



OIFIG AN CHIGIRE PRÍOSÚN  
OFFICE OF THE INSPECTOR OF PRISONS

# ANNUAL REPORT 2020

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# FOREWORD

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Minister,

I am pleased to present to you the tenth Annual Report of the Inspector of Prisons since the establishment of the Office on a statutory basis in 2007. This report informs you of our activities in 2020.

The increase in our 2020 budget allocation enabled us to progress the recruitment of additional staff. With the assistance of your Departmental officials and the Public Appointments Service we welcomed new colleagues in November and December and look forward to further additions in early 2021.

During the year we continued our prison oversight activities despite the challenges posed by the COVID-19 pandemic. This report provides an overview of the key issues we identified throughout the year.

Unfortunately, again this year we have concluded that the Irish Prison Service Prisoners Complaints System is unfit for purpose. This is the third successive year this has been highlighted. An effective complaints system is an essential tool in the armoury of human rights protections. The introduction of an effective complaints system must be identified as a priority for action.

I would like to thank my colleagues in the Office for their continued support throughout the year. I also express my gratitude to your officials in the Department of Justice for their support of the essential role that we perform.



Patricia Gilheaney  
Inspector of Prisons  
15 March 2021

# GLOSSARY

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Act	Prisons Act 2007
CCTV	Closed Circuit Television
CPT	European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment
DiC	Death in Custody
DPER	Department of Public Expenditure and Reform
HSE	Health Service Executive
ICT	Information and Communication Technology
IM&T	Information Management & Technology
Inspectorate	Office of the Inspector of Prisons
IPS	Irish Prison Service
IPS HQ	Irish Prison Service Headquarters
Minister	Minister for Justice
NPHET	National Public Health Emergency Team
OGP	Office of Government Procurement
OIP	Office of the Inspector of Prisons
PIMS	Prisoner Information Management System
PPE	Personal Protective Equipment
RTR	Reviewable Temporary Release
SPG	Strategy and Policy Group
SPT	Subcommittee on Prevention of Torture
WHO	World Health Organisation

# 1 INTRODUCTION

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## 1.1 Functions of the Office of the Inspector of Prisons

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

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

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

The role of the Inspector of Prisons is as follows:

- Regular inspection of all 13 prisons in Ireland (one of which is temporarily closed since May 2017 for repurpose and refurbishment);
- Carry out investigations of deaths in custody and also of any death of a person on temporary release that occurs within one month of his/her release;
- Carry out an investigation requested by the Minister for Justice into any matter arising out of the management or operation of a prison;
- Receive and reply to letters from prisoners in accordance with Rule 44 of the Prison Rules 2007-2020;
- Oversight of the Irish Prison Service (IPS) prisoner complaints system and carry out the functions assigned pursuant to Prison Rule 57B of the Prison Rules 2007-2020;
- It is not a function of the Inspector to investigate or adjudicate on a complaint from an individual prisoner, but she may examine the circumstances relating to a prisoner complaint where necessary for performing her functions (Section 31(6) Prisons Act 2007).

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

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

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

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

## 1.2 Composition of the Office of the Inspector of Prisons

The Office of the Inspector of Prisons comprised five members of staff, including the Inspector of Prisons, for the majority of the year. In late 2020, the Office was expanded to eight members of staff, including the Inspector of Prisons (Chief Inspector). Hereunder is a breakdown of the staff attached to the Office at 1 January and 31 December 2020.

On 1 January 2020	On 31 December 2020
<b>Inspector of Prisons</b> Ms Patricia Gilheaney	<b>Chief Inspector of Prisons</b> Ms Patricia Gilheaney
<b>Principal Officer</b> Ms Helen Casey	<b>Senior Inspector</b> Ms Helen Casey
<b>Administrative Officer</b> Ms Fiona Feeney	<b>Senior Inspector</b> Dr Ciara O'Connell (December 2020)
<b>Higher Executive Officer</b> Vacant since September 2018	<b>Inspector</b> Mr John Byrne (September 2020)
<b>Executive Officer (Fixed Term)</b> Mr John Byrne	<b>Inspector</b> Ms Fiona O'Dea (November 2020)
<b>Executive Officer</b> Mr Ross Donegan	<b>Data Analyst</b> Dr Douglas Nanka-Bruce (November 2020)
<b>Clerical Officer</b> Vacant since May 2019	<b>Administrative Officer</b> Ms Fiona Feeney
	<b>Executive Officer</b> Mr Ross Donegan

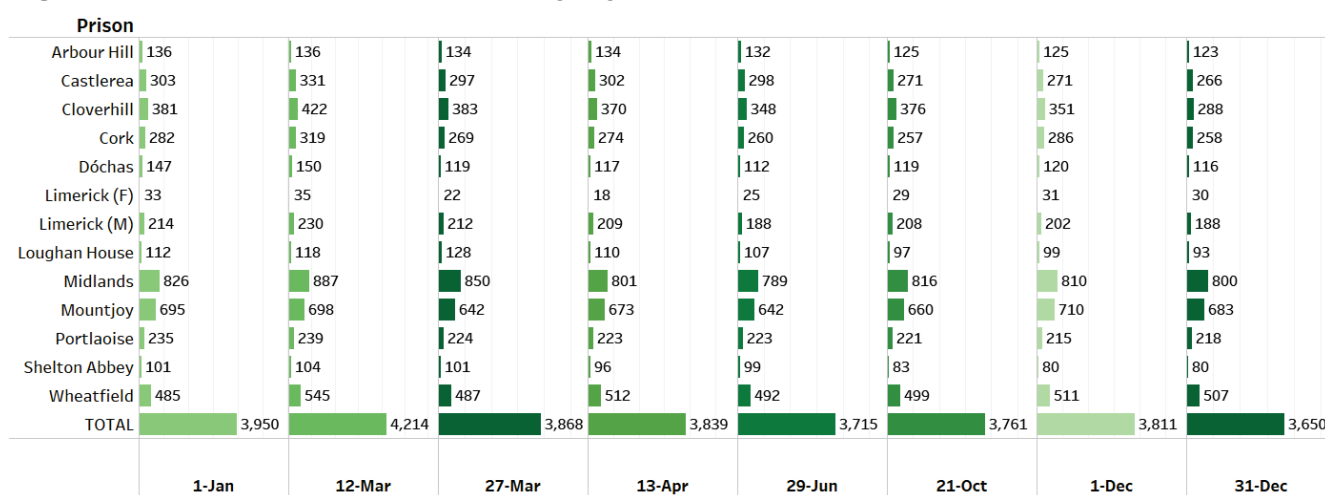
## 2 OVERVIEW OF PRISONS 2020

The 2019 Annual Report of the Office of the Inspector of Prisons provided a comprehensive overview of prisons in Ireland, which included a synopsis of, amongst other areas, healthcare, restricted regimes, quality initiatives, purposeful activities and operational challenges in each prison. In 2020, the Inspectorate focused on capturing and examining the impact of COVID-19 in Irish prisons. This 2020 Overview of Prisons provides information on the prison estate in general, in order to highlight changes in the prison population and efforts taken to address the risk of COVID-19 transmission in the prison estate.

### 2.1 Prison Population

In 2020, the overall prison population fluctuated in response to efforts made by the IPSto reduce the prison population as a COVID-19 transmission prevention measure. **Figure 1** captures the prison population as it stood on 1 January, 12 March, 27 March (commencement of first lockdown), 13 April, 29 June (end of first lockdown), 21 October (commencement of second lockdown), 1 December (end of second lockdown) and 31 December 2020.

**Figure 1: Number of Persons in Custody, by Prison, Across 2020**



**Figure 1** indicates that within one month of the onset of the pandemic, the prison population was reduced by nearly 9% from 4,214 on 12 March 2020 to 3,839 on 13 April 2020. Over the course of the year, the prison population in Ireland reduced by a total of 7.6%, from 3,950 on 1 January 2020 to 3,650 on 31 December 2020.

In prisons which accommodated women, the population was decreased by more than one quarter in the initial period of COVID-19 restrictions; on 12 March there were 185 people accommodated in the Dóchas Centre (Mountjoy Women's Prison) and the women's wing of Limerick Prison, compared to 135 people on 29 June 2020. However, by the end of the year this number had increased to 146.

## 2.2 Reduction of the Prison Population

The reduction in the number of persons in custody in Irish prisons is reflective of measures taken to prevent and reduce transmission of COVID-19. Early and temporary release was applied to an increased number of prisoners described as 'low risk' and who were assessed on an individual basis. Two target groups were identified for release: (i) prisoners serving sentences of less than 12 months for non-violent offences, and (ii) prisoners with less than six months remaining on their sentence.<sup>1</sup> While the Inspectorate welcomes the overall reduction of the prison population, the total number of persons in custody would need to be below 3,000 to ensure single-cell occupancy in Irish prisons; a measure which would aid in transmission prevention.<sup>2</sup>

The IPS approach to managing COVID-19 has been heralded as best practice, and is inclusive of a contact tracing model commended by the World Health Organization (WHO).<sup>3</sup> The IPS's proactive efforts to prevent transmission of COVID-19 into the prisoner population resulted in a minimal number of COVID-19 cases in Irish prisons; this is to be commended.

However, the Inspectorate, in accordance with the guidelines provided by the United Nations Subcommittee on the Prevention of Torture, the European Committee for the Prevention of Torture and the World Health Organization,<sup>4</sup> urges the IPS to consider the need to further decrease the prison population as a measure to reduce the risk of COVID-19 transmission in Irish Prisons.

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<sup>1</sup> Houses of the Oireachtas, 'Prisoner Releases' (23 June 2020) <[www.oireachtas.ie/en/debates/question/2020-06-23/317/?highlight%5B0%5D=thomas&highlight%5B1%5D=pringle&highlight%5B2%5D=release&highlight%5B3%5D=releas](http://www.oireachtas.ie/en/debates/question/2020-06-23/317/?highlight%5B0%5D=thomas&highlight%5B1%5D=pringle&highlight%5B2%5D=release&highlight%5B3%5D=releas)>

<sup>2</sup> Houses of the Oireachtas 'Prisoner Data' (20 May 2020" <https://www.oireachtas.ie/en/debates/question/2020-05-20/491/>; IPRT Standard 9 (PIPS, 2019) <https://pips.iprt.ie/progress-in-the-penal-system-pips/part-2-measuring-progress-against-the-standards/b-prison-conditions/9-single-cell-accommodation/>

<sup>3</sup> Mattea Clarke et al, 'Establishing Prison-Led Contact Tracing to Prevent Outbreaks of COVID-19 in Prisons in Ireland' (2020) 42:3 *Journal of Public Health* 519.

<sup>4</sup> SPT 9(2) [www.ohchr.org/Documents/HRBodies/OPCAT/AdviceStatePartiesCoronavirusPandemic2020.pdf](http://www.ohchr.org/Documents/HRBodies/OPCAT/AdviceStatePartiesCoronavirusPandemic2020.pdf); CPT (5) <https://rm.coe.int/16809cfa4b>; WHO <https://www.euro.who.int/en/health-topics/health-emergencies/coronavirus-covid-19/publications-and-technical-guidance/vulnerable-populations/prevention-and-control-of-covid-19-in-prisons-and-other-places-of-detention/faq-prevention-and-control-of-covid-19-in-prisons-and-other-places-of-detention#441907>



## 3 ACTIVITIES RELATED TO COVID-19

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The COVID-19 pandemic presented a challenging environment in which to inspect treatment and conditions in prisons. On a global scale, prisons were identified as potential epicentres for transmission of the virus both within and beyond the prison walls.<sup>5</sup> Given the restrictions imposed in prisons to prevent transmission of COVID-19, including restricted regimes and limitations on external visitors to prisons, oversight of prisons was of the utmost importance over the course of the year. The Inspectorate remained committed to its oversight function in 2020, despite the challenges posed by COVID-19.

The Inspectorate's COVID-19 related activities between March and December 2020 were as follows:

- i. Short visits carried out to each prison between 26 March and 5 May 2020, which were followed by telephone calls made to prison Governors between April and July 2020 (section 3.1 & 3.2)
- ii. Ongoing communications with the IPS, including daily and weekly prison reports from the IPS Director General (section 3.3)
- iii. Development of a report in collaboration with Maynooth University on the impact of cocooning on persons in custody (section 3.4)

### 3.1 Short Visits to Prisons

The Inspectorate carried out short visits to all 12 Irish prisons during the first month of restrictions related to COVID-19 (**Table 1**). These short visits varied in length, but shared a dual objective of (i) examining how the prisons implemented COVID-specific preventive measures, and (ii) determining what impact these measures had on the prisoner population.

**Table 1. COVID-19 Short Visits to Prisons**

Date	Place of Detention
26/03/2020	Wheatfield Prison
26/03/2020	Cloverhill Prison
27/03/2020	Midlands Prison
01/04/2020	Cork Prison
01/04/2020	Limerick Prison
06/04/2020	Shelton Abbey
07/04/2020	Portlaoise Prison
08/04/2020	Arbour Hill Prison
12/04/2020	Mountjoy Prison (Men)
20/04/2020	Loughan House Open Centre
21/04/2020	Castlerea Prison
27/04/2020	Mountjoy Women's Prison - Dóchas Centre
28/04/2020	
05/05/2020	

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<sup>5</sup> \*Stuart Kinner, et al. 'Prisons and Custodial Settings are Part of a Comprehensive Response to COVID-19' (2020) 5 The Lancet e188.

## Mountjoy Women's Prison - Dóchas Centre Short Visit

At the time the Short Visits were carried out, the Mountjoy Women's Prison - Dóchas Centre had the highest percentage of persons in custody who were cocooning or in isolation. In contrast to the other prisons visited by the Inspectorate, the situation in the Mountjoy Women's Prison was an outlier, with over 50% of persons in custody either cocooning or in isolation, and as such required further examination. The Inspectorate conducted an Oversight Monitoring Visit of Mountjoy Women's Prison - Dóchas Centre and spent a total of three days in the Centre in April and May 2020. The Inspection Report on the three-day Oversight Monitoring Visit to Mountjoy Women's Prison - Dóchas Centre was submitted to the Minister of Justice in August 2020.

**Table 2. Number of Prisoners Cocooning in Mountjoy Women's Prison**

Date	Cocooning (Rule 63)	Isolation (Rule 103)	Total Population	Percentage of Population Cocooning/Isolation
April 27	51	13	117	54.7%
April 28	51	9	113	53%
May 5	52	9	109	56%

## 3.2 Telephone Calls to Prisons

To complement the Short Visits carried out to each prison, the Inspectorate initiated follow-up calls to the prisons between 8 April and 21 July 2020. The objective of the calls was to take account of the situation of people on COVID-19 related restricted regimes (Rule 63 and Rule 103). (See Call Template at Appendix 11.1). **Table 3** notes the number of calls made to each prison.

**Table 3: Calls made to prisons in relation to COVID-19**

Prisons	Calls
Arbour Hill (8)	8 April, 20 April, 6 May, 22 May, 2 June, 12 June, 24 June, 2 July
Castlerea Prison (6)	17 April, 5 May, 22 May, 9 June, 23 June, 7 July.
Cloverhill Prison (9)	9 April, 24 April, 14 May, 20 May, 2 June, 17 June, 24 June, 9 July, 21 July
Cork Prison (9)	8 April, 20 April, 13 May, 20 May, 28 May, 12 June, 17 June, 24 June, 2 July
Limerick Prison (6)	15 April, 5 May, 22 May, 9 June, 23 June, 8 July
Loughan House (5)	8 April, 8 May, 28 May, 24 June, 17 July
Midlands Prison (6)	20 April, 5 May, 22 May, 9 June, 23 June, 7 July
Mountjoy Prison (M) (8)	8 April, 22 April, 1 May, 13 May, 28 May, 12 June, 24 June, 2 July
Mountjoy Prison (W) (8) (Dóchas Centre)	8 April, 13 May, 22 May, 28 May, 12 June, 17 June, 24 June, 2 July
Portlaoise Prison (6)	15 April, 6 May, 22 May, 9 June, 23 June, 7 July
Shelton Abbey (6)	17 April, 6 May, 22 May, 9 June, 23 June, 7 July
Wheatfield Prison (6)	20 April, 6 May, 22 May, 9 June, 23 June, 8 July

Based on the calls made to the prisons from the April to July timespan, the Inspectorate noted the following:

### 3.2.1 Positive Initiatives

- Introduction of Video Link Family visits across the Prison estate; Foreign national prisoners able to see their family in their home country;
- Internal TV channel used by teachers to provide ongoing education to those who attended school and mindfulness sessions;
- In-cell phone provided for prisoners to ring support services such as Samaritans and chaplain;
- New arrangements introduced whereby family could lodge money to a prisoner's account using An Post;
- Parole Board interviews with prisoners were facilitated by way of a video phone link;
- Expansion of Video link Court appearances;
- Netflix rolled out;
- Support services provided for ill elderly prisoner upon release from prison;
- Additional staff available in the prisons due to limited Court escorts;
- Arrangements were made by the IPS to escort remand prisoners to Court, who prior to the pandemic were escorted by An Garda Síochána, thereby restricting their contacts and avoiding the necessity for them having to undergo a further 14 day quarantine.

### 3.2.2 Concerns/Issues

- Some quarantine and /or isolation cells had no shower. The prisoners in quarantine in those prisons had no access to a shower for the duration of their time spent in quarantine, which in many cases was 14 days. Prisoners were provided with a sponge and basin to maintain their personal hygiene;
- Prisoners who were escorted under warrant from custody by An Garda Síochána for questioning under Section 42 of the Criminal Justice Act 1999 were placed in quarantine for 14 days on return;
- Video Link family calls had many ongoing technical difficulties such as, not connecting with the family member, calls dropping, insufficient video link locations and difficulties encountered in securing a time slot;
- No provision for prisoners to get replacement clothing from their family when visits were cancelled;
- Limited or no out-of-cell time for those in quarantine or isolation;
- Limited to no meaningful human contact for those in quarantine or isolation;
- School cancelled except for open university;
- Workshops closed; and
- Yard time curtailed.

### 3.2.3 COVID-19 related Restricted Regimes

In line with Article 2 of the European Convention on Human Rights, the Irish Government's objective over the course of the pandemic has been to protect lives. In its response to the COVID-19 outbreak, the Government introduced a number of restrictions relating to movement and association that impacted on all sectors of the community.

The IPS, in its efforts to prevent COVID-19 transmission in prisons, introduced a number of measures that restricted the daily prisoner regime. In respect of those in the general population, access to purposeful activities such as school, training and work was curtailed or ceased. Additionally, in-person family visits were ceased, and out-of-cell time was reduced. Further, the IPS introduced very restrictive measures intended to prevent COVID-19 transmission, such as: (i) Cocooning, (ii) Quarantine and (iii) Isolation.

People cocooning, primarily in the early stages of the pandemic, did so due to advanced age (70≤), and/or because of chronic unstable medical conditions (see section 3.4 for more information on people cocooning in prison).

Those placed on Quarantine included:

- All Committals to prison;
- Prisoners returning from Court;
- Prisoners returned to custody by An Garda Síochána following interview at a Garda Station under a Section 42 warrant

Individuals were placed in quarantine for 14 days following committal. Their out-of-cell time comprised one hour out-of-cell daily. A single committal was permitted to exercise on his/her own for the 14 days with no opportunity for meaningful human contact. Where two or more people were committed on a particular day, that group were allowed exercise together for the duration of their quarantine. A similar situation applied following appearance at Court or other periods of temporary release. Meals were delivered to the cells on a daily basis.

Those placed in isolation included:

- Prisoners who tested positive with COVID-19 virus;
- Those showing symptoms of the COVID-19 virus – while awaiting test result;
- Close contact of a person with COVID-19 – while awaiting test results.

While it is acknowledged that measures taken by the IPS, such as cocooning, quarantine and isolation were introduced to prevent transmission of the virus and to preserve life, it is the Inspectorate's view that some measures had a disproportionate impact on prisoners. Those prisoners subjected to quarantine and isolation were held in solitary confinement, as they had less than two hours of daily out-of-cell time, with no access to education, work or training, and did not have meaningful human contact. Research has shown that solitary confinement can have a damaging effect on mental and social health.<sup>6</sup> It is the view of the Inspectorate, in line with recommendations made by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), that any restriction in addition to that imposed by the Court requires additional justification.<sup>7</sup> That is, that any additional restrictions imposed on prisoners must be:

- Proportionate
- Lawful
- Accountable
- Necessary, and
- Non-discriminatory

When imposing preventive restrictions and upholding human rights obligations; it is vital that the IPS justify the steps taken to prevent COVID-19 transmission, in line with the PLANN test.

In July 2020, the Prison Rules were amended by S.I. 250/2020 to insert new Rules 32A and 36A (Appendix 11.2). These Rules were amended with a view to preventing the spread of Infectious diseases. Rule 32A provides for the Governor on the direction of the Director General to suspend entitlement to physical recreation, exercise or training under Rule 32, or to restrict or modify the entitlement to physical recreation, exercise or training as regards frequency, duration and arrangement, for a specified period. Rule 36A relates to prisoner visits and provides for the Director General to direct a Governor to suspend the entitlement to visits under Rule 35, or to restrict or modify the entitlement to

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<sup>6</sup> Thomas Hewson, et al, 'Effects of the COVID-19 Pandemic on the Mental Health of Prisoners' (2020) 7 The Lancet 568.

<sup>7</sup> CPT/Inf(2011)28-part2

visits, as regards frequency, duration and arrangements, particularly in relation to the number and age of visitors permitted to make visits for a specified period or periods.

The Inspectorate is concerned that no provision has been made in Rule 32A or 36A to indicate that the restrictive measures being imposed must be assessed prior to implementation to ensure the measure(s) is/are proportionate, lawful, accountable, necessary and non-discriminatory. Further, the Inspectorate is concerned about the ambiguous nature of the Rules, specifically in that they do not specify a sunset clause.

### 3.3 Communications with IPS

With the onset of COVID-19, IPS Headquarters provided the Inspectorate with updates on the emerging situation across the prison estate. Communications included fortnightly calls with the Director General of the IPS, provision of all information newsletters distributed to staff and prisoners and provision of daily COVID-19 transmission figures. The IPS shared 25 prisoner newsletters and 13 staff newsletters with the Inspectorate between March and December 2020. The Inspectorate welcomes this ongoing and substantive communication with the IPS.

### 3.4 Report on Cocooning in Prison

In collaboration with Maynooth University, the Inspectorate embarked on a project to learn about the experience of cocooning from people cocooning in custody. The two-pronged objective of the project was (i) to establish how these persons might be best supported, and (ii) to minimise the harm they experience as a result of the public health measures imposed to address COVID-19. The project spanned seven prisons and commenced in April 2020. It was designed to capture the experience of cocooning from two cohorts: (i) those cocooning due to advanced age, and (ii) those cocooning because of chronic unstable medical conditions. A total of 86 journals (94 people were cocooning across eleven prisons at the time) were distributed by Red Cross volunteers to both men and women in custody. Participants were asked to share their experience of cocooning in prison using the journals. In early May, 72 journals were collected, 49 of which were written or drawn in.

Analysis of journals revealed key themes and recommendations, summarised below in **Table 4**, and available in full in the *Ameliorating the Impact of Cocooning of People in Custody – A Briefing*<sup>8</sup> report. The IPS provided the Inspectorate with an update on the status of recommendations as of 28 January 2021 and this information is also included in **Table 4**.

**Table 4: Cocooning in Custody: Themes and Recommendations**

Key Theme 1: Food (food delivery, presentation and contents)	
Recommendation	IPS - Status of Recommendation as of 28 January 2021
<ul style="list-style-type: none"> <li>Commit to better consultation with people subjected to public health measures or restricted regimes about their food.</li> </ul>	There are no longer any separate arrangements for cocooned prisoners, in line with public health guidelines in the community.

<sup>8</sup> Office of the Inspector of Prisons and Maynooth University, *Ameliorating the Impact of Cocooning of People in Custody – A Briefing* (20 July 2020) <https://www.oip.ie/wp-content/uploads/2020/07/Ameliorating-the-impact-of-cocooning-on-people-in-custody-a-briefing.pdf>

<ul style="list-style-type: none"> <li>Consideration might be given to the models used in hospitals for food selection, as well as the possibility that people might collect their own food at a separate time to the general population.</li> </ul>	There are no longer any separate arrangements for cocooned prisoners, in line with public health guidelines in the community.
<b>Key Theme 2: Yard Time</b> <i>(time spent in outdoor exercise, fresh air, social contact)</i>	
<b>Recommendation</b>	<b>IPS - Status of Recommendation as of 28 January 2021</b>
<ul style="list-style-type: none"> <li>Adapt timetables to increase periods in the yard, such by allowing cocooners out to the yard before other people engage in activities.</li> </ul>	There are no longer any separate arrangements for cocooned prisoners, in line with public health guidelines in the community.
<b>Key Theme 3: Social Connection / Staff-Prisoner Interactions</b> <i>(absence of social contact, importance of positive interactions)</i>	
<b>Recommendation</b>	<b>IPS - Status of Recommendation as of 28 January 2021</b>
<ul style="list-style-type: none"> <li>As restrictions ease, creating 'pods' of vulnerable prisoners might be feasible, or cocooned corridors/bubbles where people can move around more freely within these zones, done in consultation with people in custody</li> </ul>	There are no longer any separate arrangements for cocooned prisoners, in line with public health guidelines in the community. However in the event of a prison COVID-19 outbreak, prisoner pods, as small as operationally feasible, will be created.
<ul style="list-style-type: none"> <li>Increased number of phone calls, development of video calls, provision of in-cell phones and timely postal collection.</li> </ul>	Video call arrangements are now in place in all prisons. Additional phone calls provided when physical visits were cancelled. Prisoners who are confined to cell due to quarantine or isolation can request access to a phone line to make calls.
<ul style="list-style-type: none"> <li>Retain provision of and expand access to direct lines to addiction counselling, release support, chaplaincy and psychology.</li> </ul>	Cocooned prisoners are no longer confined to cell and can access services along with the general prison population. Prisoners who are confined to cell due to quarantine or isolation can request access to a phone line to make their calls to Chaplaincy and Psychology within the prison and to national helplines, including Drug Counselling services.
<ul style="list-style-type: none"> <li>Encourage the development of positive relationships and interactions between staff and prisoners as much as possible.</li> </ul>	Cocooned prisoners are no longer confined to cell and can access services and engage with prison staff more freely, along with the general prison population.
<b>Key Theme 4: Consistency, Communication &amp; Feelings of Punishment</b> <i>(consistency in regime delivery and practice; punished for being vulnerable)</i>	
<b>Recommendation</b>	<b>IPS - Status of Recommendation as of 28 January 2021</b>
<ul style="list-style-type: none"> <li>With regard to governmental guidelines, interactions with cocooning people in custody are conducted masked and face-to-face at appropriate distances, rather than through a closed door.</li> </ul>	There are no longer any separate arrangements for cocooned prisoners, in line with public health guidelines in the community.
<ul style="list-style-type: none"> <li>Consider other measures to enhance the experience of interactions, and by extension, enhance the impact, clarity and legitimacy of any communicated information.</li> </ul>	Cocooned prisoners are no longer confined to their cells and they can mix with the general prison population within their landing. A Living in Cell Information Booklet is issued to all who are confined to cell.

<ul style="list-style-type: none"> <li>Consider contacting relevant persons from other jurisdictions who may have ideas for innovative approaches for supporting cocooners in prisons.</li> </ul>	There are no longer any special arrangements for supporting cocooned prisoners.
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**Key Theme 5: Mental & Physical Health**  
*(exacerbated healthcare needs)*

Recommendation	IPS - Status of Recommendation as of 28 January 2021
<ul style="list-style-type: none"> <li>Consideration of mental health needs must reflect both the impact on people with mental illnesses and pre-existing mental health issues and the general mental health implications and trauma caused by the pandemic and by the restrictions.</li> </ul>	Cocooned prisoners are no longer confined to cell and can access services along with the general prison population. Prison Healthcare and Psychology are deemed essential services and continue to operate in prisons.
<ul style="list-style-type: none"> <li>IPS needs to find ways to identify and respond to trauma caused by the pandemic among people in custody, staff and other stakeholders, whether this trauma manifests immediately or a year or more down the line (short and longer term plans).</li> </ul>	The Prison healthcare service and Psychology Service are available to respond to trauma caused by the pandemic among people in custody.
<ul style="list-style-type: none"> <li>One action should be to assign someone in IPS HQ the task of ensuring, in liaison with hospitals and the HSE, that people in custody are remembered as health services resume.</li> </ul>	Health services continue to be provided in prison during the pandemic and essential hospital appointments continue to be scheduled. The Care and Rehabilitation Directorate continue to advocate with the HSE and Department of Health for prisoner access to all healthcare services on the basis of equivalence of care.

**Key Theme 6: Purposeful Activity**  
*(access to work, education and varied activity)*

Recommendation	IPS - Status of Recommendation as of 28 January 2021
<ul style="list-style-type: none"> <li>Provide educational, fitness and other resources through an in-cell audio-visual system.</li> </ul>	An in-cell TV system has been established in 4 prisons and there are plans to extend it to all prisons. Suitable material to broadcast on the channel is being created by prison services and in-reach organisations.
<ul style="list-style-type: none"> <li>Collaborate with universities to create educational content and to develop digital pedagogies.</li> </ul>	IPS is liaising with the Education and Training Boards to create and source suitable educational materials. Some Prison Education Centres have existing arrangements with higher education institutions.
<ul style="list-style-type: none"> <li>Provide access to WiFi enabled tablets (with regard to appropriate security measures) to enable engagement with educational materials, games, communications technologies, books, newspapers and to support physical and mental health.</li> </ul>	When the Education Centres are closed, educational and arts materials are distributed to prisoners in cell. The availability of the TV channel will enable blended learning by having educational content included on the TV schedule. There are no plans to provide WiFi enabled devices in cell at this time. Library books continue to be made available in all prisons.
<ul style="list-style-type: none"> <li>IPS should establish mechanisms to ask those subject to restricted regimes what their needs are and how these might be met.</li> </ul>	There is ongoing engagement with people in custody through the Red Cross volunteers and Liaisons within each prison and feedback is sought through the Red Cross Community Health Action Committees.

<b>Key Theme 7: Consultation</b> <i>(engagement to determine need)</i>	
<b>Recommendation</b>	<b>IPS - Status of Recommendation as of 28 January 2021</b>
<ul style="list-style-type: none"> <li>Implement a range of policies and practise to ensure psychological safety and support mental health and reconnection as transition is made from the measures.</li> </ul>	The Prison Healthcare Service and Psychology Service continue to be available to respond to mental health and psychology needs, caused by the pandemic among people in custody.
<ul style="list-style-type: none"> <li>Restorative practices could be used to give prisoners and staff meaningful opportunities to express themselves and play a role in determining what should happen in relation to protocols for visits, relaxing regimes, and provision of ongoing support.</li> </ul>	There is ongoing communication with prisoners at local level. IPS has also issued fortnightly newsletters to provide information, advice and updates to all people in custody.
<ul style="list-style-type: none"> <li>Ongoing and continuous engagement with prisoners and staff to assist IPS in developing policies and practices.</li> </ul>	There is ongoing communication with prisoners and staff at local level. IPS has also issued fortnightly newsletters to provide information, advice and updates to all people in custody.
<b>Key Theme 8: Early Release</b> <i>(criteria for temporary early release)</i>	
<b>Recommendation</b>	<b>IPS - Status of Recommendation as of 28 January 2021</b>
<ul style="list-style-type: none"> <li>Mechanisms for early release and alternatives to custody are used to the widest extent.</li> </ul>	Ongoing – Prison review meetings recommenced in Mid 2020 via video.
<ul style="list-style-type: none"> <li>Engage and collaborate with other criminal justice agencies and relevant stakeholders to ensure that all persons who are able to safely serve their sentences in the community are afforded an opportunity to do so.</li> </ul>	Community Return Scheme and Community Support Scheme have continued to be available throughout 2020.
<p>Additional information provided by IPS on early releases –</p> <p>The legislative basis for making decisions on temporary release is fully set out in the Criminal Justice Act 1960, as amended by the Criminal Justice (Temporary Release of Prisoners) Act 2003. Any prisoner may apply through the prison Governor for consideration for temporary release. Their family or their legal representative can also apply for consideration of such a concession. It is very important to note that it does not necessarily follow that a prisoner will receive temporary release even if the recommendation made by the prison authorities and/or therapeutic services is to that effect. Each application is considered on its individual merits and a number of factors including the previous convictions are taken into account when making a decision on whether to grant temporary release.</p> <p>The 2003 Act sets out the criterion that is taken into account and includes the following -</p> <ul style="list-style-type: none"> <li>the nature and gravity of the offence to which the sentence being served by the person relates</li> <li>the sentence concerned and any recommendation made by the Court in relation to the sentence imposed</li> <li>the period of the sentence served by the person</li> <li>the potential threat to the safety and security of the public should the person be released</li> <li>the person's previous criminal record</li> <li>the risk of the person failing to return to prison at the expiration of the period of temporary release</li> <li>the conduct of the person while in custody or while previously on temporary release</li> <li>any report or recommendation made by the Governor, the Garda Síochána, a Probation &amp; Welfare Officer, or any other person whom the Minister considers may be of assistance in coming to a decision as to whether to grant temporary release</li> <li>the risk that the person might commit an offence during any period of temporary release</li> <li>the risk of the person failing to comply with any of the conditions of temporary release</li> <li>the likelihood that a period of temporary release might accelerate the person's reintegration into society or improve his prospects of obtaining employment</li> </ul>	



The Inspectorate notes that since the onset of the COVID-19 pandemic in March 2020, the IPS, and the Irish public sector more broadly, have implemented policy decisions that mere months prior were unforeseeable. In its response to the pandemic, the IPS implemented measures and policies (video visits, in-cell TV channel, An Post deposits, newsletters, etc.) to mitigate the impact of COVID-19 restrictions on persons in custody.

The Inspectorate commends the IPS in its efforts to restrict the spread of the virus across the prison estate, and welcomes retention of many of these initiatives, including the in-cell information TV channel and information newsletters, video link visits (as complementary but not a replacement to in-person visits) and An Post deposits.

In addition, the Inspectorate urges the IPS to consider ongoing need to expand application of the early release criteria, which would enable further reduction of the population of persons in custody. Further, the Inspectorate supports the IPS ongoing engagement with external agencies to ensure that people released from custody are provided with the necessary resources (housing, food, healthcare, employment, counselling, etc.) to successfully resettle and re-integrate into society.

## 4 OVERVIEW OF COMPLAINTS

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The Inspector of Prisons has a statutory role in relation to general oversight of the IPS Prisoner Complaints System. It is not a function of the Inspector of Prisons to investigate individual complaints, but the Inspectorate may examine the circumstances relating to a complaint where necessary for performing the functions of the Office.<sup>9</sup>

As required by the IPS Policy for Prisoner Complaints,<sup>10</sup> complaints are assessed and categorised by the Governor of the relevant prison. The complaint categories are as follows:

- **Category A** - complaints made by a prisoner alleging serious ill treatment, use of excessive force, serious intimidation/discrimination or threats by a member of staff.
- **Category B** - mid-range in terms of seriousness such as discrimination, verbal abuse of prisoners by staff, inappropriate searches etc.
- **Category C** - service level complaints such as complaints about visits, phone calls, reception issues missing clothes, not getting post on time, not getting appropriate exercise, etc.
- **Category D** - complaints against professionals such as dentists, doctors etc.
- **Category E** - complaints made by visitors to the prison
- **Category F** – complaints against decisions made by IPS HQ in relation to such matters as granting of temporary release, prison transfers etc.

### 4.1 Monthly Returns of Prisoner Complaints

The IPS provide the Inspectorate with data related to prisoner complaints. This information is required to be provided on a monthly basis by an appointed Prison Liaison Officer in each prison. Follow-up was required in circumstances where incomplete information was received.

The quantity and category breakdown of prisoner complaints registered during 2020 is provided below. This analysis is based on the data received by the Inspectorate from the monthly returns. Loughan House and Shelton Abbey, both Open Centres, recorded no complaints in 2020.

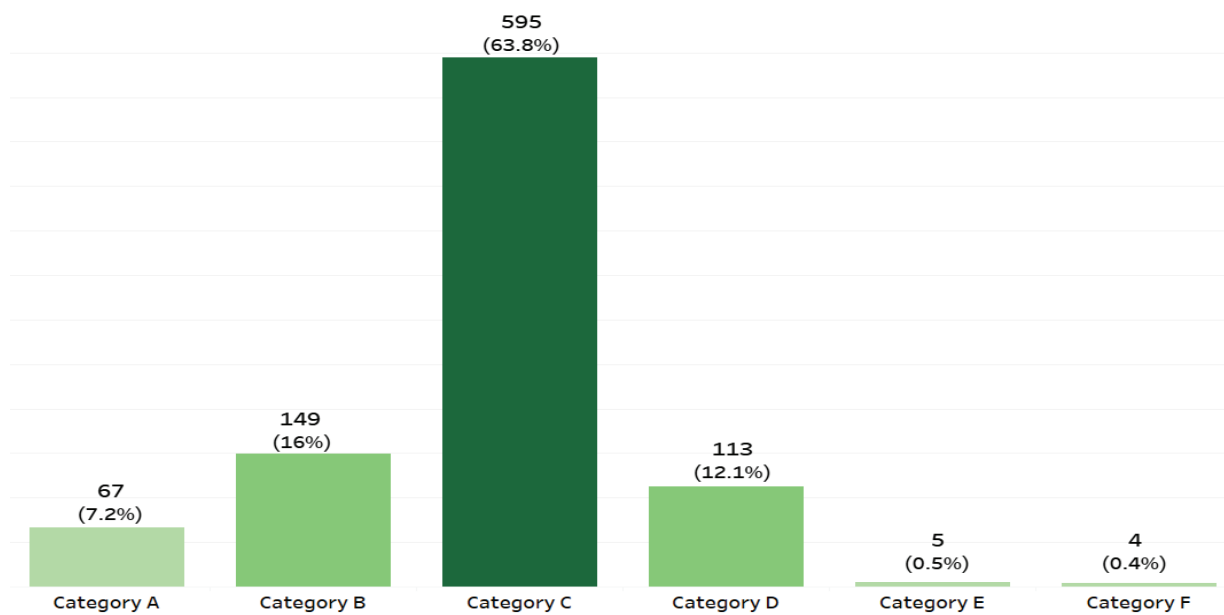
**Figure 2** and **Table 5** provide a breakdown of the number of complaints made in each prison under each of the complaint categories.

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<sup>9</sup> Section 31(6) Prison Act 2007.

<sup>10</sup> Irish Prison Service Policy for Prisoner Complaints, May 2014.

**Figure 2: 2020 Breakdown of Complaints by Category as per monthly prison returns**



**Table 5: Monthly Returns of Category A to Category F complaints made in each prison**

Place of Detention	Cat A	Cat B	Cat C	Cat D	Cat E	Cat F
Arbour Hill	3	3	6	0	0	1
Castlerea	7	6	85	23	1	0
Cloverhill	16	34	91	17	2	0
Cork	5	5	3	1	0	0
Limerick	2	1	4	2	0	0
Midlands	12	30	136	14	0	2
Mountjoy (Men)	3	28	132	23	2	1
Mountjoy (Women) - Dóchas Centre	8	22	27	7	0	0
Portlaoise	4	12	5	3	0	0
Wheatfield	7	8	106	23	0	0
Shelton Abbey	0	0	0	0	0	0
Loughan House	0	0	0	0	0	0
<b>Total</b>	<b>67</b>	<b>149</b>	<b>595</b>	<b>113</b>	<b>5</b>	<b>4</b>

## 4.2 Category A Complaints

### 4.2.1 Reporting Obligations under the Prison Rules

There are reporting obligations on the IPS under Rule 57(B) in relation to allegations of a serious nature such as assault or use of excessive force against a prisoner or ill treatment, racial abuse, discrimination, intimidation, threats. The obligations are set out in Rule 57B of the Prison Rules 2007-2020, as follows:

- Governor shall, within seven days of being notified of such a complaint notify the Inspector of Prisons, Rule 57B(4).
- In accordance with Rule 57B(5)(a), the Inspector of Prisons must be notified of the appointment of the persons or persons appointed by the Director General to investigate the complaint.
- If the Director General decides not to appoint an investigation team she must arrange for the Inspector of Prisons to be advised of the decision and the reasons for the decision as per Rule 57B(5)(b).
- If the complaint is withdrawn, the Governor, or the Designated Officer shall inquire as to why the complaint was withdrawn, document the reasons given and forward a report to the Director General. The Director General may decide that the investigation should be terminated (and if so document the reasons for doing so and advise the Inspector of Prisons under Rule 57B(5)(c)) or direct that the investigative process should continue.
- In accordance with Rule 57B(10)(a), the Inspector must be provided with a copy of every report submitted by an investigation team, including an interim report where the investigation is not completed within three months.
- In accordance with Rule 57B(10)(b) a copy of any report and the Governor's finding and decision shall be forwarded by the Governor to the Inspector of Prisons or if the Governor is the subject of the complaint the Director General shall forward a copy of the report to the Inspector of Prisons. As per Rule 57B(11) if a complainant is not satisfied with the outcome of the investigation, he or she may write to the Inspector of Prisons of the IPS stating why he or she is not satisfied in accordance with Rule 57B(12). The Inspector of Prisons shall have oversight of all investigations carried out under this Rule, shall have access to any material relevant to any such investigation and may investigate any aspect that he or she considers relevant.

### 4.2.2 Analysis of Category A Complaints

In 2020, the Inspectorate received notification of 90 Category A complaints from a total of ten prisons (**Table 6**).

**Table 6: Category A Complaint Notifications to the Inspector of Prisons**

Place of Detention	2020 Notifications of Category A Complaints
Arbour Hill	2
Castlerea Prison	7
Cloverhill Prison	18
Cork Prison	3
Mountjoy Women's Prison - Dóchas Centre	8
Limerick Prison	3
Midlands Prison	13
Mountjoy Men's Prison	4
Portlaoise Prison	20
Wheatfield Prison	12
<b>TOTAL</b>	<b>90</b>

As illustrated in **Table 5** and **Table 6** there is a discrepancy between the aggregate monthly return figures received from the prison liaison officers and the individual notifications received by the Inspectorate. Following a review, it was found that discrepancies between the monthly complaints returns from the IPS and Category A notifications received by the Inspectorate occurred for a number of reasons:

- Notifications were received by the Inspectorate in January for complaints occurring in December of the previous year;
- Unreported complaints were reported from previous years;
- Notifications were received directly from IPS HQ; and
- Complaints had been re-categorised.

Since 2018 this Office has been reporting on notifications of all categories of complaints received from the IPS and every year discrepancies are identified. The information provided in relation to complaints must therefore be treated with a certain degree of caution.

The requirements of and compliance with Rule 57(B), are summarised in **Table 7**. The information provided in this table is drawn directly from the notifications received from the IPS.

**Table 7: Notification in accordance with Rule 57(B) Prison Rules 2007-2020**

<b>Rule 57(B) Prison Rules 2007 – 2020</b>	<b>Notification Received Relating to 2020</b>	<b>Notification Received Relating to 2019</b>	<b>Notification Received Relating to 2018</b>	<b>Total received in 2020</b>
Notifications of Category A complaints	72	6	12	90
Governor notification to Inspectorate within 7 days of being notified of the complaint [57B(4)]	69	4	0	73
Inspectorate shall be notified of the appointment of the investigator [57B(5)(a)]	2	0	0	2
Complaints deemed by the IPS Director General of the IPS to be vexatious, without foundation, or outside scope of rule and terminated. Inspectorate is notified of the decision and reasons for the decision [57B(5)(b)]	1	0	1	2
Complaints withdrawn by prisoners and Director General decides investigation should be terminated. OIP is (a) advised and (b) the reasons documented [57B(5)(c)]	(a) 3 (b) 3	(a) 6 (b) 6	(a) 0 (b) 0	(a) 9 (b) 9
Complaints that proceeded to Investigation	61	5	11	77
Full investigation reports received by Inspectorate	25	25	0	50
Interim reports submitted to Inspectorate	9	9	0	18
Number of investigation reports received where complaint was grounded or upheld	2	4	0	6

**Table 8: Requirements of and Compliance of Rule 57B**

Rule 57B Prison Rules 2007-2017	% Compliance 2020	% Compliance 2019	% Compliance 2018
Governor notification to Inspector of Prisons within 7 days of being notified of the complaint [57B(4)]	73 (81.11%)	53 (79.10%)	65 (82.27%)
OIP shall be notified of the appointment of the investigator [57B(5)(a)]	2 (2.22%)	20 (29.85%)	0 (0%)
Complaints deemed by the IPS DG to be vexatious, without foundation, or outside scope of rule and terminated. Inspector of prisons is notified of the decision and reasons for the decision [57B(5)(b)]	N=2 2 (100%)	N=1 1 (100%)	N=4 4 (100%)
Complaints withdrawn by prisoners and Director General decides investigation should be terminated. The OIP is (a) advised and (b) the reasons documented [57B(5)(c)]	N=9 (a) 9 (100%) (b) 9 (100%)	N=3 (a) 3 (100%) (b) 3 (100%)	N=7 (a) 7 (100%) (b) 5 (71%)
Complaints that proceeded to investigation	77 (85.55%)	65 (97.01%)	68 (86.07%)
Full investigation reports received by OIP	25 (32.46%)	15 (23.07%)	22 (32.35%)
Investigation reports received within 3 months	2 (3.07%)	1 (1.53%)	0 (0%)
Interim reports submitted to OIP	9 (12%)	2 (3.12%)	0 (0%)
Number of investigation reports received where the complaint was grounded or upheld	2(8%)	5(33.33%)	2(9.09%)

As illustrated in **Table 8**, the Inspectorate received 79.10% to 82.27% of notifications of Category A complaints within seven days of the complaint being brought to the Governor over the three year period. In total in 2020, 17 notifications were received outside the seven day statutory timeframe.

The IPS notified the Inspectorate of the appointment of two investigators in 2020; compliance with this Rule deteriorated in 2020 as compared to 2019 when the Inspectorate received 20 such notifications. The IPS advised the Inspectorate that COVID-19 adversely impacted on the investigation of prisoner complaints, which included delays in appointing investigators due to restrictions imposed on prisoners, prison staff and visitors entering the prisons.

In 2020 and 2019 there was 100% adherence to Rule 57B(5)(b) and 57B(5)(c). The IPS provided reasons why the complaints were deemed vexatious, without foundation, outside of scope and also reasons for any withdrawal.

There were 65 new complaint notifications in the first nine months of 2020. Any complaint made in the final three months of the year would not necessarily be completed within a three month timeframe. In situations where an investigation is not completed within three months of the date of the complaint, the investigator must provide an interim report to the Governor documenting the progress made and the reasons why further time is required to complete the report. The OIP must be provided with a copy of these reports under Rule 57B(10)(a).

Of the 63 cases not completed within the specified three months, the Inspectorate only received nine interim reports. This is a low level of compliance with the law. By way of example, in one particular case for which we received notification of a category A complaint on 16 May 2019, we received a second notification of the same complaint on 20 August 2019 and an investigator was appointed on 24 August 2019. The investigation was shown as ongoing in the 2020 prison monthly returns up to and including July 2020. No interim report was received from the IPS and following enquires made by the Inspectorate we were informed that the investigation concluded on 30 November 2019. We received a summary investigation report on 13 August 2020. By year end receipt of the complete investigation report remained outstanding. This process was not in accordance with Prison Rule 57B.

In July 2020, the Inspectorate received notification from IPS Headquarters that investigators had been appointed to investigate 12 Category A complaints made in Portlaoise Prison, dating back to 2018. The Inspectorate was informed that a review of local procedures in Portlaoise Prison was underway to ensure a similar situation would not occur in the future. The total number of Category A complaints reported by the Inspectorate in our 2018 Annual Report was 79 and should, having regard to the notifications received in 2020, have been 91.<sup>11</sup>

The poor adherence by the IPS to the law in relation to prisoner complaints is concerning. Non-compliance by the IPS render the present operation of the existing system inadequate and unreliable. It is critically important that prisoners, prison staff and the public can have confidence that there exists a robust and fair prisoner complaints system in operation. Regrettably this is not the case, and it is the Inspectorate's view, as expressed in a number of previous Reports, that the current Prison Complaints system is not fit for purpose.

In February 2021, during the course of preparing this report, the IPS informed the Inspectorate that there were currently 13 active investigators available for serious complaints, some of which have limited the prisons or geographical area in which they will serve. The IPS further advised that in 2020 an application was submitted to the Office of Government Procurement (OGP) to run a tender for the recruitment of investigation companies to carry out investigations of serious complaints under Prison Rule 57B. A submission for funding of €400k to cover the costs to carry out the investigations was submitted to the Department of Justice under the 2021 Estimates Process, however, this was not approved. The IPS then commenced engagement with the Department of Public Expenditure and Reform (DPER) in 2020 and proposed to increase the daily rate paid to those who investigate complaints under Prison Rule 57B, as such rates are set by DPER. In January 2021, the IPS was informed that DPER was not in a position to revise the rates at present due to the emerging budgetary position. Therefore, the IPS has informed us that it will be extremely challenging to ensure external investigators are assigned and that investigation into serious complaints are carried out in a timely manner in 2021.

### 4.3 Status of New Prisoner Complaints System

The Inspectorate reported in its 2019 Annual Report the IPS's intention to establish and implement a new Prisoner Complaints System that would be rolled out by the end of 2019.<sup>12</sup> The Inspectorate was again informed during 2020 that it was the intention of the IPS to have the new system operational across the estate by the end of 2020, but that its implementation would be dependent on amending

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<sup>11</sup> See, Annual Report 2018, page 15.

<sup>12</sup> Annual Report, 2019, page 49.



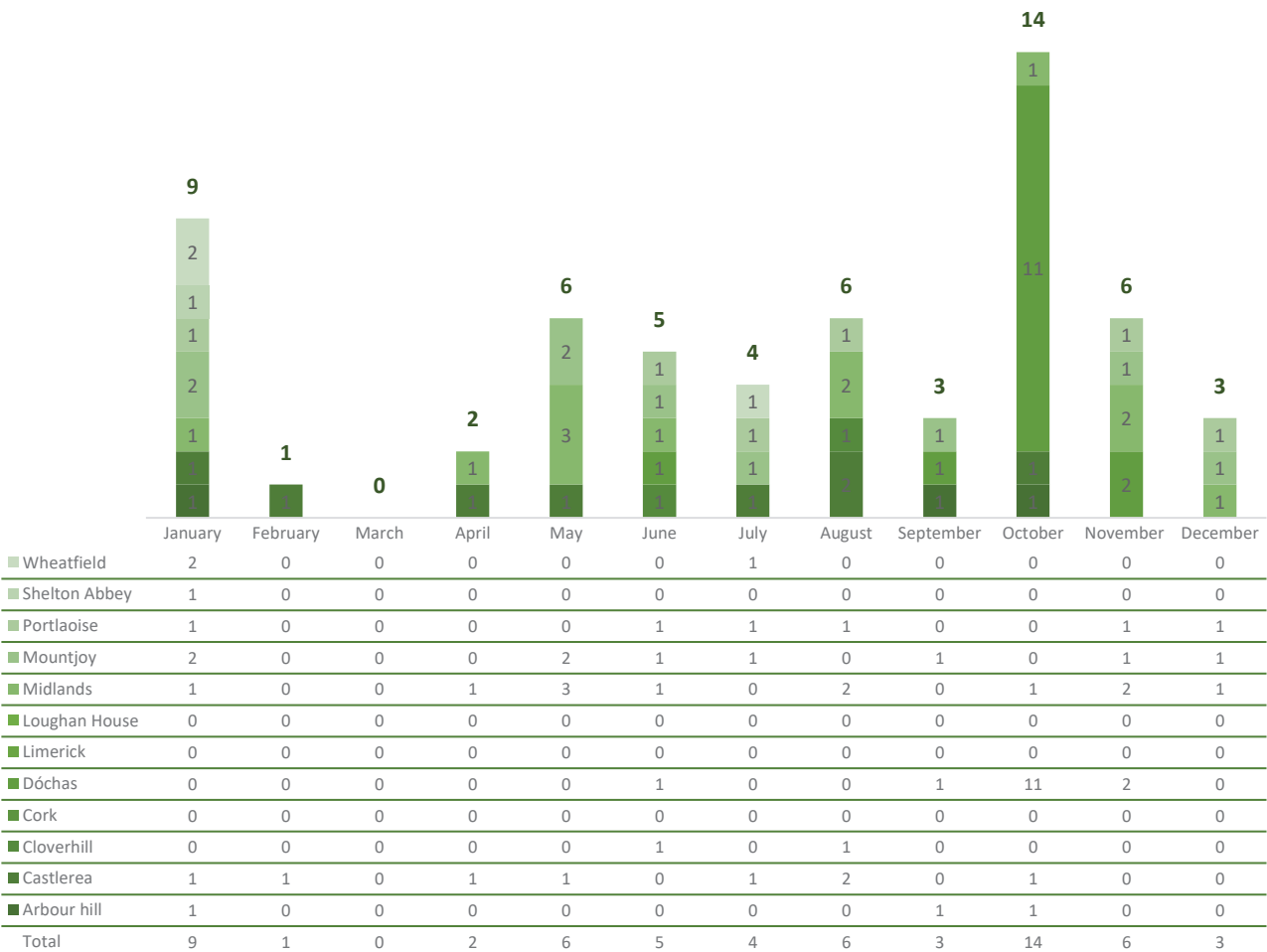
legislation by way of a Statutory Instrument and provision of additional dedicated resources. As of 31 December 2020 the system was not implemented.

# 5 LETTERS FROM PRISONERS

In accordance with Rule 44(1)(h) of the Prison Rules 2007-2020, a prisoner is entitled to send and receive an unopened letter from the Inspector of Prisons.

In 2020, the Office of the Inspector of Prisons received 59 Rule 44 Letters from prisoners. These letters came from nine prisons, with no letters received from Cork Prison, Limerick Prison or Loughan House. **Figure 3** provides details of the month each letter was received and from which prison:

**Figure 3: Letters from Prisoners under Rule 44 of the Prison Rules**



**Table 9** provides a comparison of the amount of Rule 44 letters received from each prison in 2020 compared to that of 2019.

**Table 9: Rule 44 Letters, Comparison with previous year**

<b>Place of Detention</b>	<b>Total Letters 2020</b>	<b>Total Letters 2019</b>
Arbour Hill	3	2
Castlerea	8	3
Cloverhill	2	6
Cork	0	0
Mountjoy Women's Prison Dóchas Centre	15	2
Limerick	0	0
Loughan House	0	0
Midlands	12	12
Mountjoy	9	11
Portlaoise	6	8
Shelton Abbey	1	1
Wheatfield	3	1
<b>Total</b>	<b>59</b>	<b>46</b>

# 6 INVESTIGATIONS

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## 6.1 Deaths in Custody

Pursuant to Section 31 (2) of the Prisons Act 2007, the Minister for Justice requested the Inspector to carry out an investigation into each Death in Custody (DiC), including the death of a person within one month of Temporary Release /release on Licence in the community.

The objectives of the Inspectorate DiC investigations are to:

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

The Inspectorate was notified of 13 deaths which occurred between 1 January and 31 December 2020; five deaths occurred while the person was on Temporary Release. In respect of the eight deaths which occurred while in prison custody two were in Arbour Hill, two in Limerick, one in Wheatfield, one in Castlerea, one in Cloverhill and one in Cork prison (**Figure 4**).

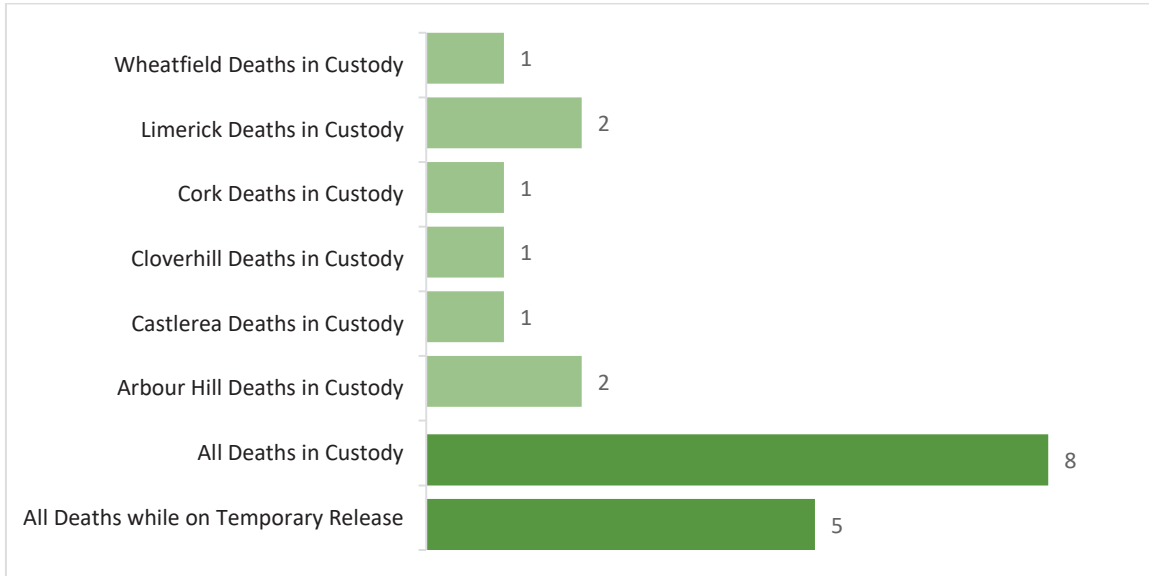
In 2020, there were ten investigation reports published,<sup>13</sup> eight of these were in relation to deaths that occurred in 2018 and two of these deaths occurred in 2019. Of these, the IPS prepared Action Plans in response to recommendations made in eight reports (Appendix 11.3). Two investigation reports did not include recommendations.

**Figure 4** provides a breakdown by prison of the deaths that occurred in 2020, all of whom were male.

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<sup>13</sup> Death in Custody Investigation Reports, <https://www.oip.ie/death-in-custody/death-in-custody-report-by-year-of-publication/>.

**Figure 4: Deaths occurring in 2020 by prison**



Unfortunately, since 2016 there has been a backlog in the drafting of death in custody investigation reports. This situation has been due to insufficient staffing resources. An increase in the 2020 budget allocation allowed for a recruitment of additional resources. This recruitment process commenced in mid-2020 resulting in the establishment of two panels of successful candidates at Senior Inspector and Inspector levels. The first three successful candidates took up duty in November 2020 with the remainder due to commence employment by mid-2021.

## **6.2 Investigation under Section 31(2) at the Minister’s request**

In July 2020 the Inspector raised a concern with the Minister. The Minister requested the Inspector to carry out an investigation under Section 31(2) of the Prisons Act 2007. The Terms of Reference were agreed in September 2020. The investigation was ongoing at year end.

## 7 LAUNCH OF THE INSPECTION FRAMEWORK FOR PRISONS IN IRELAND

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On 15 September 2020, the Minister for Justice, Helen McEntee TD, welcomed the publication of the Inspection Framework for Prisons in Ireland.<sup>14</sup> The launch of the Inspection Framework was originally planned for March 2020, but on account of COVID-19 the event was postponed and held virtually.



The Inspection Framework sets out how the Inspectorate will conduct inspections of prisons in Ireland. To this end, the Framework is based on five Focus Areas, measured against three dimensions. The Focus Areas are the major factors which affect, and reflect, the welfare and human rights of prisoners and others working in and visiting prisons: Safety & Security, Respect & Dignity, Rehabilitation & Development, Health & Wellbeing and Resettlement. Dimensions are the overarching and cross-cutting criteria of an inspection. Three Dimensions, Outcomes, Compliance and Environment, will be used to assess each of the Focus Areas. The Focus Areas and the Dimensions will be assessed using measures drawn from a range of sources including legal requirements, best practice and international guidelines.

The Framework for the Inspection of Prisons in Ireland was developed in consultation with a wide range of stakeholders in Ireland and abroad, including the Department of Justice, the IPS, the Department of Education and Skills, non-governmental organisations, Academics, the Council of Europe, academics and other experts.

The Inspectorate will carry out its first inspection visits under the guidance of the Inspection Framework during 2021.

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<sup>14</sup> Inspection Framework for Prisons in Ireland (2020) <https://www.oip.ie/launch-of-the-framework-for-the-inspection-of-prisons-in-ireland/>

## **8 INSPECTION OF PLACES OF DETENTION BILL DRAFT GENERAL SCHEME**

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In 2018, the Inspectorate was invited by the Department of Justice to make a submission on the Inspection of Places of Detention Bill Draft Scheme 2014. The Inspector submitted her views on 20 September 2018. The General Scheme of the Bill was still being drafted at the end of 2020 but it is the Inspectorate's understanding that it is nearing completion. The Department informed the Inspectorate that engagement with the Office would commence in early 2021.

## 9 EXTERNAL ENGAGEMENT

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The Inspectorate availed of a range of opportunities to communicate and engage with stakeholders both within and external to the IPS, including but not limited to the following:

### 9.1 Orientation Visits

The Inspectorate engaged in cross-departmental networking and exchange by conducting orientation visits to Mountjoy Prison and the Dóchas Centre with the Health Information and Quality Authority (HIQA) Chief Inspector of Social Services and Director of Regulation and to Cloverhill Prison with the Inspector of Mental Health Services and the Chief Executive Officer of the Mental Health Commission (MHC).

### 9.2 Events

#### **Instance Nationale pour le Prévention de la Torture Conference**

International Colloquium on Monitoring Places of Deprivation of Liberty in the Context of COVID-19, 18 December 2020. *Attendee*

#### **Zahid Mubarek Trust, University of Bristol and Royal Holloway University of London Webinar**

*Monitoring Places of Detention during the Pandemic*, 17 December 2020. *Participant*

#### **Centre for Crime and Justice Studies Webinar**

*Coronavirus in Prisons: What's happening across Europe?*, 3 December 2020. *Attendee*

#### **Prisons: the Rule of Law, Accountability and Rights (PRILA) Conference**

The PRILA project, based out of the School of Law, Trinity College Dublin, held a conference on the Oversight of Prisons, virtual conference, 26 November 2020. *Panel Discussion Participant*

#### **University of Nottingham and UK Prisons and Probation Ombudsman Webinar**

*Reducing Deaths in Prisons: Learning from Prisoner Lived Experience?*, 3 November 2020. *Attendee*

#### **Fifth Annual Justice Equality Agency Roundtable**

16 September 2020

#### **Launch of the Inspection Framework for Irish Prisons Webinar**

An event to launch the new Inspection Framework, attended by academics, international and national practitioners and representatives from the Department of Justice and the IPS, 15 September 2020.

#### **OHCHR and Association for the Prevention of Torture Conference**

*Combating Torture and Ill-treatment in times of COVID-19: Testimonies from the Ground*, 26 June 2020. *Attendee*



### **Zahid Mubarek Trust (ZMT) and Irish Penal Reform Trust (IPRT) Seminar**

*The Relationship between Civil Society and National Preventive Mechanisms*, an event on coordination efforts between NPMs and civil society, 26 June 2020. *Participant*

### **Roundtable Review of Ameliorating the Impact of Cocooning of People in Prison**

In draft stage of the *Ameliorating the Impact of Cocooning of People in Prison* report, the Inspectorate hosted a roundtable review of initial findings on 25 June 2020. This event was attended by a range of stakeholders from the IPS, academia and civil society, as well as representatives of the Irish Red Cross, including a Red Cross volunteer in custody. *Inspectorate facilitated event*

### **Department of Justice Launch Event**

Launch of Research Report on Recidivism and Policy Responses, 27 May 2020. *Attendee*

### **European Committee for the Prevention of Torture Video Conference**

Invitation-only event to discuss Inspectorate prison oversight function and activities during COVID-19, 13 May 2020. *Participant*

### **Zahid Mubarek Trust (ZMT) and Irish Penal Reform Trust (IPRT) Seminar**

*Human Rights and Detention in the time of COVID-19: UK and Ireland*, an event attended by prison oversight bodies and academics to discuss detention monitoring during COVID-19, 29 April 2020. *Participant*

### **International Red Cross Webinar**

Event on COVID-19, 15 April 2020. *Attendee*

### **Prisons: the Rule of Law, Accountability and Rights (PRILA) Workshop**

The PRILA project, based out of the School of Law, Trinity College Dublin, held a workshop with participants from the CPT, the Subcommittee on Prevention of Torture (SPT) and other oversight bodies, virtual workshop 2 April 2020. *Attendee*

### **Association for Criminal Justice Research & Development (ACJRD) Seminar**

Event on research from the Building Community Resilience project, 19 March 2020. *Attendee*

### **Peer Mediation Programme Graduation, Castlereagh Prison**

Event held in-prison to acknowledge graduates of the Programme, 25 February 2020. *Attendee*

### **Irish Penal Reform Trust (IPRT) Report Launch**

The Inspector attended the launch of and provided a response to the report, *Making Rights Real for People with Disabilities in Prison* on 15 January 2020. *Respondent*

## **9.3 Stakeholder Engagement**

The Office of the Inspector of Prisons continues to work alongside and in dialogue with our delivery Partners, including the Department of Justice, the IPS and other key stakeholders.

Throughout 2020, the Office of the Inspector of Prisons met with a number of stakeholders and interested partners to exchange views and build relationships.

The Inspectorate presented to Recruit Prison Officers on three occasions, January, April and June 2020, about the role and function of the Office of the Inspector of Prisons.

The Inspectorate participated in meetings with:

- Department of Justice officials;
- IPS Director General and Senior Management;
- The Health Information and Quality Authority (HIQA);
- Prisons: the Rule of Law, Accountability and Rights (PRILA);
- Irish Council for Civil Liberties;
- University of Limerick, School of Law;
- Maynooth University, School of Law;
- Inspectorate – Department of Education;
- Care After Prison;
- Irish Penal Reform Trust (IPRT);
- Traveller in Prison Initiative Programme Co-ordinator;
- International Network for Oversight Bodies;
- European Committee for the Prevention of Torture (CPT).

## 9.4 Publications

The Inspectorate developed and published a number of commentary pieces in 2020. These are:

- P. Gilheaney 'Monitoring of Prisons during the COVID-19 Pandemic' (June 2020) PRILA Ask an Expert Blog Series. <https://prilatcd.wordpress.com/june-2020/>
- P. Gilheaney 'Effective Prison Oversight and Independence in Ireland (March 2020) 4 Networks Working Together: External Prison Oversight and Human Rights, 13-17.

# 10 CORPORATE INFORMATION

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## 10.1 Financial Information

The Office of the Inspector of Prisons is funded under the Justice Vote (Vote 24), for which the Secretary General is Accounting Officer. In 2020, the Office received a budget allocation of €1.2m. There was a saving of €562,000 at year end. The bulk of the saving was in the pay subhead which amounted to €403,000 which was due to the prolonged recruitment process with only three additional resources taking up employment in November 2020. Savings in non-pay expenditure amounted to €159,000 as the forecasted costs for travel and subsistence and other non-pay costs did not materialise.

	<b>2020 Budget Allocation</b>	<b>2020 Actual Outturn</b>	<b>Saving (+) Overrun (-)</b>
<b>Pay</b>	€824,000	€421,000	+ €403,000
<b>Non-Pay</b>	€376,000	€217,000	+ €159,000
<b>Total</b>	€1,200,000	€638,000	+ €562,000

## 10.2 Protected Disclosures

As the Office of the Inspector of Prisons is an executive office under the aegis of the Department of Justice the Inspectorate has adopted the Protected Disclosures Policy of the Department as its policy on protected disclosures in the workplace. In line with the reporting requirements, it is confirmed that there were no protected disclosure reports received in 2020.

## 10.3 Public Sector Equality and Human Rights Duty

The Office of Inspector of Prisons embraces and is committed to ensuring it fulfils its responsibilities under Section 42 of the Irish Human Rights and Equality Commission Act 2014, which places a positive obligation on public bodies to have, in the performance of their functions, regard to the need to eliminate discrimination, promote equality of opportunity and protect the human rights of staff and the persons to whom services are provided. Accordingly, in 2020, the Office of the Inspector of Prisons placed this duty at the centre of its activities.

## 10.4 Governance and Internal Controls

The Office of the Inspector of Prisons is a statutory office established under the Prisons Act 2007. The Inspector is appointed by the Minister for Justice and is independent in the performance of her functions.

During the course of 2020 the Inspector of Prisons liaised with the Department of Justice to establish an Oversight Agreement, in accordance with the Code of Practice for the Governance of State Bodies (2016). The Agreement was agreed on 26 May 2020 and sets out the broad governance and

accountability framework within which the Inspectorate operates. The Agreement defines the key roles and responsibilities which underpin the relationship between the Inspectorate and the Department.

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

All Irish public bodies are obliged to treat public funds with care, and to ensure that the best possible value for money is obtained whenever public money is being spent or invested. The Public Spending Code is the set of rules and procedures that ensure that these standards are upheld across the Irish public service. The Office of the Inspector of Prisons has adhered to all relevant aspects of the Public Spending Code.

A renewed Service Level Agreement was signed on 19 February 2020 between the Office of the Inspector of Prisons and the Information Management & Technology (IM&T) Division in the Department of Justice. The Service Level Agreement outlines the provision of ICT services by the IM&T Division to the Office of the Inspector of Prisons. A renewed Data Processing Agreement was also signed between the parties on 19 February 2020.

The Code of Governance for State Bodies 2016, requires the provision of a Statement of Internal Controls (SIC). The SIC applies to all controls operating in the Office of the Inspector of Prisons, including ICT matters. On 4 February 2020, the IM&T Division in the Department of Justice confirmed that to the best of their knowledge and belief, adequate ICT controls, as set out in a Statement of Assurance, are in place and operating effectively.

The Office of the Inspector of Prisons has developed a Risk Management System and associated Risk Register which is kept under continuing review. The Risk Register sets out current controls to mitigate risks and actions to improve controls. An updated copy of the Risk Register was provided to the Department of Justice in 2020.

Procurement undertaken by the Office in 2020 was carried out following consultation with departmental officials and in accordance public procurement guidelines.

## 10.5 Freedom of Information

In 2020, the Office of the Inspector of Prisons received three requests under the Freedom of Information Act 2014. All of the requests received were in respect of non-personal information. One of the requests was partially granted. Final decisions in relation to two of the requests remained outstanding by year end. No cases were appealed to the Office of the Information Commissioner.

# 11 APPENDICES

## 11.1 Call Template

### OVERSIGHT DURING COVID-19 – CONTACT WITH PRISON GOVERNORS GENERAL POPULATION

DATE \_\_\_\_\_ WHO MADE CALL \_\_\_\_\_  
PRISON \_\_\_\_\_ GOVERNOR CONTACTED \_\_\_\_\_

Questions	NUMBER	ANSWERS
Is the prison regime different since Covid-19?		
What is the out of cell time for the general population		
Are all prisoners getting time out in the fresh air		
<b>Access to any workshop</b> <ul style="list-style-type: none"> <li>• Gym</li> <li>• Yard</li> <li>• Landing</li> <li>• Rec area</li> <li>• Other (specify)</li> </ul>		

### PRISONERS IN ISOLATION

ISOLATION	NUMBER	ADDITIONAL INFORMATION
Number in isolation		
<b>Reason(s) for isolation i.e.</b> <ul style="list-style-type: none"> <li>• Committal</li> <li>• Quarantine</li> <li>• Cocooned</li> <li>• Other</li> </ul>		
Number of prisoners swabbed for Covid-19 testing?		
<b>Results received?</b> <ul style="list-style-type: none"> <li>• Negative</li> <li>• Positive</li> </ul>		

<b>Results awaited?</b>		
<b>What restrictions are in place in relation to opening of cell doors?</b>		
<b>Please specify out of cell time and access to fresh air available daily</b>		
<b>If offered, are prisoners availing of out of cell time? If declined, what reason(s) is provided?</b>		
<b>What does this entail</b> <ul style="list-style-type: none"> <li>• Yard exercise (is it an option)?</li> <li>• Landing?</li> </ul>		
<b>How are meals provided?</b> <ul style="list-style-type: none"> <li>• Handed into cell</li> <li>• Collection point</li> </ul>		
<b>How is access to the following services facilitated?:</b> <ul style="list-style-type: none"> <li>• Chaplaincy</li> <li>• Psychology</li> <li>• Psychiatry</li> <li>• Other supports – specify</li> </ul>		
<b>How is access permitted?</b> <ul style="list-style-type: none"> <li>• <b>Social distance applied</b></li> <li>• <b>Through the door</b></li> <li>• <b>Tetra</b></li> <li>• <b>Other (listeners, Samaritans etc</b></li> </ul>		
<b>How frequently is the person's temperature checked?</b>		
<b>How are prisoners provided with prescribed medication?</b>		
<b>Have they access to the Tuck Shop? If yes:</b> <ul style="list-style-type: none"> <li>• Frequency,</li> <li>• Method e.g. Bag and Tag</li> </ul>		
<b>Phone calls. Are the phone calls based on the prisoners IR level?</b> <ul style="list-style-type: none"> <li>• Frequency</li> <li>• How <ul style="list-style-type: none"> <li>○ In-cell phone</li> </ul> </li> </ul>		

<b>What records are made and retained on those in isolation?</b>		
<b>Is PPE available :</b> <b>Is it used?</b> <b>In what circumstances?</b>		
<b>Specify any additional arrangements introduced during COVID-19 pandemic?</b>		
<b><u>ANY ISSUES OF CONCERN?</u></b>		

**PRISONERS COCOONED**

<b>COCOONED</b>	<b>NUMBER YES/NO</b>	<b>ADDITIONAL INFORMATION / DETAILS</b>
<b>Number cocooned</b> <ul style="list-style-type: none"> <li>• Landing</li> <li>• Wing</li> </ul>		
<b>What 'out of cell time' is provided?</b>		
<b>Get details</b> <ul style="list-style-type: none"> <li>• How much out of cell time is offered daily?</li> <li>• What does out of cell entail? <ul style="list-style-type: none"> <li>○ Yard exercise (is it an option)</li> <li>○ Landing</li> <li>○ Gym</li> <li>○ Library</li> <li>○ Rec Room</li> <li>○ Other</li> </ul> </li> </ul>		
<b>How are meals provided?</b> <ul style="list-style-type: none"> <li>• Handed into cell</li> <li>• Central collection</li> </ul>		
<b>How are prisoners provided with prescribed medication?</b>		
<b>How is access to the following services facilitated?</b> <ul style="list-style-type: none"> <li>• Chaplaincy</li> <li>• Psychology</li> <li>• Psychiatry</li> <li>• Other supports – specify</li> </ul>		
<b>How is access to social interaction permitted?</b>		

<ul style="list-style-type: none"> <li>• Social distance applied</li> <li>• Through the door</li> <li>• Tetra</li> <li>• Other (listeners, Samaritans etc)</li> </ul>		
<p><b>How is access to Tuck shop orders facilitated?</b></p> <ul style="list-style-type: none"> <li>• Frequency</li> <li>• Bag and Tag?</li> </ul>		
<p><b>Are phone calls facilitated?</b></p> <p><b>If a prisoner is on the standard or basic regime is s/he limited to the same number of calls that s/he had access to prior to cocooning?</b></p> <ul style="list-style-type: none"> <li>• Frequency of call</li> </ul>		
<p><b>How are records made and retained relating to persons being 'cocooned'</b></p>		
<p><b>Is PPE available if required?</b></p>		
<p><b>Any issues of concern?</b></p>		



## 11.2 S.I. 250/2020 - Prison (Amendment) Rules 2020

Notice of the making of this Statutory Instrument was published in  
"Iris Oifigiúil" of 21st July, 2020.

I, HELEN MCENTEE Minister for Justice and Equality, in exercise of the powers conferred on me by section 35 of the Prisons Act 2007 (No. 10 of 2007) (as adapted by the Justice and Law Reform (Alteration of Name of Department and Title of Minister) Order 2011 ( S.I. No. 138 of 2011 )), hereby make the following rules:

1. (1) These Rules may be cited as the Prison (Amendment) Rules 2020.

(2) The Prison Rules 2007 to 2018 and these Rules may be cited together as the Prison Rules 2007 to 2020.

(3) These Rules shall come into operation on 20th July 2020.

2. In these Rules "Principal Rules" means the Prison Rules 2007 ( S.I. No. 252 of 2007 ).

3. The Principal Rules are amended by the insertion of the following rule after Rule 32:

"32A (1) Where the Director General is of the opinion, having regard to advice or guidelines issued by the Department of Health or the Health Service Executive, or a recommendation by the Director of Prison Healthcare Services or a prison doctor, that it is necessary to do so to prevent or limit the spread of an infectious disease specified in accordance with Regulation 6 of, and the Schedule to, the Infectious Diseases Regulations 1981 ( S.I. No. 390 of 1981 ) within a prison, he or she may direct the Governor of that prison to –

(a) suspend the entitlement to physical recreation, exercise or training under Rule 32, or

(b) restrict or modify the entitlement to physical recreation, exercise or training under Rule 32, as regards frequency, duration and arrangements, for a specified period or periods.

(2) Where the Governor is of the opinion, having regard to advice or guidelines issued by the Department of Health or the Health Service Executive, or a recommendation by the Director of Prison Healthcare Services or a prison doctor, that it is necessary to do so to prevent or limit the spread of an infectious disease specified in accordance with Regulation 6 of, and the Schedule to, the Infectious Diseases Regulations 1981 ( S.I. No. 390 of 1981 ) within his or her prison, subject to any direction made by the Minister or the Director General, he or she may –

(a) suspend the entitlement to physical recreation, exercise or training under Rule 32, or

(b) restrict or modify the entitlement to physical recreation, exercise or training under Rule 32, as regards frequency, duration and arrangements, for a specified period or periods."

4. The Principal Rules are amended by the insertion of the following rule after Rule 36:

"36A (1) Where the Director General is of the opinion, having regard to advice or guidelines issued by the Department of Health or the Health Service Executive, or a recommendation by the Director of Prison Healthcare Services or a prison doctor, that it is necessary to do so to prevent or limit the spread of an infectious disease specified in accordance with Regulation 6 of, and the Schedule to, the Infectious Diseases Regulations 1981 ( S.I. No. 390 of 1981 ) within a prison, he or she may direct the Governor of that prison to –

(a) suspend the entitlement to visits under Rule 35, or

(b) restrict or modify the entitlement to visits under Rule 35, as regards frequency, duration and arrangements, particularly in relation to the number and age of visitors permitted to make visits, for a specified period or periods.

(2) Where the Governor is of the opinion, having regard to advice or guidelines issued by the Department of Health or the Health Service Executive, or a recommendation by the Director of Prison Healthcare Services or a prison doctor, that it is necessary to do so to prevent or limit the spread of an infectious disease specified in

accordance with Regulation 6 of, and the Schedule to, the Infectious Diseases Regulations 1981 ( S.I. No. 390 of 1981 ) within his or her prison, subject to any direction made by the Minister or the Director General, he or she may-

(a) suspend the entitlement to visits under Rule 35, or

(b) restrict or modify the entitlement to visits under Rule 35, as regards frequency, duration and arrangements, particularly in relation to the number and age of visitors permitted to make visits, for a specified period or periods.”.

/images/ls

GIVEN under my Official Seal,

16 July, 2020.

HELEN MCENTEE,

Minister for Justice and Equality.

EXPLANATORY NOTE

(This note is not part of the Instrument and does not purport to be a legal interpretation.)

This order amends the Prison Rules 2007 ( S.I. No. 252 of 2007 ).

## 11.3 IPS Action Plans in Response to Death in Custody Investigation Report Recommendations, published in 2020

The Inspectorate published ten Deaths in Custody investigation reports in 2020; eight of which required the development of IPS Action Plans in response to recommendations made by the Inspectorate. The IPS Action Plan action points *with ongoing or incomplete status* as of submission of the report to the Minister are provided below with a confirmation of status on 31 December 2020. Of the eight IPS Action Plans, seven had recommendations ongoing or incomplete at the time of submission of the report.

### IPS Action Plan, with update on the status of the Actions provided by the IPS as of 31 December 2020, in respect of recommendations made in the investigation report into the circumstances surrounding the death of Mr O 2018, which was published on 27 November 2020

Recommendation	Action(s) Required	Person(s) Responsible	Date for Completion	Status on 31/12/2020
<b>Recommendation 5:</b> Prisoner information in relation to external and internal movements should be contemporaneously entered into the PIMS. [section 2.39]	The Irish Prison Service will remind all prisons of their obligations to record all incidents and of the importance of recording incidents promptly and accurately on both the paper and electronic systems.	Corporate Services	September 2020	Complete
<b>Recommendation 7:</b> The IPS should ensure that internal communication is at all times respectful and appropriate action taken when this standard is not reached. The development of a Code of Ethics for all IPS personnel (senior management and staff in HQ and prisons) should be expedited for completion and subsequent implementation at the earliest opportunity.	The new Code of Ethics will be circulated to all staff by 10 January 2020 with a notice from the Director General advising staff of the implementation of same. An accompanying awareness programme is currently being developed and will be delivered to all staff, commencing February 2020.	Corporate Services	February 2020 (delay due to COVID-19, expected completion by year end)	The Code of Ethics draft material was finalised in 2019 and is being reviewed for publication.  A communications and implementation plan is being developed to support publication of the document.
<b>Recommendation 10:</b> A Critical Incident meeting should take place as soon as possible after a death in custody. [sections 3.3 / 3.4]	The Operations Directorate have a draft Critical Incident Management Booklet which is currently being developed. This booklet will address the recommendation of the Inspector.	Operations	Q3 2020	Complete
<b>Recommendation 11:</b> The IPS Critical Incident Policy should be reviewed and consideration given to the inclusion of a cold debrief within 14 days of an incident to provide further opportunity for everyone involved, including prisoners where relevant. The purpose should be to identify learning, support everyone involved and assess progress in relation to actions that were identified at the hot debrief, ie. the debrief as soon as possible after the incident occurred. [sections 3.3 / 3.4]	The Operations Directorate have a draft Critical Incident Management Booklet which is currently being developed. This booklet will address the recommendation of the Inspector.	Operations	Q3 2020	Complete

**IPS Action Plan, with update on the status of the Actions provided by the IPS as of 31 December 2020, in respect of recommendations made in the investigation report into the circumstances surrounding the death of Mr I 2018, which was published on 12 August 2020**

<b>Recommendation</b>	<b>Action(s) Required</b>	<b>Person(s) Responsible</b>	<b>Date for Completion</b>	<b>Status on 31/12/2020</b>
<p><b>Recommendation 1:</b> The IPS should instruct all staff that their written records and verbal evidence in respect of Deaths in Custody and other significant incidents must be fully detailed and specific in relation to all factual aspects of the event including timings and job roles. [Preface]</p>	<p>The Irish Prison Service will remind all staff of their obligations to record all incidents and of the importance of recording incidents promptly and accurately on both the paper and electronic systems.</p>	<p>Corporate Services</p>	<p>Q2 2020</p>	<p>Complete. Also, information and good practice on report writing has been published on the intranet as a guide.</p>
<p><b>Recommendation 3:</b> The IPS should satisfy itself about the competence of all staff involved in this failure to follow the doctor's orders and take any action necessary to ensure there is no repeat in any prison establishment. [Para 2.43]</p>	<p>Informative sessions took place following the DiC as a learning exercise. Following this, an Email group was established for nursing staff to communicate referral to relevant disciplines. The "Referral to hospital form" was implemented as part of the policy and this is transmitted via email to the Detail office/Chiefs office.  <i>This email group system is to be replicated in all prisons.</i></p>	<p>Care and Rehabilitation Directorate</p>	<p>End June 2020</p>	<p>Complete</p>
<p><b>Recommendation 6:</b> The IPS Protocol for Chaplaincy and Next of Kin Notification dated 25/05/2017 at Section 2.3 makes provision for informing next of kin in cases of grave illness. The IPS should monitor implementation of the Protocol and take appropriate action if there is non-compliance. [Para 3.18]</p>	<p>The Chaplaincy group met on 5th September 2019, reviewed the policy and recommended some changes. These recommendations will be addressed by the newly appointed Head Chaplain to ensure that the policy is fully implemented.</p>	<p>Care and Rehabilitation Directorate</p>	<p>Q2 2020</p>	<p>Complete* *The protocol is being implemented, but a Prison Chaplain may not always be available immediately when deaths occur out of hours</p>
<p><b>Recommendation 7:</b> The IPS should apply the following rationale for Critical Incident Reviews: "The purpose is to provide staff and any prisoners who were involved with an opportunity to share views in relation to how the situation was managed, and identify any additional support or learning that could have assisted." Critical Incident Reviews should therefore be arranged to facilitate the attendance of those who were centrally involved, including prisoners, carers and staff from support agencies</p>	<p>Operations are in the process of developing a Critical Incident Procedures Manual, which will cover, inter alia, Critical Incident Planning, Production of Critical Plans, post incident procedures and investigations and debriefing.</p>	<p>Operations Directorate</p>	<p>End June 2020</p>	<p>Complete</p>
<p><b>Recommendation 8:</b> Critical Incident Review minutes should reflect action points and responsibilities so that all relevant personnel understand what is required. This is especially true when key players did not attend the Review. [Para 3.32]</p>	<p>Operations are in the process of developing a Critical Incident Procedures Manual which will cover, inter alia, Critical Incident Planning, Production of Critical plans, post incident procedures and investigations and debriefing.</p>	<p>Operations Directorate</p>	<p>End June 2020</p>	<p>Complete</p>
<p><b>Recommendation 9:</b> The IPS should ensure all referrals to outside hospital are prioritised when a doctor designates them as "Urgent". [Para 3.35]</p>	<p>An email group has been established to ensure that all relevant disciplines are aware of the transfer and the timeframe that is recommended. Once an email has issued there is a follow up phone call to the Chief's Office and the Detail Office to relay the relevant information.</p>	<p>Care and Rehabilitation Directorate</p>	<p>End June 2020</p>	<p>Complete</p>

	<i>This email group system will be replicated in all prisons.</i>			
<b>Recommendation 10:</b> The IPS should ensure that all staff are cared for after a critical incident, including those who are experienced and appear to cope well at the time. [Para 3.39]	The Irish Prison Service has committed in its Strategic Plan 2019 to 2022 to developing a Staff Wellbeing Strategy to raise awareness among staff of mental, emotional and physical health issues and to promote the positive physical and mental health of all employees	Human Resources Directorate	On-going	Ongoing
<b>Recommendation 11:</b> The IPS should consider the introduction of a 'cold debrief' within 14 days of a critical incident to provide further opportunity for everyone involved, including prisoners where relevant. The purpose should be to identify learning, support everyone involved and assess progress in relation to actions that were identified at the 'hot debrief'. [Para 3.40]	Operations are in the process of developing a Critical Incident Procedures Manual which will cover, inter alia, Critical Incident Planning, Production of Critical plans, post incident procedures and investigations and debriefing.	Operations Directorate	End June 2020	Complete

**IPS Action Plan, with update on the status of the Actions provided by the IPS as of 31 December 2020, in respect of recommendations made in the investigation report into the circumstances surrounding the death of Mr K 2018, which was published on 10 August 2020**

Recommendation	Action(s) Required	Person(s) Responsible	Date for Completion	Status on 31/12/2020
<b>Recommendation 8:</b> The IPS should review its external contracts to ensure they are fit for purpose and delivering against all requirements. Those that impact upon safety and security should be prioritised.	The Building Services Division of the Finance and Estates directorate holds regular meetings with the service provider of the CCTV maintenance contract to address any non-performance/ issues / programming. In addition, ongoing investment in technology is due to take place to assist in the notification of faults via an early warning display for managers and users.	Estates Directorate	On-going	Ongoing
<b>Recommendation 9:</b> A cold debrief should be conducted within 14 days of the incident to provide further opportunity for everyone involved, including prisoners where relevant. The purpose should be to identify learning, support everyone involved and assess progress in relation to actions that were identified at the hot debrief.	Operations are in the process of developing a Critical Incident Procedures Manual which will cover, inter alia, Critical Incident Planning, Production of Critical plans, post incident procedures and investigations and debriefing.	Senior Management Operations	End June 2020	Complete
<b>Recommendation 10:</b> The IPS should ensure all staff are cared for after a critical incident, including those who are experienced and appear to cope well at the time.	The Irish Prison Service has committed in its Strategic Plan 2019 to 2022 to developing a Staff Wellbeing Strategy to raise awareness among staff of mental, emotional and physical health issues and to promote the positive physical and mental health of all employees.	HR Directorate	On-going	Ongoing

**IPS Action Plan, with update on the status of the Actions provided by the IPS as of 31 December 2020, in respect of recommendations made in the investigation report into the circumstances surrounding the death of Mr H 2018, which was published on 29 July 2020**

Recommendation	Action(s) Required	Person(s) Responsible	Date for Completion	Status on 31/12/2020
<p><b>Recommendation 1:</b> The IPS should ensure that minutes of important meetings, such as Critical Incident Reviews, should identify significant facts such as dates, times, role and responsibilities as well as personnel who did not attend, with explanations. The recommendations should allocate responsibility and timescales.</p>	<p>The Operations Directorate have a draft Critical Incident Management Booklet which is currently being developed. This booklet will address the recommendation of the Inspector.</p>	<p>Operations Directorate</p>	<p>End June 2020</p>	<p>Complete</p>
<p><b>Recommendation 2:</b> A 'hot debrief' following a critical incident is held in prisons on a custom and practice basis. Therefore, the IPS should prioritise the development of a Critical Incident Policy to ensure a consistency of approach in all prisons. The policy should include (and not limited to) debriefings post critical incident. In addition to a 'hot debrief' (on the day or night of the incident as applicable) consideration should be given to the inclusion of a cold debrief within 14 days of the incident to provide further opportunity for everyone involved, including prisoners where relevant. The purpose should be to identify learning, support everyone involved and assess progress in relation to actions that were identified at the hot debrief.</p>	<p>The Operations Directorate have a draft Critical Incident Management Booklet which is currently being developed. This booklet will address the recommendation of the Inspector.</p>	<p>Operations Directorate</p>	<p>End June 2020</p>	<p>Complete</p>

**IPS Action Plan, with update on the status of the Actions provided by the IPS as of 31 December 2020, in respect of recommendations made in the investigation report into the circumstances surrounding the death of Mr P 2018, which was published on 8 May 2020**

Recommendation	Action(s) Required	Person(s) Responsible	Date for Completion	Status on 31/12/2020
<p><b>Recommendation 1:</b> The IPS should consider introducing a policy that would require written consent by a prisoner to confirm their wish not to be resuscitated. Appropriate safeguards should be put in place to ensure that such consent is fully informed and provided freely.</p>	<p>The IPS are in the process of developing an End of Life Care Policy which includes the issue of resuscitation as appropriate. Prisoners are given opportunities to engage in advanced planning where each prisoner is provided with appropriate information to make informed decisions and supported by someone who understands the complexities of the process as well as the clinical implications of the decisions. It is important to note that health care professionals in the IPS are also subject to the End of Life Care Guidelines as set by their Professional Bodies.</p>	<p>John Devlin, IPS Clinical Lead</p>	<p>Q1 2020</p>	<p>End of Life Care Policy has been drafted and now circulated for consultation</p>

**IPS Action Plan, with update on the status of the Actions provided by the IPS as of 31 December 2020, in respect of recommendations made in the investigation report into the circumstances surrounding the death of Mr A 2018, which was published on 8 January 2020**

Recommendation	Action(s) Required	Person(s) Responsible	Date for Completion	Status on 31/12/2020
<b>Recommendation 1:</b> Officers when unlocking prisoners after periods of lock-back should verbally communicate with the prisoner and ensure they receive a verbal response to verify that s/he is well and not in need of medical attention.	To be presented to the SPG on 18/19 September for discussion about practicality of implementation.	Director of Operations	For discussion 18/19 September	Complete

**IPS Action Plan, with update on the status of the Actions provided by the IPS as of 31 December 2020, in respect of recommendations made in the investigation report into the circumstances surrounding the death of Mr N 2018, which was published on 8 January 2020**

Recommendation	Action(s) Required	Person(s) Responsible	Date for Completion	Status on 31/12/2020
<b>Recommendation 1:</b> IPS should consider reviewing the procedures for notification to An Garda Síochána of persons granted RTR and ensure that agreed procedures are implemented.	The IPS have arranged a meeting with An Garda Síochána for November 22 <sup>nd</sup> (2018) and as part of this meeting we intend to discuss the recommendation in detail.	Senior Management IPS/ An Garda Síochána A	Time frame will be advised following discussions with An Garda Síochána	Complete