in the prison is fraught. Arguments between prisoners are commonplace. Flashpoints can occur anywhere.

- 11.29. Drugs are a very serious problem. On numerous occasions my staff and I have observed prisoners obviously under the influence of drugs.
- 11.30. There is no conceivable case that could be made for continuing to accommodate more than 10 prisoners in Limerick Female Prison even in the very short term pending the opening of 14 extra cells in E3 as referred to in the following paragraphs.
- 11.31. Work is at an advanced stage on the refurbishment of an old decommissioned part of the prison. It is adjacent to the existing female prison and will form part of such prison. It is being renovated to a high standard. Each cell will have in-cell sanitation. This will be part screened.
- 11.32. Each cell will measure 9.09m<sup>2</sup>. These cells are not suitable for double occupancy.
- 11.33. New facilities such as a laundry are planned. Small workshops are planned. I have been informed that relevant structured activity will be provided. I will closely monitor this.
- 11.34. When the new wing is opened Limerick Female prison will have a capacity for 24 prisoners and no more.
- 11.35. A dedicated senior manager should be appointed to the female prison. Prison officers should receive appropriate training to enable them deal with female prisoners.
- 11.36. I will closely monitor the numbers in this prison and will bring any concerns to the attention of the relevant authority.

## Chapter 12

### Loughan House Open Centre Overview of cell accommodation

<b>Landing</b>	<b>Number of same size cells</b>	<b>Size of cells LxBxH</b>	<b>Square metres</b>	<b>Cubic metres</b>	<b>Sanitation Y/N</b>	<b>Screened Y/N</b>
Centre Landing	21	3.08x2.93x2.90	9.02	26.16	N	NA
	1	3.12x2.13x2.9	6.65	19.29	N	
	3	4.8x3.6x2.9	17.28	50.11	N	
	2 Close Supervision Rooms	1.93x2.47x2.9	4.77	13.83	N	
Top Landing	1	3.06x4.32x2.83	13.22	37.41	N	NA
	4	3.1x3.22x2.83	9.98	28.24	N	
	9	3.0x3.11x2.83	9.3	26.32	N	
	1	2.92x2.75x2.83	8.03	22.72	N	
	13	2.96x3.14x2.83	9.29	26.29	N	
	1	2.97x4.09x2.83	12.15	34.38	N	
Pine Lodge Ground Floor	2 Close Supervision Rooms	3.71x2.35x2.34	8.72	20.40	Y	Y
	1 Wheelchair Accessible Room	3.73x2.56x2.34	9.55	22.35	Adjoining Annex	Y
	25	3.72x2.3x2.34	8.56	20.03	Adjoining Annex	Y
Pine Lodge Lower Ground Floor	1 Wheelchair Access Room	3.72x2.3x2.34	8.56	20.03	Adjoining Annex	Y
	31	3.73x2.36x2.34	8.8	20.59	Adjoining Annex	Y

## Commentary on Loughan House Open Centre

- 12.1. Loughan House is a semi-open centre. It consists of 2 areas:- an old prison block and a new purpose built prison block.
- 12.2. The bed capacity of Loughan House as of the 23rd July 2010 as stated by the Irish Prison Service was 160. On that date there were 142 prisoners accommodated in the Centre.
- 12.3. As can be seen from the above Table the rooms in the old prison block are of varying sizes. They accommodate between one and four prisoners. The prisoners accommodated in these rooms have access to a shared bathroom at all times. Although some of these rooms may be smaller than the criteria outlined in paragraph 2.3 they are adequate in that the prisoners are out of their rooms all day, including during meal times and the rooms are merely used for sleeping in.
- 12.4. The rooms in the new block measure 8.56m<sup>2</sup> and 8.8m<sup>2</sup>. All rooms in the new block accommodate one prisoner and are therefore in compliance with the measurement of 7m<sup>2</sup> for single occupancy. One bathroom is shared between 2 rooms and prisoners have access to this at all times.
- 12.5. Prisoners eat their meals in a communal dining room.
- 12.6. In an open prison nearly all prisoners should be occupied on a full time basis. They should engage in activities that will prepare them for their re-integration into the community either on a temporary basis on temporary release on a full-time basis once they have completed their sentence. According to figures received from the prison relevant structured activity could be provided for a maximum of 197 prisoners. However, when one breaks this figure down it is apparent that this is not a true reflection of the situation in the prison. The school can cater for approximately 70 prisoners but this presupposes that there is full attendance and that different prisoners attend the three separate educational sessions each day. Prisoners sometimes only attend one class. At the time of publication of my Report on an Inspection of Loughan House

(published in 2008) one workshop was in operation - the motor gasket workshop, and there were 2 further workshops waiting to be commissioned. As of Mid June 2010 there were no workshops in operation in the prison. The library is rarely open. Other activities that prisoners can engage in include cleaning and painting the prison, maintaining the grounds and looking after the livestock, working in the kitchen, the laundry/reception and the stores and participating in the community projects detailed in paragraph 12.8. These activities can provide for 61 prisoners. Therefore a significant number of prisoners are not actually engaged in relevant structured activities. This is undesirable in a semi-open prison. The workshops in the prison should be re-opened without delay.

- 12.7. As of mid June 2010 there were 7 vacant posts, including the 3 Assistant Industrial Posts required to facilitate the workshops. As Loughan House is a semi-open prison the staffing complement is not as high as in the closed prisons. The staff vacancies therefore have a disproportionately negative effect on the prison regime.
- 12.8. The prison has devised two innovative projects which involve working with members of the local community, the Open Door Project and Community Garden Project. These initiatives are very worthwhile.
- 12.9. On all of my visits to the prison I found it clean and well-maintained. The staff in the prison have a positive relationship with the prisoners and management.
- 12.10. The atmosphere in the prison is good. Far more could be done with this good facility to provide for even greater numbers of prisoners by building further cell accommodation on the 50 acre site. If any increase were to be contemplated appropriate facilities, services and regimes should not alone be put in place but should be operating before any further building programme is undertaken. I suggest that the provision of appropriate additional accommodation and services would be far less expensive in the context of an open prison than for a closed prison where greater consideration would have to be given to matters such as security.

## Chapter 13

### Midlands Prison

#### Overview of cell accommodation

Landing	Number of same size cells	Size of cells LxBxH	Square metres	Cubic metres	Sanitation Y/N	Screened Y/N
A1	30	3.8x2.4x2.7	9.12	24.62	Y	Y
	2	3.8x4.8x2.7	18.24	49.25	Y	Y
	2 Close Supervision Cell	2.35x3.75x2.58	8.81	22.73		
		2.34x3.75x2.58	8.78	22.65		
A2	34	3.8x2.4x2.7	9.12	24.62	Y	Y
	2	3.8x4.8x2.7	18.24	49.25	Y	Y
A3	34	3.8x2.4x2.7	9.12	24.62	Y	Y
	2	3.8x4.8x2.7	18.24	49.25	Y	Y
B1	30	3.8x2.4x2.7	9.12	24.62	Y	Y
	2	3.8x4.8x2.7	18.24	49.25	Y	Y
	1 De-commissioned cell	2.35x2.54x2.67	5.97	15.94		
	1 Close Supervision Cell	2.34x2.55x2.69	5.97	16.06		
B2	34	3.8x2.4x2.7	9.12	24.62	Y	Y
	2	3.8x4.8x2.7	18.24	49.25	Y	Y
B3	34	3.8x2.4x2.7	9.12	24.62	Y	Y
	2	3.8x4.8x2.7	18.24	49.25	Y	Y
C1 Left	14	3.8x2.4x2.7	9.12	24.62	Y	Y
	2 Safety Obs Cells	2.33x3.7x2.48	8.62	21.38		
C1 Right	15	3.8x2.4x2.7	9.12	24.62	Y	Y
C2	42	3.8x2.4x2.7	9.12	24.62	Y	Y
	2	3.8x4.8x2.7	18.24	49.25	Y	Y
C3	42	3.8x2.4x2.7	9.12	24.62	Y	Y
	2	3.8x4.8x2.7	18.24	49.25	Y	Y



D1	34	3.8x2.4x2.7	9.12	24.62	Y	Y
	2	3.8x4.8x2.7	18.24	49.25	Y	Y
D2	34	3.8x2.4x2.7	9.12	24.62	Y	Y
	2	3.8x4.8x2.7	18.24	49.25	Y	Y
D3	34	3.8x2.4x2.7	9.12	24.62	Y	Y
	2	3.8x4.8x2.7	18.24	49.25	Y	Y
C1 Left	2 Safety Observation Cells				Y	N

### **Commentary on the Midlands Prison**

- 13.1. The Midlands Prison has 411 cells which measure 9.12m<sup>2</sup> and 22 cells which measure 18.24m<sup>2</sup>. The cells measuring 9.12m<sup>2</sup> were designed for use as single cells and the cells measuring 18.24m<sup>2</sup> were designed to accommodate 4 prisoners. A significant number of the single cells have been doubled up by placing bunk beds in them. The larger cells each have 2 sets of bunk beds and accommodate 4 prisoners. Apart from some of the special cells all cells have screened in-cell sanitation. If one adopts the criteria set out in paragraph 2.3 the maximum number of prisoners that could be accommodated in the prison would be 477.
- 13.2. According to the Irish Prison Service the bed capacity of the Midlands Prison as of the 23rd July 2010 was 566. All this means is that there are beds or bunks for 566 prisoners. On that date there were 568 prisoners in the prison of which 257 were protection prisoners. The prison as of that date accommodated 95 sex offenders.
- 13.3. Relevant structured activity can be provided for a maximum of 500 prisoners. The following activities can be provided:- education, library, cleaning and painting the prison, gym, working in the kitchen, the laundry, in the carpentry, metalwork, building skills and computer skills workshops and engaging in horticulture. Sex offenders have adequate access to the school, the gym and

the library. They also have access to one of the workshops. Protection prisoners are locked up for more extended periods than the other prisoners but have more access to activities than protection prisoners in other prisons. They have access during certain periods to education, the gym and the library. Any prisoner not on some form of protection who wishes to be occupied on a full time basis is.

- 13.4. There were 12 staff vacancies in the prison as of mid June 2010 with a further 5 members of staff to retire in the near future. In common with other prisons these vacancies occur in the more senior grades with supervising staff being the worst affected. Management try to curtail the effects of staff shortages on the prison regime and have devised a priority list detailing which staff are to be re-deployed. These staff are taken from posts that will cause minimum disruption to the prison regime.
- 13.5. Drugs are not a major cause for concern in the prison.
- 13.6. There are sufficient CCTV cameras in the prison.
- 13.7. On all of my visits I found the prison clean and the grounds well maintained. Management and staff have a positive attitude and are proactive in their dealings with prisoners.
- 13.8. The regimes in the prison are satisfactory.
- 13.9. If one were to only take accommodation into consideration and adopt the criteria set out in paragraph 2.3 the prison should accommodate 477 prisoners. As I have already stated cell size is not the only factor to be taken into consideration when deciding on the suitability of cells. The majority of prisoners in the Midlands Prison are out of their cells and constructively occupied for a significant portion of the day.
- 13.10. As there is suitable structured activity for 500 prisoners and as the regimes are satisfactory each of the cells measuring 18.24m<sup>2</sup> are of adequate size to accommodate 4 prisoners. This would bring the prison population to 497. A case could be made for accommodating 2 prisoners in the cells measuring

9.12m<sup>2</sup> if services, activities and regimes were in place to accommodate such numbers.

- 13.11. I am conscious that the whole prison system is overcrowded and in this context would be prepared to accept that 63 cells measuring 9.12m<sup>2</sup> could be doubled in the short term. This would mean a maximum capacity of 560 in the prison. I accept that this is a subjective recommendation but is based on information from the prison, my observations and my belief that any increase over this figure would be counter productive. This short term measure should only last until extra accommodation comes on stream in the prison. The figure of 560 should not be taken as a yardstick for measuring the acceptable level of accommodation against, rather, it should be the acknowledged maximum that the prison should hold in the short term.
- 13.12. I am aware that it is intended to construct a new wing in the Midlands Prison. I endorse this decision. Appropriate activities, services and regimes should be provided for in the planning of such additional accommodation.

## Chapter 14

### Mountjoy Prison

#### Overview of cell accommodation

Landing	Number of same size cells	Size of cells LxBxH	Square metres	Cubic metres	Sanitation Y/N	Screened Y/N
A1	23	3.97x2.12x2.8	8.42	23.58	N	-
	1	4.6x3.42x2.8	15.73	44.04	Y	Y
A2	8	3.43x2.15x2.8	7.37	20.63	N	-
	34	3.98x2.15x2.8	8.56	23.97	N	-
A3	8	3.35x2.1x2.8	7.04	19.71	N	-
	34	3.9x2.1x2.8	8.19	22.93	N	-
B1	25	3.95x2.15x2.8	8.49	23.77	N	-
B2	29	3.9x2.14x2.8	8.35	23.38	N	-
	1	3.9x4.7x2.8	18.33	51.32	N	-
B3	31	3.9x2.1x2.8	8.19	22.93	N	-
B Basement	2 Assessment cells	3.9x2.1x2.7	8.19	22.11	N	-
		3.9x2.1x2.7	8.19	22.11	Y	-
	8	4.0x4.5x3.1	18.00	55.80	Y	Y
	2	4.0x2.08x2.65	8.32	22.05	Y	N
	2	2.7x1.97x2.68	5.32	14.26	N	-
	6	4.0x2.10x2.7	8.40	22.68	Y	N
C1	10	3.9x2.1x2.8	8.19	22.93	N	-
	2	4.69x3.97x2.8	18.62	52.14	N	-
	1	4.6x3.98x2.8	18.31	51.27	Y	Y
C2	22	3.97x2.15x2.8	8.54	23.91	N	-

C3	30	3.94x2.2x2.75	8.67	23.84	N	-
D1	20	4.0x2.1x2.8	8.4	23.52	N	-
	5	3.45x2.1x2.8	7.25	20.30	N	-
D2	35	4.0x2.1x2.8	8.40	23.52	N	-
	10	3.45x2.1x2.8	7.25	20.30	N	-
D3	35	4.0x2.1x2.8	8.40	23.52	N	-
	10	3.45x2.1x2.8	7.25	20.30	N	-
Medical Unit	48	3.97x2.37x2.7	9.41	24.41	Y	N
	3	5.0x4.0x2.7	20.00	54.00	Y	N
	3 Special Observation cells	2.3x3.3x2.7	7.59	20.49	Y	N
Separation Unit	30	4.65x2.7x3.66	12.55	45.93	Y	Y

### Commentary on Mountjoy Prison

- 14.1. I have visited Mountjoy Prison on more occasions than any other prisons in the Irish Prison System. I submitted a report to the Minister on Mountjoy Prison on the 13th August 2009. This report gave an accurate description of the prison as of that date.
- 14.2. Over the last number of months I have detected a sea change in attitude by management towards issues of cleanliness and the physical appearance of the prison.
- 14.3. I am satisfied that it is the intention of management to continue this process which will lead to clean, well painted cells, the repair of windows etc. which will all contribute to a better environment for both prisoners and staff. I have been informed and accept that this process should be completed within 6 months. This will be but one aspect of regime change that is necessary, albeit, an important one.

- 14.4. There are 423 cells in the prison that measure between 7m<sup>2</sup> and 9m<sup>2</sup>. At present they accommodate between one and three prisoners. 369 of these cells do not have in-cell sanitation and the prisoners are required to 'slop out'. There are 30 cells in the Separation Unit which measure 13m<sup>2</sup> and at present they accommodate 2 prisoners. They have in-cell sanitation facilities. There are 16 cells which measure between 15m<sup>2</sup> and 20m<sup>2</sup> and at present accommodate between 4 and 6 prisoners. 13 of these cells have in-cell sanitation although not all are screened. There are 9 special cells in the prison but they have not been included as they were not designed to be used for normal accommodation purposes.
- 14.5. According to the Irish Prison Service the bed capacity on the 24th June 2010 was 590. On the 5th July 2010 the bed capacity was increased to 630. All this means is that there are beds or bunks for 630 prisoners. The size of the cells has not changed neither have the activities, services and regimes in the prison. If one adopts the criteria set out at paragraph 2.3 the maximum number of prisoners that should be accommodated in Mountjoy Prison is 534 prisoners.
- 14.6. I stated in my Report on an Inspection of Mountjoy Prison (published in September 2009) that the population in Mountjoy Prison should not exceed 540. When the report was published the average daily population in September 2009 was 603. Today it far exceeds that number.
- 14.7. On the 24th June 2010 there were 681 prisoners in Mountjoy Prison. On the 23rd July 2010 the population reached 728 of whom 143 were protection prisoners. Protection prisoners are mainly accommodated in the Separation Unit, the B Base and on C2 landing. There is no in-cell sanitation on C2 landing.
- 14.8. A significant majority of prisoners in Mountjoy Prison are required to 'slop out'. I stated in my Report on an Inspection of Mountjoy Prison that I agreed with the findings of my predecessor the late Mr. Justice Kinlen and the CPT that 'slopping out' is inhuman and degrading.

- 14.9. I witnessed the practice of 'slopping out' on numerous occasions. The procedure is chaotic especially when prisoners are unlocked in the morning with prisoners having to queue, where the contents of the 'slop out' buckets or pots can splash on the floor or on prisoners, where slop hoppers are dirty, where urine is on the floor and where faeces are evident on the slop hoppers after use. In my view this poses a health hazard. It also removes all vestiges of dignity from the prisoners and from the officers who have to oversee this procedure. In many cases the prisoners have to carry their pots or buckets without lids as in some cases none are provided. Sometimes there are not sufficient 'slop out' utensils in multi occupancy cells. This has meant that one prisoner may have to empty such utensils that have been used by others in addition to himself. Because of the antiquated sewage system and because prisoners frequently block the slop hoppers blockages and overflows are common in this area.
- 14.10. Up to a number of months ago the 'slop out' areas were left dirty. In recent times these areas are constantly cleaned.
- 14.11. All prisoners including those who 'slop out' eat their meals in their cells.
- 14.12. Prior to the publication of my report on Mountjoy Prison the Irish Prison Service agreed to a number of proposals which I considered would improve conditions in Mountjoy Prison in the interim ahead of the opening of Thornton Hall. A number of these were included as recommendations in the Report. The recommendations included, *inter alia*, that the majority of protection prisoners, including all in the B Base would be moved to the Separation Unit where they would enjoy enhanced regimes, that the B Base would then be used solely as a committal and assessment area, and that a floor in the Medical Unit would be dedicated as a vulnerable persons unit. These changes were to occur by the end of 2009. To date the Separation Unit has opened and a number of protection prisoners are accommodated there. They still have limited access to structured activity as there are not sufficient staff to operate workshops etc. Although the conditions for these prisoners have improved the *de facto* situation is that they are still locked up for extended periods of time. The committal and assessment area in the B Base and the proposed vulnerable persons unit in the Medical Unit have not come on stream. I will refer further

to the implementation of the recommendations contained in my Report on an Inspection of Mountjoy Prison in my forthcoming Annual Report.

- 14.13. Subject to paragraph 14.14 below structured activity could be provided for a maximum of 391 prisoners. The following activities could be provided:- working in the construction, computer, fabric, concrete, waste management, industrial cleaning, health and safety and carpentry workshops, working in the kitchen, the bakery, the laundry and the reception, education, the library, gym, cleaning and the work party.
- 14.14. As of mid June 2010 there were 33 vacant posts in the prison including 16 Assistant Industrial Supervisors and 1 Industrial Supervisor. In common with other prisons these vacancies occur in the more senior grades with supervising staff being worst affected. This has resulted in the permanent closure of one computer workshop and the health and safety workshop and the disbandment of the work party. In addition to these, 5 other workshops are consistently operating below capacity. On a daily basis the actual number of prisoners engaged in structured activity is approximately 330.
- 14.15. On my initial inspections I found many parts of the prison dirty, broken windows, broken or out of commission facilities, regimes that needed improvement all of which led me to believe that there was a certain disregard by the prison for the prisoners accommodated there. On my recent inspections I have found a marked improvement in cleanliness, facilities and regimes. This statement must not be taken as condoning the present overcrowding of the prison.
- 14.16. Drugs are a major problem in the prison. I have been informed that new nets are to be erected over the yards which should curtail the amount of drugs and other contraband that reach prisoners by that route. It is not unreasonable to speculate, because of the numbers and types of seizures, that drugs and contraband enter the prison by other routes
- 14.17. There are not a sufficient number of CCTV cameras in the prison.



- 14.18. Inter-prisoner violence is endemic in Mountjoy Prison. I am satisfied that it is not possible at present to provide safe and secure custody for all prisoners accommodated in the prison.
- 14.19. I am conscious that the intention is that the new prison at Thornton Hall should replace Mountjoy Prison. It might be considered understandable that, in the interim and with the prospect of a replacement prison, little was done to Mountjoy Prison but this cannot be taken as an excuse for denying prisoners their basic human rights pending the building of a new prison.
- 14.20. There are many positives in the prison, like the healthcare provided and the standard of work in the workshops. These are undermined by the present overcrowding. I have witnessed at first hand the positive interaction between staff and prisoners. I am conscience of the efforts being made by management, despite the overcrowding, to improve the position of prisoners in their care.
- 14.21. I am conscious that overcrowding is a problem in all prisons in the Irish Prison system. I have endeavoured to give guidance to various prisons and the Irish Prison Service on the maximum number of prisoners who could be accommodated in each prison. In doing so I have pointed out that prisons could exceed the cell accommodation set out in paragraph 2.3 in certain circumstances. These circumstances would relate to the services and activities available to the prisoners, the regimes in the prison and the amount of out of cell time enjoyed by prisoners. In the case of Mountjoy Prison there are no factors that could be accepted by any reasonable person for suggesting that the prison could accommodate in excess of 540 prisoners.
- 14.22. In this chapter I have outlined the harsh reality of the situation prevailing in Mountjoy Prison at present. If the population is to be maintained at any figure in excess of 540 prisoners the Irish Prison Service should give specific details as to the regimes, services etc. which they would deem adequate and sufficient to comply with our obligations as a country to our prisoners.

## Chapter 15

### Portlaoise Prison

#### Overview of cell accommodation

Landing	Number of same size cells	Size of cells LxBxH	Square metres	Cubic metres	Sanitation Y/N	Screened Y/N
E1	34	3.00x2.08x3.17	6.24	19.78	N	N
	1	3.00x2.08x3.17	6.24	19.78	Y	
E2	32	3.00x2.08x3.17	6.24	19.78	N	-
E3	35	3.00x2.08x3.17	6.24	19.78	N	-
E4	34	3.00x2.08x3.17	6.24	19.78	N	-
C1	1 wheelchair accessible cell	4.00x4.75x2.79	19	53.01	Y	Y
	32	3.00x3.96x2.79	11.88	33.15	Y	Y
	1	6.10x3.96x2.79	24.15	67.38	Y	Y
C2	33	3.00x3.96x2.79	11.88	33.15	Y	Y
	1	6.10x3.96x2.79	24.15	67.38	Y	Y
C3	33	3.00x3.96x2.79	11.88	33.15	Y	Y
	1	6.10x3.96x2.79	24.15	67.38	Y	Y
C4	33	3.00x3.96x2.79	11.88	33.15	Y	Y
	1	6.10x3.96x2.79	24.15	67.38	Y	Y
C Block	1 close obs	2.77x2.56x2.67	7.09	18.93	Y	Y
	2 special obs	2.77x2.56x2.67	7.09	18.93	Y	Y
A Block	5 units x 8 cells	3.18x2.24x2.53	7.12	18.01	Y	Y
	1 close obs	2.90x2.34x2.53	6.78	17.15	Y	Y
	2 special obs	3.10x2.36x2.53	7.31	18.49	Y	Y

## Commentary on Portlaoise Prison

- 15.1. Portlaoise Prison consists of three areas:- the old prison (E Block), the new wing (C Block) and the Separation Unit (A Block). It is the only high security prison in the State.
- 15.2. With the exception of one cell none of the cells in E Block have in cell sanitation. The cells measure 6.24m<sup>2</sup> which is below the criteria set out at paragraph 2.3 for single occupancy. Prisoners are never doubled up in this block. The prisoners are out of their cells all day and are engaged in relevant structured activity. Because of this I consider the size of such cells to be adequate in the circumstances.
- 15.3. On the 23rd July 2010 the stated bed capacity of the new C Block was 201 prisoners. From an accommodation point of view I am satisfied that having that number of prisoners does not, *per se*, overcrowd the wing.
- 15.4. When the new C Block was built a new school and relevant workshops were incorporated in the building. New yards were also built. Appropriate indoor recreation facilities have been provided. The new school and workshops were deemed adequate for the number of prisoners expected to be accommodated in this wing. Only the school and two workshops have been opened. The reasons for this may be many but a lack of trained staff is the greatest contributing factor. As a result a majority of the prisoners in this wing have nothing to do.
- 15.5. I am confident that when the workshops as referred to at paragraph 15.4 are commissioned all prisoners who so wish will be engaged in relevant structured activity for the greater part of the day.
- 15.6. C Wing has the capacity to accommodate additional prisoners. This should not happen without the following being attended to:-
  - (a) The workshops referred to at paragraph 15.4 must be in operation.

- (b) The prison and the Irish Prison Service must be satisfied that all prisoners can avail of relevant structured activity during the greater part of the day.
- (c) The prison and the Irish Prison Service must be satisfied that the existing regimes are not diminished by the increased population.

15.7. The Separation Unit (A Block) consists of 5 units with 6 cells in each. Subject to security and disciplinary issues the prisoners who are accommodated in single cells have adequate out of cell time and enjoy appropriate facilities.

15.8. Drugs are not an undue problem in the prison.

15.9. The prison was clean on all my inspections. There are good visiting facilities for prisoners. Staff interact well with the prisoners.

## Chapter 16

### Shelton Abbey Open Centre

#### Overview of cell accommodation

Landing	Number of same size rooms	Size of cells LxBxH	Square metres	Cubic metres	Sanitation Y/N	Screened Y/N
Main House	2	7.32x6.71x3.05	49.12	149.82	N	N/A
	2	7.32x3.35x3.05	24.52	74.79		
	1	5.43x4.05x2.74	21.99	60.25		
	1	6.4x2.24x2.74	27.14	74.36		
	1	5.97x5.79x2.74	34.57	94.72		
	1	5.67x5.67x2.74	32.15	88.09		
	1	6.28x5.15x2.74	32.34	88.61		
		0.91x1.83x2.74	1.67	4.58		
	1	3.96x4.27x2.74	16.91	46.33		
	1	3.66x4.27x2.74	15.63	42.83		
	1	5.67x4.27x2.74	24.21	66.34		
Avoca House	44	3.78x2.38x2.44	9	21.96	Adjoining Annex	Y

### Commentary on Shelton Abbey Open Centre

16.1. Shelton Abbey Open Centre consists of 2 areas:- an old house and a new purpose built prison block. It has a working farm attached. According to the Irish Prison Service Shelton Abbey had a bed capacity for 100 prisoners on the 24th June 2010. They have now increased this figure to 110.

- 16.2. As can be seen from the Table the rooms in the old house are of varying sizes. They accommodate between one and six prisoners. The prisoners have access to a shared bathroom at all times.
- 16.3. The rooms in the new block measure 9m<sup>2</sup>, which is in compliance with the criteria for single occupancy set out in paragraph 2.3. One bathroom is shared between 2 rooms and prisoners have access to this throughout the night. Some of these rooms have been doubled up, which though regrettable, cannot in the present economic circumstances be criticised as prisoners are out of their cells all day engaging in constructive activities. This should not be taken as a benchmark for the norm but should be accepted as necessary in the short term.
- 16.4. Prisoners eat their meals in a communal dining room.
- 16.5. In an open prison nearly all prisoners should be occupied on a full time basis. They should engage in activities that will prepare them for their re-integration into the community either on a temporary basis on temporary release or on a full-time basis once they have completed their sentence. Shelton Abbey can provide constructive activities for 110 prisoners. The prisoners and staff have recently constructed 2 additional workshops to a high standard and it is anticipated that they will open shortly.
- 16.6. As of mid June 2010 there were 2 staff vacancies in the prison. Staff shortages do not greatly impact on the provision of activities.
- 16.7. During my inspections the prison was clean and the grounds were well maintained.
- 16.8. Drugs are not a problem in the prison.
- 16.9. The staff in the prison wear civilian clothes. The management and staff have a positive relationship with prisoners.
- 16.10. Additional prison capacity could be provided for prisoners suitable for an open prison environment which would alleviate pressure on the closed prisons.

This could be achieved by the building of additional accommodation. This should not be embarked on unless side by side with such accommodation appropriate services and regimes were put in place. I suggest that the provision of appropriate additional accommodation and services would be far less expensive in the context of an open prison than for a closed prison where greater consideration would have to be given to matters such as security.

16.11. Shelton Abbey is a model open prison as prisoners are occupied in a constructive manner for a significant proportion of each day preparing them for their eventual re-integration into the community.

16.12. As of the date of this report Shelton Abbey Open Centre was not overcrowded.

## Chapter 17

### St. Patrick's Institution

#### Overview of cell accommodation

<b>Landing</b>	<b>Number of same size cells</b>	<b>Size of cells LxBxH</b>	<b>Square metres</b>	<b>Cubic metres</b>	<b>Sanitation Y/N</b>	<b>Screened Y/N</b>
B2	20	3.57x2.07x2.92	7.39	21.58	Y	N
B3	24	3.54x2.07x2.90	7.33	21.26	Y	N
C1	15	3.8x2.08x2.82	7.9	22.28	Y	N
	1	4.44x3.77x2.82	16.74	47.21	Y	N
C2	33	3.8x2.08x2.82	7.9	22.28	Y	N
C3	33	3.75x2.07x2.82	7.76	21.88	Y	N
D1	10	3.7x2.08x2.82	7.7	21.71	Y	Y
D2	33	3.66x2.1x2.82	7.69	21.69	Y	Y
D3	33	3.7x2.07x2.82	7.66	21.60	Y	Y
Unit	14	3.74x2.1x2.92	7.85	22.92	Y	N
	1 Safety obs cell	3.71x1.93x2.81	7.16	20.12	Y	N
	1 Close supervision cell	3.71x1.93x2.81	7.16	20.12	Y	N



## **Commentary on St. Patrick's Institution**

- 17.1. St. Patrick's Institution is in reality two separate entities - one for juveniles between the ages of 16 and 18 years and the other for adults between the ages of 18 and 21 years.
- 17.2. According to the Irish Prison Service the bed capacity of St. Patrick's Institution as of 23rd July 2010 was 217. On that date the population was 210 of whom 57 were protection prisoners. The number of protection prisoners varies but is always slightly less than one third of the total population.
- 17.3. At any one time slightly less than one third of the population are juveniles. Their numbers rarely exceed 60 to 65. Approximately one third (20) of the juveniles are on protection. Juveniles are accommodated on the B Wing which has 44 cells all with in-cell sanitation and suitable for single occupancy. Apart from those on protection the juvenile population rarely exceeds the accommodation available in the B division. Juveniles on protection are, in the main, accommodated two to a cell on C3 landing and in the Unit. In many cases they are 'doubled up' as they prefer the companionship having to spend extended hours locked down. I have spoken to numbers of such prisoners and can vouch for the accuracy of this statement. On occasions juveniles share cells with adults but only if related to the adult and if considered by management to be in the best interest of the juvenile.
- 17.4. C and D Divisions and the Unit accommodate the adult prisoners (18 to 21 years). With the exception of one cell on C 1 landing all cells comply with the criteria set out in paragraph 2.3 as suitable for single occupancy. One cell on C 1 landing measuring 16.74m<sup>2</sup> is suitable for 3 prisoners. This cell is not used for long term accommodation purposes but more as an overflow cell when the prison is overcrowded. All cells have in-cell sanitation.
- 17.5. Adult protection prisoners are accommodated on C 3 and in the Unit.
- 17.6. Every effort is made by management to keep the juveniles separated from adult prisoners. The juveniles have a separate regime with a separate school,

gym, yard, recreation area and dining area. The only instance where they may mix with the older prisoners is if they are on protection and are related to an older prisoner. In exceptional cases they may attend the workshops with the adults providing it is in the interests of the juvenile. There are no workshops for juveniles.

- 17.7. The educational and vocational facilities allied to the gym and library can provide structured activity for the juveniles accommodated in B Division. Management are innovative in introducing new concepts and programmes, some at week ends, for the juveniles. The recreation areas for juveniles are good as is the exercise yard.
- 17.8. Management make all efforts to facilitate protection prisoners, who are locked up for extended periods of time, in having access to structured activity. These prisoners only have access to the yard for a limited period each day and sporadic access to the library, the gym and educational classes. The prisoners in the Unit have more out of cell time as the Unit is a self-contained area where the prisoners, because of the nature of their crimes, can mix with each other. They have access to education a number of times a week and have access to the gym on a daily basis. The Unit has its own exercise yard.
- 17.9. Management do not have a policy of segregating prisoners in C and D divisions but the *de facto* position is that, because of fears and suspicions (whether real or imaginary), the prisoners are effectively divided on a regional basis i.e. a Dublin faction versus a country faction. These factions will not associate with each other on the landings or in recreational areas. They do associate with each other in the school, the workshops, the gym and the library. This is due to the proactive approach of management in managing these diverse groups of prisoners. Although coming from different geographic areas of the country there is no segregation of the juvenile prisoners as there is in the adult prison.
- 17.10. There are relevant activities available for the adult population. These include, *inter alia*, the school, gym, library, metal workshop, wood workshop, industrial skills workshop, computer workshop, industrial cleaning workshop,

working in the kitchen, the laundry, cleaning the prison and maintaining the grounds, painting, and working in the reception.

- 17.11. If all the activities detailed in paragraph 17.10 were operating to their capacity structured activity would be available for all the adult population. This is not the case. The reasons are many but the principle reasons are - staff shortages which lead to the closure of workshops and curtailment of the gym facilities, the physical limitations of the school thereby limiting numbers, and the stated educational requirements which lead to a fragmentation of teaching time.
- 17.12. During my inspections, I came across numbers of juvenile and adult prisoners who were not engaging in any form of constructive activity. Prisoners, especially young prisoners, seem to prefer vocational training as opposed to a normal educational curriculum. This probably emanates from a lack of formal education in those who absented themselves from education at a young age. While great strides have been made in the provision of vocational work training further workshops should be opened and the present workshops should be expanded in order that all prisoners who wished to engage in such activities could be accommodated.
- 17.13. As of mid June 2010 there were 10 vacant posts in the prison. This impacts greatly on the delivery of services and despite efforts made by management to keep the structured activities operational they sometimes have to curtail or abandon them.
- 17.14. On all of my visits to the prison I found it clean and the grounds well maintained.
- 17.15. On my initial inspections I noted the following matters that required immediate attention - (a) that there were not a sufficient number of CCTV cameras in the prison and (b) that it was virtually impossible to hear in the visiting boxes due to the poor quality of the microphones. I brought these to the attention of management and the Irish Prison Service. Both matters were immediately attended to. I am confident that management and the Irish Prison Service will keep the adequacy of the CCTV system under constant review

and will install additional CCTV cameras as required. The microphones in the visiting boxes have been replaced. The situation is now satisfactory.

- 17.16. Drugs are a problem in St. Patrick's Institution. One source of supply is over the perimeter wall into the yards.
- 17.17. Inter-prisoner violence is not a major problem in the prison. It is not uncommon to see prisoners with minor bruising and lacerations in the prison but I have satisfied myself that this is more likely to result from exuberant youthful behaviour than systemic inter-prisoner violence.
- 17.18. Management have a positive relationship with both prisoners and staff.
- 17.19. During my inspections I was conscious of a low level of interaction between a significant number of prison officers with prisoners. It appears from my observations that the primary problem is that staff in St. Patrick's Institution are inappropriately trained to deal with the cohort of young prisoners that they are looking after. Staff are not recruited specifically to work with young offenders.
- 17.20. It is not appropriate that juveniles are detained in a prison with adults. I have referred to this in my Standards for the Inspection of Prisons in Ireland which I published on the 24th July 2009. The CPT and my predecessor have addressed this issue. Every effort should be made to expedite the transfer of these juveniles to the Oberstown Complex.
- 17.21. Uncorroborated statements which have assumed the authority of anecdotal evidence suggest that prisoners and juveniles in particular were unsafe in St. Patrick's Institution. During all my inspections I have not found evidence to support this assertion.
- 17.22. The visiting procedure is adequate in the prison.
- 17.23. A complaint by the younger prisoners as to the quality, range and quantity of the food is without foundation. While the preference of young males for convenience or 'junk' food is common the provision of a balanced diet on a

rolling 28 day menu as provided in St. Patrick's Institution is far more appropriate.

17.24. Having regard to the foregoing I am satisfied that St. Patrick's Institution can accommodate a maximum of 218 prisoners as follows:- 215 prisoners in single cells measuring  $7.33\text{m}^2$  to  $7.9\text{m}^2$  and 3 prisoners in the cell measuring  $16.74\text{m}^2$ . There are adequate activities and services for such a number of prisoners and the regimes in the prison are appropriate.

## **Chapter 18**

### **The Training Unit**

#### **Overview of cell accommodation**

<b>Landing</b>	<b>Number of same size cells</b>	<b>Size of cells LxBxH</b>	<b>Square metres</b>	<b>Cubic metres</b>	<b>In-cell sanitation Y/N</b>	<b>Screened Y/N</b>
Unit A	16	3.88x2.29x2.63	8.89	23.38	N	NA
Unit B	16	3.88x2.29x2.63	8.89	23.38	N	NA
Unit C	16	3.88x2.29x2.63	8.89	23.38	N	NA
Unit D	16	3.88x2.29x2.63	8.89	23.38	N	NA
Unit E	16	3.88x2.29x2.63	8.89	23.38	N	NA
Unit F	16	3.88x2.29x2.63	8.89	23.38	N	NA

#### **Commentary on the Training Unit**

- 18.1. The Training Unit is a semi-open prison.
- 18.2. All 96 cells in the prison measure 8.89m<sup>2</sup>. The majority are used for single occupancy. In recent times some of the cells have been doubled up. None of the cells have in-cell sanitation although they all have a sink. Every prisoner has a key to his cell and has access to the toilet 24 hours a day.
- 18.3. According to the Irish Prison Service the Training Unit has a bed capacity for 107 prisoners. On the 23rd July 2010 there 114 prisoners in the prison. There are no protection prisoners in the Training Unit.
- 18.4. Prisoners eat their meals in a communal dining room.

- 18.5. Relevant structured activity can be provided for a maximum of 110 prisoners. The following activities can be provided:- education, the gym, the library, working in the engineering workshop, the computer workshop, the kitchen and the laundry, cleaning and painting the prison and maintaining the grounds. The electrical repair workshop is closed due to a staff vacancy. There is no longer an outside work party in operation.
- 18.6. A number of prisoners leave the prison on a daily basis to engage in outside training. This is structured, relevant and supervised. This particular regime is of crucial importance as it enables prisoners gradually integrate back into society.
- 18.7. Prisoners are out of their cells all day.
- 18.8. As of mid June 2010 there were 6 staff vacancies in the prison. Management endeavour to keep the structured activities open and rarely do they cancel the activities completely.
- 18.9. On all of my visits to the prison I found it clean. The grounds are well maintained. Staff wear civilian clothes and enjoy a positive relationship with both the prisoners and management.
- 18.10. Drugs are not a problem in the prison.
- 18.11. The prison has sufficient CCTV cameras.
- 18.12. The prison is managed well with good interaction between management and staff.
- 18.13. Based on the size of the cells, the fact that prisoners are out of their cells all day, that they have access to toilet facilities day and night and that they only use their rooms to sleep in a case could be made for increasing the numbers accommodated in the Training Unit. However, because of the particular ethos of the Unit which is different from any of the other prisons in the system this case cannot be made. It is essential that there is structured relevant activity for

all prisoners in the Unit. This is provided at present but there is no scope to extend these facilities within the existing prison. Therefore the population should in normal circumstances be capped at 96.

18.14. I consider that the maximum capacity of the prison could, as a temporary measure, be increased to 115. This should only be done on the basis that the prison has its full compliment of staff in order that all workshops could operate to their full potential. The figure of 115 should not be taken as a benchmark to be used as an acceptable figure for accommodation purposes, rather, it should be accepted as a temporary figure pending the opening of further prison spaces elsewhere in the prison system.

18.15. The Training Unit is an efficient prison and a valuable and essential part of the prison estate. It is a safe environment for both prisoners and staff.



## Chapter 19

### Wheatfield Prison

#### Overview of cell accommodation

<b>Landing</b>	<b>Number of same size cells</b>	<b>Size of cells LxBxH</b>	<b>Square metres</b>	<b>Cubic metres</b>	<b>Sanitation Y/N</b>	<b>Screened Y/N</b>
1 G	10	3.96x2.56x2.7	10.14	27.38	Y	Y
Security Unit	2	3.96x2.56x2.7	10.14	27.38	Y	Y
2 G	16	3.96x2.56x2.7	10.14	27.38	Y	Y
3 G	16	3.96x2.56x2.7	10.14	27.38	Y	Y
5 G	16	3.96x2.56x2.7	10.14	27.38	Y	Y
6 G	16	3.96x2.56x2.7	10.14	27.38	Y	Y
7 G	16	3.96x2.56x2.7	10.14	27.38	Y	Y
8G	16	3.96x2.56x2.7	10.14	27.38	Y	Y
9G	16	3.96x2.56x2.7	10.14	27.38	Y	Y
10 G	16	3.96x2.56x2.7	10.14	27.38	Y	Y
1 F	16	3.96x2.56x2.7	10.14	27.38	Y	Y
2 F	16	3.96x2.56x2.7	10.14	27.38	Y	Y
3 F	16	3.96x2.56x2.7	10.14	27.38	Y	Y
5F	16	3.96x2.56x2.7	10.14	27.38	Y	Y
6F	16	3.96x2.56x2.7	10.14	27.38	Y	Y
7F	16	3.96x2.56x2.7	10.14	27.38	Y	Y
8F	16	3.96x2.56x2.7	10.14	27.38	Y	Y
9F	16	3.96x2.56x2.7	10.14	27.38	Y	Y
10 F	16	3.96x2.56x2.7	10.14	27.38	Y	Y
Segregation Unit	3 Close Supervision Cells	3.96x2.56x2.7	10.14	27.38	Y	Y
	1 Safety Observation Cell	3.96x2.56x2.7	10.14	27.38	Y	Y

## Commentary on Wheatfield Prison

- 19.1. All 284 accommodation cells measure 10.14m<sup>2</sup>. They all have screened in-cell sanitation. They comply with the criteria referred to in paragraph 2.3 for single occupancy
- 19.2. According to the Irish Prison Service on the 24th June 2010 the bed capacity of Wheatfield Prison was 430, which has been increased to 470 on the 5th July 2010. On the 23rd July 2010 the population of the prison was 507 of which 300 were protection prisoners.
- 19.3. I have been informed that protection prisoners who include sex offenders are accommodated in 14 of the 18 Units. Due to the design of the prison (having small units) protection prisoners can associate in small groups and engage in relevant structured activity for a significant portion of each day. At any one time approximately 20 protection prisoners are on 23 hour lock up. Two prisoners are accommodated in the Security Unit and are isolated from all other prisoners. They have a small exercise yard, a small gym and engage in a number of limited activities. Subject to security considerations they are out of their cells during normal periods of unlock.
- 19.4. Subject to paragraph 19.6 below relevant structured activity can be provided for 378 prisoners assuming that all prisoners in the prison are in a position to avail of such activities. Not all prisoners engage in structured activity for all parts of the day i.e. protection prisoners. Because of this management in the prison is of the view that a figure of 430 prisoners is the maximum that could be catered for without curtailing services.
- 19.5. The activities available include, *inter alia*,:- education, the library, the gym, working in the kitchen, the laundry, the stores, the computer workshop, the construction workshop, the joinery workshop, the welding workshop, the training kitchen, waste management and the industrial skills workshop, cleaning and painting the prison and maintaining the grounds. The yards, which are appropriate, are not open during the day as practically all prisoners

engage in some form of relevant structured activity for a portion of each day. The indoor recreation areas are good.

- 19.6. As of mid June 2010 there were 17 staff vacancies in Wheatfield Prison. A number of the workshops were closed due to staff vacancies including a computer workshop, the design workshop and the industrial cleaning workshop. Management endeavour to keep the structured activities operational but at times some of the activities have to be either curtailed or abandoned.
- 19.7. All prisoners eat their meals in their cells.
- 19.8. Drugs are not a major problem in Wheatfield Prison.
- 19.9. There are not a sufficient number of CCTV cameras in the prison.
- 19.10. The prison was clean during all my inspections. The grounds were well maintained. Staff and prisoners have a positive relationship with each other and also with management.
- 19.11. In recent months two innovative programmes have been introduced in Wheatfield Prison:- (1) a number of prisoners have been instructed in first aid by the Irish Red Cross. These prisoners are known colloquially as Red Cross Volunteer Inmates and they promote health education among the prison population and (2) the screening of prisoners on a systematic basis for HIV and Sexually Transmitted Infections. This enables the healthcare services to more appropriately target prisoners in need of related medical support. The Red Cross Volunteer Inmates are involved in this programme by acting as advocates for the screening process. These are both worthwhile initiatives and should be promoted in other prisons.
- 19.12. I am conscious that in the present economic climate a degree of overcrowding is inevitable. In an ideal situation the present prison should not have more than 378 prisoners if all prisoners were in a position to engage in structured activity for the greater part of the day. Because not all prisoners can so engage and because all prisoners, subject to security and disciplinary considerations,

are out of their cells for most of the day it is reasonable in the present economic climate to increase this number. I have observed the workshops and school in operation, the prisoners engaging in recreational pursuits and the activities in the yards and have concluded that in the short term and until additional accommodation comes on stream elsewhere the prison could cope with an increase to a maximum of 465 prisoners. Such an increase should only be contemplated when staff vacancies have been attended to and when the workshops and school can operate to their optimum efficiency.

- 19.13. A newly built block is due to open in the coming months comprising 179 cells measuring 11.9m<sup>2</sup>. All cells have in-cell sanitation and a shower. In order to facilitate this unit the prison kitchen was extended and upgraded. There are no facilities to provide structured activities such as workshops or a school. There are adequate recreation areas and yards for the new block.
- 19.14. If this new block is to operate as a stand alone block the prisoners accommodated there will have nothing to do all day apart from whatever out of cell time they will enjoy in the recreational areas or the yards.
- 19.15. If the prisoners accommodated in the new block are to engage in the structured activity available in the existing prison this will have an adverse effect on the prison as a whole. The pressure on workshops and other facilities will result in inadequate services and regimes for all prisoners.
- 19.16. If adequate facilities, services and regimes were provided for the new block and provided prisoners were out of their cells for the greater part of the day engaged in such activities each cell in the new block could accommodate two prisoners.
- 19.17. Wheatfield Prison is at present a model prison in the Irish Prison Service. Relevant structured activities and services are provided to a high standard. A safe custodial environment is provided for prisoners and it is a safe environment for staff to work in. If the population is to increase in Wheatfield Prison with the opening of a new wing the Irish Prison Service should provide specific details as to the regimes, services etc. which they would deem

appropriate and sufficient to comply with our obligations as a country to our prisoners.

## **CHAPTER 20**

### **INITIATIVES TAKEN AND SUGGESTIONS FOR THE FUTURE**

- 20.1. As I have already stated in paragraph 1.7, I acknowledge the enormous strides made by the Irish Prison Service in providing new prisons and additions to prisons over the last number of years. However, the prison population continues to rise.
- 20.2. All new prisons should have cells that comply with the criteria set out in paragraph 2.3. They should also have the services and regimes that comply with our obligations for which guidance is given in Chapter 3.
- 20.3. The guidance as to cell size and the services and regimes that should be found in our prisons is not given in order to be critical of our existing prisons, rather, it is given for two reasons - in order that everyone appreciates what is expected of this country when dealing with prisoners and in order that any future prison building programme will take account of such obligations.
- 20.4. The gang culture in society which is mirrored in our prisons imposes additional difficulties for those planning future prisons. Based on my experience I consider that it will be necessary to have numbers of small units in new prisons in order that such gangs can be segregated while at the same time providing for appropriate out of cell time and structured activities for such prisoners.
- 20.5. I acknowledge that change cannot occur overnight. In order to tackle the problem of overcrowding a two pronged approach must be adopted - a stabilisation of the prison population and a building and refurbishment programme to meet our obligations as set out in this report.
- 20.6. The stabilisation or possible reduction of the prison population is part of a larger debate which requires innovative and brave decisions by our policy makers. I am conscious that I should not be perceived as trying to influence prison policy. This is a matter for the Minister and the Irish Prison Service. Therefore, any comments of mine are to be taken in a spirit that they might

stimulate constructive debate. This debate must be reasoned and political thinking should not be dictated by hysteria. Any changes in the criminal justice system should have the confidence of the public.

20.7. Two initiatives are welcome - the Fines Act 2010 and the fact that people will not be imprisoned for civil debt (except in certain circumstances). The Minister should be complimented for the former. The latter has been imposed by the Courts and will result in some decrease in the prison population. The Fines Act 2010 should reduce the prison population by approximately 32 prisoners on anyone day<sup>22</sup>. It will, however, have a significant impact on the costs associated with processing fine defaulters who are arrested by An Garda Síochána and brought to prison where, even if they do not spend a night in prison must be taken into the prison, processed through the system and eventually released.

20.8. Other initiatives could be looked at of which the following four are but a sample:

(a) Community Courts - the National Crime Council published a report on the feasibility of introducing such courts into our criminal justice system<sup>23</sup>. Other 'Problem Solving' courts could be established under the umbrella of the Community Court. These Courts would be non adversarial. They would not replace our existing Courts but would sit side by side with them.

If the report of the National Crime Council is correct, the introduction of such courts would have a significant impact on the prison population. The concept of 'problem solving' courts is not new. For the last number of years they have been operating in the United States of America, England, Australia and other countries. All independent evaluations of such courts have been positive.

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<sup>22</sup> Irish Prison Service Annual Report 2008, at p. 13

<sup>23</sup> National Crime Council, "*Problem Solving Justice- The Case for Community Courts in Ireland*", (2007) Dublin: Stationery Office

If a debate on 'Problem Solving' Courts was to take place all 'players' in the criminal justice system should be involved. Judges, lawyers, Gardaí, probation officers, health care workers to name but a few should be proactive in the debate and should take some ownership of such courts.

If such 'Problem Solving' Courts were to be contemplated work practises of the main 'players', identified above, would have to change.

(b) Automatic suspension of all sentences of a specific number of months or less. This is the situation in certain countries and is being considered in England. Various models on this theme could be looked at from complete suspension without conditions to suspension with conditions.

In the Annual Report of the Irish Prison Service for 2008<sup>24</sup> the following prisoner profile, for a random day, is of interest:-

<3 months	50 prisoners
3 to < 6 months	124 prisoners
6 to < 12 months	283 prisoners.

(c) In certain cases and subject to comprehensive screening and a security evaluation certain selected prisoners could be deemed suitable to serve a significant part of their sentences under strict supervision in the community. Such supervision should include all the elements of Restorative Justice which, if implemented fully, would have benefits for both the community and the prisoner. Prisoners not complying with strict terms of supervision should be returned to prison forthwith.

An initiative along the above lines would have two benefits - (a) supervision in the community would cost far less than imprisonment and (b) prison spaces would be freed up.

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<sup>24</sup> Irish Prison Service Annual Report 2008, p. 13



(d) In Norway when prisons are full persons convicted and sentenced for low level crime must join a queue for a vacancy in the prison. At all times while in this process they are under some form of supervision. Evidence suggests that such a process does not lead to an increase in crime.

- 20.9. Initiatives such as the Garda Diversion programmes could be expanded. Anecdotal evidence from certain geographic areas of Dublin suggests that such schemes that apply to juveniles are diverting a certain number of such juveniles from crime.
- 20.10. Prisoners should be categorised by the threat that they pose rather than the crime that they are convicted of when decisions are made as to the type of prison that they should be accommodated in. This occurs in other countries.
- 20.11. Consideration could be given to putting a cap on the numbers of prisoners in individual prisons. This was recommended by the Whitaker Committee in 1985<sup>25</sup>. This concept was also referred to by Lord Woolf in his report on the Strangeway Prison Riot<sup>26</sup> in 1990.
- 20.12. The Irish Prison Rules 2007 provide at rule 18(2)(a) that: *"The Minister may specify the maximum number of persons who may, in normal circumstances, be accommodated in cells or rooms belonging to such class as maybe so specified"*. If such a specification was made it would give extra guidance and provide clarity to prisons as to their obligations when accommodating prisoners.
- 20.13. I have stated at paragraph 20.5 that a two pronged approach is needed to deal with the present overcrowded population of our prisons. The second prong is a building and refurbishment programme. There is scope for further building in Castlerea and the Midlands Prisons and in Loughan House and Shelton Abbey Open Centres.

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<sup>25</sup> *Report of the Committee of Inquiry into the Penal System* (1985) Dublin: Stationery Office

<sup>26</sup> Woolf, L.J., *Prison Disturbances April 1990: Report of an Inquiry*, (1991) London: HMSO

- 20.14. I accept that it is Government policy that a new prison will be constructed at Thornton Hall. In building this new prison regard must be had to Paragraph 20.2. The Irish Prison Service should publish a firm date for the commencement of the building, a timeframe for the completion of the prison together with details of the accommodation, services and regimes that will be incorporated in the new prison. If the new prison is to be built in stages each completed stage must comply in all respects with the guidance set out in Chapters 2 and 3 of this Report.
- 20.15. The Irish Prison Service must prioritise the prisons which most need attention and within such prisons the steps that need to be taken to alleviate overcrowding. Such details should be published and time lines adhered to. I suggest that Mountjoy Male Prison, Limerick Female Prison, Limerick Male Prison, Cork Prison and the Dóchas Centre should be prioritised and in that order.
- 20.16. As can be seen from this report it is an imperative and not an aspiration that we as a country take the appropriate steps to ensure that our prisons are not overcrowded, that relevant and appropriate services are available to prisoners and that appropriate regimes exist in our prisons in order that we meet our obligations to our prison population. Lack of funding cannot be taken as an excuse. Therefore, it must be appreciated that appropriate funding must be made available.
- 20.17. I intend bringing out a supplement to this report on a yearly basis to draw attention to the then present state of our prisons from the point of view of the numbers accommodated and the services and regimes provided.