



OIFIG AN CHIGIRE PRÍOSÚN
OFFICE OF THE INSPECTOR OF PRISONS

COVID-19 Thematic Inspection of Mountjoy Men's Prison

1 - 4 March 2021

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EXECUTIVE SUMMARY

The Office of the Inspector of Prisons carried out the first of twelve COVID-19 Thematic Inspections in Mountjoy Men's Prison on 1 - 4 March 2021. This inspection examined twelve assessment areas across the Five Inspectorate Focus Areas: Respect & Dignity; Safety & Security; Health & Wellbeing; Rehabilitation & Development; and Resettlement. While originally planned to take place over three days, the inspection was extended to three and half days owing to delays in being granted access to digital documents.

Over the course of inspection, the prison was very accommodating and helpful, and the prison staff proved very forthcoming with their concerns and ideas for how the prison might better respond to COVID-19 related restrictive measures.

The Inspection Team noted a number of positive outcomes in the prison, which include:

- The prison has been successful in managing and responding to COVID-19 outbreaks in the prison.
- There is a common effort amongst prisoners and staff in the prison to prevent transmission of COVID-19.
- Measures have been taken to mitigate the impact of COVID-19 related restrictions, such as videolink visits and the addition of a Netflix channel.

Unfortunately, the Inspection team also noted negative outcomes for prisoners, which include:

- Prisoners in quarantine/isolation are being denied their right to a shower, and are not being provided with sufficient meaningful human contact.
- Solitary confinement is being used as a measure to prevent transmission of COVID-19.
- As a result of the cancellation of programmes and community services and schemes, prisoners are not being afforded opportunities to prepare for release; and in some instances are being required to spend more time in prison.

The Office of the Inspector of Prisons is concerned that COVID-19 has allowed for a sense of complacency to set in across the prison; increased restriction is the new norm. The Inspectorate was informed of many innovative ideas for how to counter this encroaching complacency, and urges Mountjoy Men's Prison to consider, in consultation with prisoners and staff, new proactive initiatives to address the concerns raised in this report.

Upon conclusion of this inspection, the Inspectorate determined three questions that it will seek to unpack over the course of the remaining COVID-19 Thematic Inspections.

1. How will prisons in Ireland come out of COVID-19 restrictions?
2. What are the implications of the normalisation of COVID-19 related measures?
3. How will the impact of COVID-19 restrictions on prisoners be redressed?

On the date of submission of this report to the Minister, the Inspectorate was informed that prisoners have not been provided with vaccines in line with the current eligibility criteria. This is of great concern to the Inspectorate. Given prisoners live in congregated settings, where the opportunity for spread of disease is great, the Inspectorate strongly supports COVID-19 vaccination of all prisoners and staff.

1 INTRODUCTION

1.1 Inspection Function 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 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 she is of the opinion that:

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

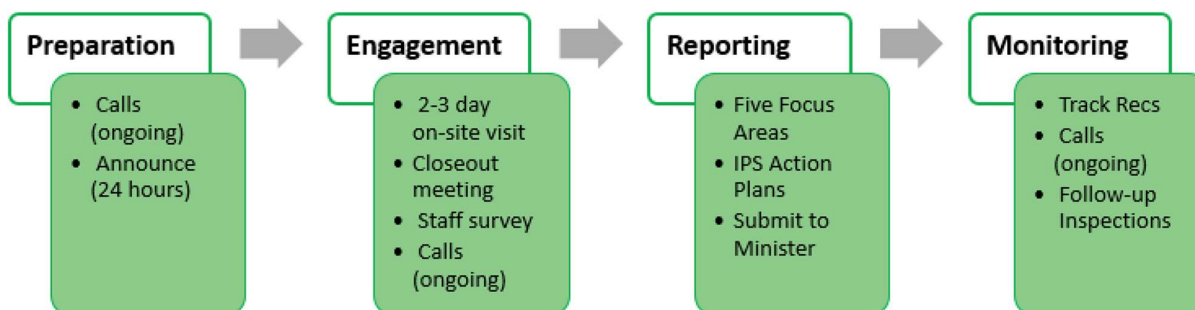
Where any matters are so omitted, a statement to that effect must be attached to the report concerned on its being laid before both Houses of the Oireachtas, and on its publication.

1.2 COVID-19 Thematic Inspections

The Irish Prison Service has adopted a number of practices in response to the need to prevent transmission of COVID-19 in Irish prisons, and to subsequently uphold Ireland’s commitment to the protection of life under Article 2 of the European Convention on Human Rights. These measures include, amongst others, restrictions on family contact (Section 4.2), quarantine and isolation (Section 4.3), restrictions on access to exercise and activities (Sections 5.2 and 5.3) and changes to the prison regime (Section 5.1). In response to these restrictive measures, and the need to assess their impact on people living and working in prison, the Office of the Inspector of Prisons prepared a programme of COVID-19 Thematic Inspections to be carried out in all Irish prisons in 2021. The objective of these visits is to provide a human rights informed assessment of the treatment and care of prisoners across the Irish Prison Service. COVID-19 Thematic Inspections are carried out in line with the process provided in the 2020 Framework for the Inspection of Prisons in Ireland (Figure 1), and are designed to examine the five Focus Areas detailed in the Framework, with a particular focus on the impact of COVID-19 on the prison.

Figure 1: Framework Inspection Process

COVID-19 Thematic Inspections: Process



By design, COVID-19 Thematic Inspection Visits are announced short visits of between two and three days in duration, whereby the focus of the visit is on how people in prison experience and are impacted by COVID-19 related restrictions in the prison. The information obtained through inspections visits is complemented by calls to prisons,¹ continuous communications with the Irish Prison Service, which includes daily or weekly updates on the situation of COVID-19 and provision of aggregate data via the IPS Dashboard (pending), and the dissemination of an online staff survey in April/May 2021.

COVID-19 Thematic Inspections are carried out on a systematic and risk-informed basis, in line with the Office of the Inspector of Prisons Infection Control Protocol.² Based on internal information and information received from the IPS, the Inspectorate determines if a visit to a prison is (i) warranted given the risk, and (ii) in line with the principle of 'do-no-harm' (ensure that risk is offset by preventive action). COVID-19 Thematic Inspections are announced, with prisons provided with at least a 24-hour notice in advance of the inspection. The Inspection Team is reduced in size, with only two or three Inspectors carrying out the inspection of the prison over a two to three day time span. Upon completion of an inspection, inspection team members must wait 14 days before entering another prison.

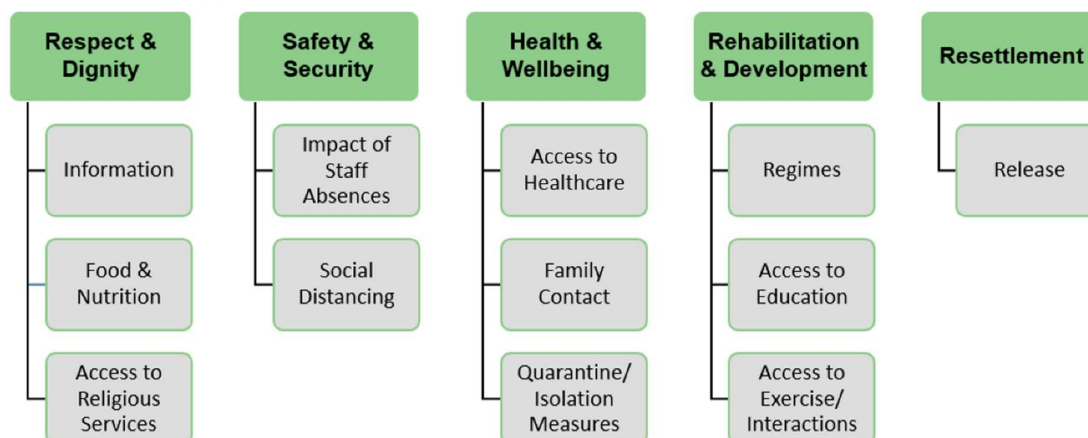
The Focus Areas are: Respect & Dignity, Safety & Security, Health & Wellbeing, Rehabilitation & Development and Resettlement. Within the five Focus Areas, inspections may assess a number of themes, as outlined in Figure 2. Given time constraints, not all inspections will be able to examine all assessment themes

¹ OIP. COVID-19 Call Template, available at: <https://www.oip.ie/wp-content/uploads/2021/05/COVID-Call-Template.pdf>

² OIP. COVID-18 Infection Control Protocol, available at: <https://www.oip.ie/wp-content/uploads/2021/05/OIP-Infection-Control-Protocol.pdf>

Figure 2: Inspection Focus Areas – COVID-19 Assessment Themes

Mountjoy Men's Prison Assessment Themes



The COVID-19 Thematic Inspection process involves the following:

- Observation of the prison environment;
- Discussions and informal interviews with prisoners and staff; and
- Documentation-review and tracing.

It should be noted that direct quotations from prisoners and staff are included in this report. These quotations describe the lived experience of prisoners and staff as shared with the inspection team.

The inspection visit to the prison is complemented by ongoing telephone communications with the prison. These calls are designed to: (i) identify COVID-19 related practices in the prison across the Focus Areas; (ii) highlight areas of concern that may require further attention as part of an inspection visit; (iii) monitor implementation status of IPS Action Plans developed to respond to Inspectorate Recommendations; and (iv) provide prison management with an opportunity to indicate positive advancements and challenges related to COVID-19 related restrictions in the prison. One call was made to Mountjoy Men's Prison in advance of the inspection, on 18 February 2021.

Over the duration of the inspection process, the Inspectorate endeavours to raise awareness of the ongoing inspection and of the role of the Office of the Inspector of Prisons more generally. To this end, the Inspectorate has developed prisoner information booklets,³ which were distributed on the first day of the COVID-19 Thematic Inspection. These materials have been provided to the Irish Prison Service for ongoing dissemination.

This Report on the Inspection of Mountjoy Men's Prison, the first of twelve COVID-19 Thematic Inspection reports, provides a human rights-based assessment of the Irish Prison Service's response to the COVID-19 pandemic. The report examines the Focus Area themes to assess the following:

- Compliance with national legislation and international human rights standards;
- The physical and non-physical prison Environment; and
- The Outcome, or impact of compliance or non-compliance with legislation and/or standards and the environment within the prison setting.

³ OIP Information Booklets, available: <https://www.oip.ie/information-booklet/>, available in Irish, English, Cantonese, French, Polish, Romanian, Russian and Spanish. The OIP has also prepared an information video for display on the in-cell TV channel in prisons, where this facility is available: <https://prezi.com/v/cggicvqfvpz8/>

As necessary, the Office of the Inspector of Prisons may provide a recommendation to assist the Irish Prison Service in bringing its procedures and practices in line with international human rights standards and best practice. As part of the Inspectorate's inspection and reporting processes, the Inspectorate engages the prison and the Irish Prison Service to review recommendations and determine recommendation Action Plans. The Irish Prison Service Action Plan in response to the COVID-19 Thematic Inspection in Mountjoy Men's Prison is provided in Section 7. The Irish Prison Service review, as received by the Office of the Inspector of Prisons, is included in this report. At this time, the Office of the Inspector of Prisons is not in a position to verify the veracity of the information provided. Where the Irish Prison Service has made a statement contrary to the findings of the Inspection Team this will be monitored on an ongoing basis by the Office of the Inspector of Prisons. All IPS Review statements in this report are provided in the manner received.

The inspection of Mountjoy Men's Prison was carried out over three and half days. Originally, the inspection was scheduled for three days, but due to data access restrictions on the first day of the inspection, the Inspection Team determined the need to extend the inspection. The access issues were remedied on the second day of the inspection. However, the addition of the half-day resulted in only one member of the Inspection Team in attendance on day four; this was to ensure the second member of the Inspection team would be able to spend 14 days outside of a prison in advance of a subsequent inspection.

The degree of co-operation received in the prison during the inspection was very good. The Inspection Team had immediate and open access to Mountjoy Men's Prison, and all local requests for information were answered promptly. At the conclusion of the inspection, the Inspectorate presented its preliminary observations to the management staff of Mountjoy Men's Prison. The commentary received during this close-out meeting were taken into account in the drafting of this report. The Inspectorate was impressed by many of the innovations and ideas proposed by the staff at Mountjoy Men's Prison, and looks forward to ongoing dialogue and engagement.

1.3 Composition of the Inspection Team

The Inspection Team for the COVID-19 Thematic Inspection in Mountjoy Men's Prison comprised of Chief Inspector Patricia Gilheaney and Senior Inspector Dr Ciara O'Connell. The Inspection Team was supported by Inspector Mark Wolfe, Interns Gavin Murphy and Eoin Ronayne and the Inspectorate Administrative Staff.

1.4 Overview of Mountjoy Men's Prison

Mountjoy Men's Prison is a closed, medium security prison for adult males, and is the main committal prison for Dublin City and County. All cells in Mountjoy Men's Prison are single-occupancy cells (a cell on A2 landing measured: 3.8m x 2.08m x 2.7m, inclusive of sanitary facility). Since the onset of the COVID-19 pandemic (through to 1 March 2021), 53 staff members working in Mountjoy Men's Prison and four prisoners (two community transmissions) tested positive for COVID-19.

On the days of the inspection, Mountjoy Men's Prison accommodated 693 people in custody on 1 March, 692 people on 2 March, 689 people on 3 March and 688 people on 4 March. On 1 March, of the 693 people in custody, 158 were accommodated in the Progression Unit (including 20 people in quarantine), 45 were accommodated in the Medical Unit, 243 were on protection (two people on Rule 62) and nine people were accommodated in the High Support Unit. The Inspectorate was notified on 1 March that there were, at that point, no prisoners presenting with COVID-19 symptoms.

Based on daily information provided by the Irish Prison Service to the Inspectorate, Table 1 provides the number of people in custody placed on COVID-19-related restricted regimes over the course of the inspection.

Table 1: People in Custody, COVID-19 Restricted Regimes

Date	Quarantine	Isolation	Cocooning
1 March 2021	15	0	1
2 March 2021	17	0	1
3 March 2021	21	0	1
4 March 2021	19	0	1

However, the Inspection Team was notified on the first day of the inspection, that as of 21 January 2021 there have not been any prisoners cocooning in Mountjoy Men's Prison; this conflicts with the IPS daily updates provided to the Inspectorate which note one person cocooning on 21 January 2021 through to 4 March 2021.

1.5 Immediate Action Notifications (IANs)

The COVID-19 Thematic Inspection of Mountjoy Men's Prison did not require the Inspectorate to issue an Immediate Action Notification.

2 RESPECT & DIGNITY

2.1 Information

Central to the Respect & Dignity Focus Area is the provision of information within the prison. As part of the inspection of Mountjoy Men's Prison, the Inspection Team assessed how prisoners were provided with information on committal, with a particular focus on what information is provided to prisoners entering quarantine. In addition to this, the Inspection Team examined how people in prison perceived of the Prison Service's effort to provide COVID-19-related information, with the intention being to determine if prisoners felt well-informed.

2.1.1 Compliance

The Irish Prison Rules 2007-2020, Rule 13, include the supply upon committal of an explanatory booklet that outlines the entitlements, obligations and privileges for prisoners. Further to this, the Rule provides for, in so far as is practicable, the provision of explanatory booklets to foreign nationals in a language that can be understood by the prisoner, and that in instances where this is not possible, or where a prisoner is not able to read or understand the contents of the booklet, that all reasonable efforts be made to ensure that the prisoner's entitlements, obligations and privileges are explained.

The United Nations Standard Minimum Rules for the Treatment of Prisoners (the Mandela Rules) (2015) provide more specificity about the contents of such an explanatory booklet, with Rule 54 providing that every prisoner shall be provided with written information about applicable prison regulations, rights (including methods of seeking information, access to legal advice and procedures for making requests or complaints), obligations related to disciplinary sanctions and all other matters necessary to adapt to life in the prison. The Nelson Mandela Rules also require, under Rule 55.3, that prison administrations display summaries of information in common areas of the prison, and that the written information be made available in commonly used languages in accordance with the needs of the prison population; interpreter assistance should be provided if a language is not available (Rule 55.1).

Alongside, the Nelson Mandela Rules, the Revised European Prison Rules (2020) state that at admission, and as often as necessary afterwards, all prisoners shall be informed in writing and orally in a language they understand of the prison regulations and their rights and duties in the prison (Rule 30.1). The European Prison Rules also state that prisoners are allowed to keep in their possession written versions of the information they are given (Rule 30.2).

With specific regard to COVID-19, the European Committee for the Prevention of Torture (CPT) Statement of Principles Relating to the Treatment of Persons Deprived of their Liberty in the Context of the Coronavirus Disease (COVID-19) Pandemic (Principle 4) requires that any restrictive measures taken to prevent the spread of COVID-19 should have a legal basis and be necessary, proportionate, respectful of human dignity and restricted in time. All persons deprived of liberty should receive comprehensive information, in a language they understand, about any such measures.

The caveats provided for in the Irish Prison Rules 2007-2020 ("all reasonable efforts" and "in so far as is practicable") allow for a situation in which the national legislation's provisions in relation to information may be curtailed or denied. Further, the Irish Prison Rules place no responsibility on the prison to provide information "as necessary" after the point of committal, thereby leaving open a vacuum of information which may be filled with assumptions and/or incorrect information.

2.1.2 Environment

The landings in Mountjoy Men's Prison have areas where information is posted on a notice board on the wall. The Inspection Team noted a handmade sign on one such information board, and was told that a prisoner had made a sign advertising information about Merchant's Quay services because this information had not been readily available on the landing.

The Irish Prison Service, since the beginning of the pandemic, has developed Prisoner Newsletters designed to inform prisoners of the ongoing situation with COVID-19. The Inspectorate was provided with the booklets throughout 2020, with 26 newsletters developed between 20 March 2020 and 31 January 2021. Similarly, the Prison Service developed 13 Staff Newsletters between 20 March 2020 and 13 January 2021.

Red Cross Volunteers have been instrumental in ensuring the information flow is maintained for prisoners. However, because information, both behind and outside of the prison walls is constantly in flux, it has proven challenging for Red Cross Prisoner Volunteers to pass along information from management to prisoners when they are not able to provide more in-depth information as regards reasoning behind decision-making, timelines for restrictions and future plans.

2.1.3 Outcomes

Across Mountjoy Men's Prison, people in the prison expressed a level of scepticism about the veracity of COVID-19-related information being provided to them by the prison; this was due to what was perceived as uninformed or inconsistent implementation of restrictions. Much like the situation in the general community, prisoners expressed not being clear on why certain restrictions were being imposed, and to what end. However, unlike the general community, which has access to information on a wide scale, people in prison are limited in the information they receive.

In the absence of clarity of information, a number of rumours have taken hold in the prison, namely that (i) the COVID-19 vaccine causes impotency; and (ii) in-person visits will be contingent on receipt of the COVID-19 vaccine. These rumours indicate a breakdown in the information chain in the prison, and may impact on uptake of the COVID-19 vaccine when it is made available to people in prison. The Inspection Team was informed that in the days prior to the inspection, prisoners had been provided with vaccination forms requesting information to enable them to sign up for the vaccine. As a result, the topic of vaccination was prominent in the prison, with many prisoners expressing to the Inspection Team that they had no intention of taking the vaccine if it were to be offered to them. Further, prison management should consider the appropriateness of sharing information before it is concrete, particularly in relation to management of in-person visits and how this will be impacted by receipt of the COVID-19 vaccine.

As outlined in further detail below (Section 4.3), prisoners entering prison and placed into quarantine expressed feelings of uncertainty as regards what to expect during their time in quarantine. One prisoner stated, "You don't know the programme" when entering quarantine, and explained that he only knew about the testing days (day zero and day seven/eighth day in custody), because a former cell occupant had etched the days and information into the cell wall. Another prisoner explained that he had been informed about the testing days, but that he was not made aware of his entitlement to compassionate telephone calls until he had already been in quarantine for a few days.

2.1.4 Recommendations

Recommendation 1: Mountjoy Men's Prison should endeavour to embark on a robust and timely information campaign intended to provide consistent and research-informed information about the effects and side-effects of the COVID-19 vaccines (particularly those that will be administered to prisoners).

Recommendation 2: In line with Rule 54 of the Nelson Mandela Rules, the Irish Prison Service should ensure that written and oral information is provided to prisoners upon entering quarantine and on an ongoing basis over the course of quarantine. This information should be designed to assist newly committed prisoners in adapting to quarantine, and should clearly outline what they can expect while in quarantine. The information should be provided in a language and form that can be understood by the prisoner; this may require the assistance of interpreters. Prisoners should be provided with ongoing opportunities to raise questions and to be informed of all matters necessary to adapt to quarantine and prison life in general.

2.1.5 IPS Review

"I am satisfied that an effective communication system has been introduced in Mountjoy Prison throughout the Covid-19 pandemic and is working effectively.

The provision of information has been central to the Irish Prison Service and local management response to Covid-19. The Service has introduced a comprehensive communications system during Covid-19 to ensure that information on actions and decisions cascades from senior management to all staff, prisoners and their families.

Enhanced communications methods have been introduced in Mountjoy Prison including the introduction of regular communication from Assistant Chief Officers and Class Officers, the provision of regular written updates for prisoners (and staff) by way of bespoke information/newsletters, and the development of bespoke "questions and answers" documents on specific issues or topics such as video visits and the Covid-19 vaccine.

A prisoner content and information group was established with the Red Cross Volunteers, the Education Service and the Irish Prison Service to provide targeted and bespoke prisoner information and this information is updated on a regular basis.

The Irish Prison Service has also introduced a number of surveys to gauge both prisoner and staff attitudes to the Covid-19 vaccine and this has helped to inform our communications approach.

I can advise that the Irish Prison Service and the Red Cross volunteers are currently working on a virus and vaccine information recording with Professor Luke O'Neill and this will further inform prisoners on these issues.

In outbreak situations, prison management have ensured that information on actions and decisions are relayed to prisoners in a timely manner to ensure that prisoners are aware of the position and the need for, in some cases, more restrictive measures.

All prisoners have access to television, radio and newspapers to allow them to be informed about national developments with regard to Covid-19.

While every effort is being made to provide information to prisoners and to update the information on a regular basis, prisoners also have a responsibility to stay informed and engage with the information provided."

2.2 Food & Nutrition

One of the measures implemented by the Irish Prison Service to prevent the transmission of COVID-19 in Irish Prisons has been to change how food is delivered in the prison. At the outset of the pandemic, beginning in March 2020, the Prison Service provided food to people in custody who were cocooning by distributing boxed meals to cells. The Inspectorate noted in the July 2020 report, "Ameliorating the Impact of Cocooning on People in Custody – A Briefing", that it is "important that people (...) are brought meals (and) informed about what is on offer and asked which portions they do and do not want."⁴

⁴ Office of the Inspector of Prisons and Maynooth University, "Ameliorating the Impact of Cocooning on People in Custody – A Briefing" (July 2020) <https://www.oip.ie/wp-content/uploads/2020/07/Ameliorating-the-impact-of-cocooning-on-people-in-custody-a-briefing.pdf>, 2.

Further, the Inspectorate urged the Prison Service to commit to better consultation with people subjected to public health measures or restricted regimes about their food and to consider models used in hospitals for food selection. Given the recommendations made by the Inspectorate in regards to food provision for cocooners, the Inspection Team considered as part of the COVID-19 Thematic Inspection how food is provided in Mountjoy Men's Prison, with particular focus on food availability in the Tuck Shop and provision of food for people in quarantine.

2.2.1 Compliance

The Prison Rules 2007-2020 establish a number of standards as regards food and nutrition. The Rules state that prisoners should have a sufficient quantity of food that is properly prepared and well presented (Rule 23.1). The Rules allow, in so far as is practicable, for a prisoner to observe dietary practices of religion and culture (Rule 23.2) and to have any dietary needs met for any medical conditions (Rule 23.3). The Prison Rules also allow for sufficient clean drinking water to be available to each prisoner each day (Rule 23.4). The Prisons Act Section 35 (1) (2) (c) legislates for regulation and good governance of the treatment of prisoners, including but not limited to, their diets.

According to the Nelson Mandela Rules, prisoners should receive food that is healthy and at usual times (Rule 22). Prisoners should have drinking water whenever they need (Rule 22). Food should also be regularly inspected by a physician or competent public health body (Rule 35).

The European Prison Rules state that the food provided should take into account the age, health, physical condition, religion, culture and the nature of prisoners work (Rule 22.1). Food should be served hygienically (Rule 22.3) with reasonable intervals between meal times (22.4).

The Irish Prison Rules 2007-2020 are largely in compliance with international standards, but are limited in application by the clawback clause, "in so far as is practicable" in reference to observation of cultural or religious or dietary needs.

2.2.2 Environment

The kitchen in the main part of the prison prepares approximately 1,500 meals each day, and is staffed by six members of staff and 21 prisoners. On the day of inspection, the kitchen was clean and prisoners and staff members were wearing masks.

The dinner (midday) meals are prepared on the basis of a 28-day menu, with prisoners reporting various levels of satisfaction with serving size and quality of meals. As part of COVID-19 preventive measures, breakfast meals are pre-made (cereal, milk, tea bags, sugar/salt, jam) and delivered to the cells each morning. Dinner and tea meals are collected by prisoners at the servery. To accommodate social distancing and avoid prisoners congregating in large queues for food, the meal serving times have been staggered, with the result being that the intervals between meals are considerably shortened. A number of prisoners reported being provided with meals too early in the day; on one day of the inspection the Inspection Team noted that the tea meal (light meal similar to a lunch) was being served approximately two hours after the dinner (lunch).

For people in quarantine, all meals are delivered to cells by staff wearing full PPE. The Tuck Shop price list has recently undergone revision to decrease pricing of some items.

2.2.3 Outcomes

The options available on the Tuck Shop list include a variety of times, including fresh fruit, nuts and soups. However, prisoners expressed wanting healthier food options. The majority of the Tuck Shop item list is comprised of sweets, crisps, cakes and biscuits, with pre-packed soups, rice, sauces and

cereals being the other options available for food. Prisoners are not provided with in-cell food storage, such as refrigerators, and as such cannot store fresh food. The high sodium and sugar content of much of the items in the Tuck Shop is worth noting.

Prisoners expressed different opinions as regards the quantity and quality of meals provided to them. The Inspection Team received reports that in some instances food may be wasted rather than distributed to prisoners. The Inspectorate also heard from prisoners in the main part of the prison that breakfast meals are left on the ground when delivered. The Inspection Team observed that meals were served at very close intervals early in the day, and that this means prisoners were not provided with meals after the evening meal (a small portion of beans and a sausage) was served at 16:00 until 08:00 the following day; a period of 16 hours without a meal.

All meals for prisoners in quarantine are delivered to the cells in pre-packed takeaway-style boxes. Prisoners are not permitted to select what they would like to eat. As part of the calls made to the prison by the Inspectorate, the Governor informed the Inspectorate of his intention to develop alternatives for provision of meals to people in quarantine.

2.2.4 Recommendations

Recommendation 3: In line with the Nelson Mandela Rules, Rule 22 and European Prison Rules, Rule 22.4, the Inspectorate recommends that the scheduling around meal times be amended to ensure meals are served at reasonable intervals and at usual times: lunch (midday) and dinner (evening).

Recommendation 4: As recommended by the Inspectorate in “Ameliorating the Impact of Cocooning on People in Custody - A Briefing” Report, prisoners under COVID-19 related restricted regimes should be “informed about what (food) is on offer and asked which portions they do and do not want.”

2.2.5 IPS Review

“As stated in the Report the provision of approximately 1,500 meals for prisoners is a significant logistical task for Mountjoy Prison each day. The prison operates the National 28-day Menu Cycle which is designed to provide a balanced and nutritious diet for people in our care in line with FSAI guidelines.

Portion sizes are determined by and operated in line with the provisions set out in the National 28-day Menu Cycle Manual. During food service, portion control procedures are followed to ensure that all prisoners are given the required food portion. I am advised by the Governor that as food service ends any additional food items are distributed to the remaining prisoners and no food is intentionally held back (para 2.2.3).

The Governor has advised that the evening tea also referenced in paragraph 2.2.3 actually consisted of a 7-ounce ladle of beans and 2 breakfast sausages, which are larger than the standard off-the-shelf item. The description of “a small ladle of beans and a sausage” gives an inaccurate description of this meal.

With regard to the stock contained in the prison tuck shop, the items for sale are agreed at a national level and are regularly reviewed by the National Tuck Shop Committee. The items provided are very much prisoner demand led.

Management in Mountjoy have made additional items available through the prison tuck shop including fresh fruit, nuts and seeds and nutrition bars. Perishable items cannot be stocked due to safe food storage requirements.

The comments referred to in paragraph 2.2.3 have previously been addressed by management through the provision of additional fresh fruit and healthier options however, it is the case that demand for these items has not materialised and has resulted in food wastage.”

2.3 Access to Religious Services

The Chaplaincy Service provided in Irish Prisons is instrumental to ensuring pastoral care, dissemination of information and maintenance of familial contact. As such, the Chaplaincy is uniquely positioned to support prisoners as they experience COVID-19 related restrictions.

2.3.1 Compliance

The Irish Prison Rules 2007-2020 provide that each prisoner shall, in so far as is practicable and subject to the maintenance of good order and safe and secure custody, be permitted to practice and comply with the rules, observances and norms of behaviour of the religious denomination of which he or she is a follower or member (Rule 34(1)) and shall not be refused access to a chaplain of any religious denomination (including a chaplain of a religious denomination of which the prisoner is not a member) (Rule 34(6)).

The European Prison Rules, Rule 29.2, expand on the provisions provided in the Irish Prison Rules to place a duty on the Prison Service to organise the prison regime insofar as is practicable to allow prisoners to practice their religion and follow their beliefs. This includes enabling private visits from religious representatives.

2.3.2 Environment

At the time of inspection, the Inspection Team was informed that the churches in the prison were not currently in use for religious services. The two church facilities are very large and in a state of good repair. As such, these facilities could provide an option for socially distanced religious services and other activities.

As a preventive measure, face-to-face interactions with Chaplains have been reduced in Mountjoy Men's Prison. Chaplains are on-site in the prison, although they are not permitted to engage with prisoners on the landings. Instead, engagement with Chaplains is facilitated by way of telephones, and the Inspection Team was told that religious services are held online.

2.3.3 Outcomes

The Inspectorate was informed through calls to the prison Governor that access to Chaplains for people in isolation has been a problem and is not being facilitated at the level it should be; the Governor has indicated his intention to remedy this. Prisoners reported that not being able to access in-person religious services and engagement with Chaplains has been difficult, especially for people who have experienced bereavement while in prison.

While the general community has also experienced restrictions related to religious services, the equivalence does not align with the situation in the prison given the minimal amount of time now available for human interaction. The large size of the church facilities in the prison provide an opportunity to consider how these facilities might be adapted to permit pod-size groups to attend religious services.

2.3.4 Recommendation

Recommendation 5: The Inspectorate recommends that the Irish Prison Service, in consultation with the Chaplaincy Service, consider innovative strategies for maximising use of the large church facilities. This would allow for socially distanced engagement with religious services, as well as other services such as psychology and addiction counselling.

2.3.5 IPS Review

“The provision of Chaplaincy Services has, at all times throughout the pandemic, been considered an essential service by the Irish Prison Service. Prison Chaplains have continued to have access to prison landings and have contact with prisoners, while maintaining social distancing and compliance with infection control measures.

The reference at paragraph 2.3.2 is not correct. With the limited exception of outbreak events in prisons, Chaplains have not been prevented in engaging with prisoners on the landings. Prisoners can also contact the Chaplain by telephone and can make arrangements to meet with the Chaplain in an open ventilated space.

With regard to the use of the prison chapels for religious services, the Irish Prison Service is following the Government guidelines with regard to religious services. The latest Government announcement advised that a decision on the staggered return of same will be made on the 4th May 2021.

While the chapels have sufficient space to allow for social distancing for religious services they would not provide sufficient privacy to allow for use for confidential services such as addiction or psychology services.”

2.4 Other Issues

In the process of reviewing the Close Supervision Cell (CSCs) and Safety Observation Cell (SOCs) record books, the Inspection Team found that the records were incomplete, and much like the Committee for the Prevention of Torture (CPT) determined in 2019, the data integrity of the record books was of concern.⁵

It is also regrettable, that in reviewing the CSC/SOC record books the Inspection Team noted on one occasion profanity being used to refer to a specific prisoner. In the “remarks” section of the record book, a member of prison staff had written: “Declined Review Fucking Geebag!” Such behaviour is in stark contrast to that required of a member of prison staff, as stated in Rule 72.1 of the European Prison Rules: “Prisons shall be managed within an ethical context which recognises the obligation to treat all prisoners with humanity and with respect for the inherent dignity of the human person.” Further, this behaviour is not in alignment with Duties of Prison Officer enshrined within the Irish Prison Rules 2007-2017, particularly Articles 85(3c) and 85(4).

In the weeks preceding the inspection of Mountjoy Men’s Prison the Inspectorate was informed by the Irish Prison Service of a situation in which a video had been made of a Black prisoner in Mountjoy Men’s Prison wearing a collar and lead and being led by a White prisoner. The video, which was originally taken in October 2020, was disseminated online and brought to the attention of the Inspectorate in February 2021. Upon inspection, the Team discussed this incident with the Governor and was informed that two investigators had been appointed to examine the situation. The three prisoners involved in the incident (the two men described above and a third man who took the video) had been the recipients of disciplinary measures, with the White man who held the lead losing privileges as a result. In response to a query raised by the Inspection Team about prevalence of racism in the prison, the Governor explained “there is a benign culture of racism” but it is “not overt”. The Governor explained that in the aftermath of this incident a meeting was held with Red Cross Prisoner Volunteers to discuss racism against Black prisoners and members of the Traveller community and also LGBT discrimination in the prison.

⁵ CPT Report to the Government of Ireland on the visit to Ireland carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 23 September to 4 October 2019. Available at: <https://rm.coe.int/1680a078cfxfdata>, 37.

2.4.1 Recommendation

Recommendation 6: The Inspectorate urges Mountjoy Men's Prison and the Irish Prison Service to address the specific matters outlined in Section 2.4, and to consider in a more general sense the training and culture required in the prison to ensure that such behaviours are never acceptable and the risk of re-occurrence is mitigated.

3 SAFETY & SECURITY

3.1 Impact of Staff Absences

Mountjoy Men's Prison recently experienced an outbreak⁶ of COVID-19 in January 2021, and as a result engaged in a mass testing programme in mid-January, which led to two rounds of mass testing. Based on information received on a call to the prison, approximately 2-3% of prison staff tested positive for COVID-19 over the month of January. Data provided to the Inspectorate on staff absences indicates that on the days of the Inspection (1 - 4 March), four, five, three and two prison staff members, respectively, were not on-site due to COVID-19.

3.1.1 Compliance

The European Prison Rules, Rule 83(a), requires that prison authorities ensure prisons are adequately staffed at all times in order to maintain a safe and secure environment and to meet requirements of national and international law. With specific reference to the situation of COVID-19, the March 2020 CPT Principles provide that staff availability be reinforced and that staff should receive professional support (Principle 3).

3.1.2 Environment

At the time of the inspection, the Governor reported no major concerns with COVID-related staff absences, and noted that as a result of the pandemic an additional eight "COVID posts" had been created. No workshops were open during the time of the inspection and only essential services, including the kitchen, industrial cleaning, towelling, print shop, bakery, Tuck Shop and waste management were in operation. Due to the operational staggering of groups of prisoners unlocked and on the landings, a measure intended to reduce the number of people mixing on the landings, staff on the landings were tasked with supervising and engaging with smaller numbers of people at one time; an easier operational task.

3.1.3 Outcomes

Frontline staff absences related to COVID-19 do not seem to impact on operations of Mountjoy Men's Prison. Staff reported a sense of normalcy given the long period of time they have been working under COVID-19 restrictions. However, one staff member expressed the feeling that the Prison Service has not provided sufficient support to staff and seemingly "just wants more" from them.

It is worth noting that for many of the new recruits who joined the Prison Service since March 2020, the current regime and staff numbers/allocations/tasks are their norm; they have no experience of what the prison environment is like when it is fully operational. This issue, which was raised by a number of staff, was met with additional concern that complacency has set in across the prison, and that this may have implications when it comes to reopening the prison. One member of staff stated, "there are people from prison to Directorate who are quite happy with less work and easier management." Another staff member stated, "some people might use COVID to give prisoners less", and "unlocking will be harder than closing down."

⁶ As per the HPSC website, the current COVID-19 outbreak case definition is: A cluster/outbreak, with two or more cases of laboratory confirmed COVID-19 infection regardless of symptom status. This includes cases with symptoms and cases who are asymptomatic. OR A cluster/outbreak, with one laboratory confirmed case of COVID-19, and at least one additional case of illness with symptoms consistent with COVID-19 infection (as per the COVID-19 case definition).

As regards the absences of other prison staff, such as teachers and counsellors, COVID-19 has had a detrimental impact. As outlined below in Sections 5.2 and 5.3, access to education and other services has been curtailed or limited because staff required to facilitate these activities were not permitted to operate within the prison in line with similar restrictions in the community.

3.1.4 IPS Review

“The Report states (para 3.1.2) that no workshops were open at the time of the inspection with the exception of essential service provision. The Governor has advised that this is not correct and highlighted that the essential services referred include kitchen, bakery, industrial cleaning, tuck shop and laundry and these represent the majority of work training opportunities in Mountjoy. The computer and fabric workshops were also open, therefore all available workshops were open at the time of the visit.

The Governor has advised that the restriction on certain services including the closure of the school has allowed management to redirect certain staff resources to ensure that work and training remained operational throughout the pandemic with the exception of during outbreak situations.”

3.2 Social Distancing

In April 2020, the Irish Prison Service Staff Newsletter, “COVID-19: What It Means for Prison Staff” focused on the need for staff to enforce social distancing. The Newsletter suggested the following “practical ways of social distancing”:

- Avoid the canteen if you cannot sit 2 meters apart from others
- Avoid crowded rooms / busy areas particularly at popular times e.g. locker rooms
- In an office environment, re-arrange the furniture so you don’t directly face others
- Drive your own car to work
- Smoke on your own or stop smoking
- Politely ask others not to invade your space

Despite the Irish Prison Service efforts to implement social distancing in prisons, prisons are a difficult context in which to physically distance. Prisons are often overcrowded, poorly ventilated, and with limited space and resources, prisoners must share phones, showers and common areas.⁷ Similarly, staff may share small offices and locker rooms, and eat in common areas. While social distancing is recognised as the most effective way to prevent transmission of COVID-19, it is not practicable at all times in the prison context; additional measures such as proper use of PPE and improved sanitation and hygiene practices are needed.

3.2.1 Compliance

Given that it is not always possible to social distance in prison settings, the World Health Organization recommends the continuous use of a medical mask for prison staff when making contact with detainees at distances of less than one metre, during security and health checks, and during transfer of COVID-19 cases to other prisons or hospitals. WHO guidance on management of masks⁸ includes the following:

- Perform hand hygiene before putting on the mask.
- Inspect the mask for tears or holes, and do not use a damaged mask.

⁷ S. A., Kinner, et al, “Prisons and Custodial Settings are Part of a Comprehensive Response to COVID-19” (2020) 5 *Lancet Public Health*, e188-189.

⁸ World Health Organization, “Preparedness, Prevention and Control of COVID-19 in Prisons and Other Places of Detention Interim Guidance” (8 February 2021) 25-27.

- Place the mask carefully, ensuring it covers the mouth and nose, adjust to the nose bridge, and tie it securely to minimize any gaps between the face and the mask. If using ear loops, ensure these do not cross over as this widens the gap between the face and the mask.
- Avoid touching the mask while wearing it. If the mask is accidentally touched, perform hand hygiene.
- Remove the mask using the appropriate technique – untie it from behind, avoiding touching the front of the mask.
Replace the mask as soon as it becomes damp with a new clean, dry mask.
- Either discard the mask or place it in a clean plastic resealable bag where it is kept until it can be washed and cleaned. Do not store the mask around the arm or wrist or pull it down to rest around the chin or neck.
- Perform hand hygiene immediately after discarding a mask.
- Do not reuse single-use mask.
- Discard single-use masks after each use and properly dispose of them immediately upon removal.
- Do not remove the mask to speak.
- Do not share your mask with others

The National Infection Control Team (NICT) performed an Infection Control Audit of Mountjoy Men's Prison in mid-December 2020, and determined high levels of compliance with infection control measures in the prison. The compliance audit assessed the following areas: signage, social distance markings, hand sanitising stations, capacity signage, general cleanliness and correct mask wearing. In its report, the NICT unequivocally stressed, "the need for ongoing vigilance and compliance with all of the Covid-19 arrangements in place."

3.2.2 Environment

On inspection, the Team noted social distancing is not practiced by prisoners in Mountjoy Men's Prison, and prisoners in the general population are not required to wear masks. However, staff are required to social distance, and on observation this appeared to be satisfactory. As of 14 November 2020, all prison staff are required to wear surgical face masks; with staff who need to cross between landings wearing FFP2 masks.

The Mountjoy Infection Control Committee has met twelve times since August 2019, and the Inspectorate was informed that the Committee meets on a monthly basis. The minutes of the most recent meeting (12 December 2020) provided that all industrial cleaning staff have completed the 5 day Cleanpass certification. The external cleaning company used to decontaminate cells when "Dirty Protests" or blood spillages takes place, has been contracted to decontaminate post-Covid-19 exposure or for deep cleaning of any area in which a suspected case or confirmed case of COVID-19 may have been. The Inspectorate was informed that cleaning of contaminated spaces (ie. cells and showers) is costly, at approximately €800 per incident. Hand sanitiser dispensers were affixed at numerous points throughout the prison, although on at least three occasions the Inspection Team encountered empty dispensers - some in high traffic areas, such as the dispenser positioned next to the phone in the small A yard.

3.2.3 Outcomes

Given the relatively low transmission risk that prisoners pose to each other, it can be argued there is limited need to enforce social distancing measures amongst prisoners. As noted by a member of staff, the opportunities for prisoners to interact with one another is already very limited, and imposition of

social distancing measures while walking in the yard or interacting on the landings would further limit these interactions.

To enable contact tracing, and to minimise risk of transmission, prisoners have been divided into groups on each landing; approximately one-third of the people on each landing are unlocked at any given time. While the reasoning for this restriction is understandable, prisoners expressed scepticism about the practicality of this measure because the entire landing is permitted to interact on other occasions, such as when exercising in the yard.

The Inspection Team received reports of staff feeling frustrated by the requirement to wear surgical masks all day. The Team observed numerous occasions where prison staff masks were being worn improperly (ie. below the nose), or where a member of staff would touch their mask to re-position it on their face and then not perform hand hygiene immediately after. These observations are in line with documentation from the Mountjoy Infection Control Subgroup (15 December 2020) provided to the Inspectorate, which notes a “notable decrease in quantities (of hand sanitiser) being used.”

While the Inspectorate accepts that the risk of prisoner-to-prisoner transmission is relatively low in the prison at present, an effective way to reduce transmission risk in the future is to decrease the numbers of people in prison. In the first months of the pandemic in 2020 the prisoner population in Mountjoy Men’s Prison was decreased from 705 people in prison on 20 February 2020 to 635 people in the prison on 20 June 2020. However, the current numbers indicate that early initiatives to reduce the population through early release have waned (1 March 2021 = 693 people in custody in Mountjoy Men’s Prison).

3.2.4 Recommendation

Recommendation 7: With concern for the increase in the prison population in recent months, the Inspectorate recommends that the Irish Prison Service engages with the Department of Justice to maximise all opportunities available for reducing the prison population.

4 HEALTH & WELLBEING

4.1 Access to Healthcare

From the outset, the Inspectorate commends the healthcare staff working in Mountjoy Men's Prison for their effective management of the recent outbreak of COVID-19 in the prison in January 2021. In one day, the healthcare staff swabbed approximately 700 prisoners as part of a mass testing initiative - a significant effort in terms of administration and physical and mental endurance. The Inspectorate wishes to recognise the individual members of the healthcare team involved in this effort and to congratulate them on this significant achievement.

The healthcare component of the COVID-19 Thematic Inspection in Mountjoy Men's Prison focused on management and operationalisation of COVID-19 testing and on equivalence of care with the general community. In addition to these areas, the Inspection Team was informed that the current wait time to see a General Practitioner in the prison is one to two days, and that the Dublin Dental Hospital has clinic hours in the prison three days a week. However, prisoners reported needing immediate access to dentist and optician services. The Inspection Team observed and spoke with prisoners who clearly had need for dental care, with one prisoner presenting with a swollen jaw and face. Further, there are significant waitlists for psychology and addiction counselling services; on 9 March 189 people were on the waitlist for psychology services and on 1 March 94 people were on the waitlist for drug addiction counselling services.⁹ The Central Mental Hospital provides an in-reach forensic psychiatric service by a consultant psychiatrist and a registrar (non-consultant hospital doctor) two days a week. The psychiatric team consultations with prisoners take place behind screens or in the CBU wearing full PPE.

The Inspection Team was informed that all addiction services “had wound down.” The rooms available for the addiction programme were not considered big enough for Group Work. Also during Level 5 restrictions the optician, chiropodist and hepatology nurse (hepatitis C clinics) were not attending the prison.

The Inspection Team was also informed that at present Mountjoy Men's Prison is operating with one nurse on staff between the hours of 20:00 and 8:00; this is despite the CPT's recent report which identifies the need for two night nurses at a prison of comparable size (Midlands).¹⁰ The Inspectorate is in agreement with the CPT and urges the Prison Service to ensure two nurses are on staff each night in Mountjoy Men's Prison; this would ensure best clinical practice as regards safety, consultation and standards of care.¹¹

The Inspection Team was informed of telemedicine initiatives that were in an advanced stage of planning with the GUIDE Clinic (Sexually Transmitted infections) in St James's Hospital and also with the Mater Misericordiae University Hospital regarding physiotherapy. Such initiatives are to be commended and afforded full support to become operational.

⁹ Dáil Éireann Debate, “Prisoner Health” (11 March 2021) https://www.oireachtas.ie/en/debates/question/2021-03-11/181/#pg_181.

¹⁰ CPT Report to Ireland (n 5) 34.

¹¹ Nursing and Midwifery Board of Ireland, “Code of Professional Conduct and Ethics” (2014) <https://www.nmbi.ie/Standards-Guidance/Code>

4.1.1 Compliance

Underpinning healthcare provision in the prison setting is the Principle of Equivalence. The CPT Standard on Health Care Services in Prisons mandates that “a prison health care service should be able to provide medical treatment and nursing care, as well as appropriate diets, physiotherapy, rehabilitation or any other necessary special facility, in conditions comparable to those enjoyed by patients in the outside community.”¹² The Principle of Equivalence operationalises the principle of non-discrimination, as enshrined in the Mandela Rules, Rule 2:

In order for the principle of non-discrimination to be put into practice, prison administrations should take account of the individual needs of people in prison, in particular the most vulnerable. Measures to protect and promote the rights of people in prison with special needs are required and should not be regarded as discriminatory.

The provision of prisoner healthcare is a state responsibility, and therefore prisoners should receive the same standards of healthcare that are available in the general community. This would include an obligation to inform individuals of their infectious disease test results. This ethical obligation to give all relevant information to patients is enshrined in the Medical Council Guidance on Professional Conduct and Ethics.¹³

4.1.2 Environment

The Irish Prison Service is currently operating based on its 28th version of the “IPS Risk Assessment for People Presenting to and in Prisons - Clinical Criteria for Prisoner(s) to be Tested.” The algorithm outlines the criteria as follows:

1. A prisoner with acute respiratory function - sudden onset of at least one of the following: cough, fever, shortness of breath (SOB). Consider other aetiology that may explain the clinical presentation. If general population only 1 swab is required on symptom onset; OR
2. Special consideration should be made for atypical presentations, particularly in our high risk prison population. Vigilance is required for the following: loss of sense of smell or taste, fever, cough, SOB, lethargy, confusion, loss of appetite, unexplained change in baseline condition. If general population only 1 swab is required on symptom onset. OR
3. A prisoner who has been identified as a close contact of a confirmed case must be tested on Day 0 (day the index case gets a positive result) AND Day 7 (7 days after last exposure to the index case) – if day 0 and day 7 are within 24 hours only 1 test is required on day 7). *All close contacts must remain in isolation for 14 days inclusive even if they return 2 negative results.* OR
4. All new committals (N/C) must be tested on Day 7 (8th day in custody). OR
5. If symptomatic N/C test on day of symptoms onset and Day 7 (if within 24 hours of each other test on day 7). OR
6. All new committals returning from outside the island of Ireland must be tested on Day 1 and Day 7.

¹² CPT Standard on Health Care Services in Prisons (1993) CPT/Inf(93)12-part
<https://www.refworld.org/pdfid/4d7882092.pdf>

¹³ Medical Council, “Professional Conduct and Ethics” (<https://www.medicalcouncil.ie/existing-registrants/-professional-conduct-and-ethics>, and <https://www.medicalcouncil.ie/news-and-publications/reports/guide-to-professional-conduct-and-ethics-for-registered-medical-practitioners-amended-.pdf>, 33.5.

When it is determined that a prisoner must isolate, the person is isolated in a designated “Isolation Cell”; Mountjoy Men’s Prison has a sample isolation cell on A1 landing, which is designated as the “gold standard approach.” It has an air extract system that is only for that particular cell and can be controlled from the class office on the landing.

In response to an outbreak, the prison engages in mass testing, whereby all prisoners and staff are tested for COVID-19. Prison staff are tested by their GP and required to provide a negative test before being permitted to return to work. Prisoners are tested by healthcare staff working in Mountjoy Men’s Prison. Prisoners who test positive are informed of their test result, however prisoners who test negative are not provided with written confirmation of their test result.

If a non-committal prisoner receives a positive test result they are required to remain in single cell isolation for a minimum of ten days from the onset of symptoms, the last five days of which must be without fever or symptoms. The prisoner should also wear a surgical mask prior to any person entering the cell. If a non-committal prisoner receives a negative test isolation can cease if the prisoner has also been asymptomatic for the previous 48 hours. Committal prisoners who receive a negative result from their day seven swab can return to the general population if asymptomatic. Committal prisoners no longer need to remain in isolation in cases where a result is not received after 14 days of isolation, and they have been fever and symptom free for the past five days of isolation.

4.1.3 Outcomes

The efforts taken by the Irish Prison Service to develop effective COVID-19 testing strategies is commendable, and have proven to be effective. However, this effort, and the decision-making in relation to COVID-19 has not been communicated effectively to people in prison in Mountjoy Men’s Prison. Prisoners expressed to the Inspection Team that they felt COVID-19 was being used as a “cloak to do whatever they want” and that there was “no logic” to how the prison was being managed. The Inspection Team was informed by staff and prisoners that at least one prisoner had declined to be tested, and as a result, was placed in isolation for 16 days, with limited meaningful human interaction. This is *prolonged solitary confinement*, as defined in Rule 44 of the Mandela Rules.

Prisoners also reported to the Inspection Team that they had not been made aware of their COVID-19 test results in writing; only that they had been told at the time of testing that they would be informed if they tested positive. People reported feelings of anxiety while sitting in their cells wondering if or when they would be told they tested positive.

Prominent in conversations the Inspection Team had with prisoners and staff were concerns about the impact of COVID-19-related restrictions on the mental health of people in prison. The lack of family contact has had a strong effect on the men in Mountjoy Men’s Prison, and with little opportunity to engage with mental health services this has been particularly challenging. Prisoners reported wait times of between two and seven months to speak with a psychologist. In the absence of timely psychology services prison staff have a role to play in supporting the mental health of people in prison, as noted by the CPT, “detained persons should receive additional psychological support from staff at this time.”¹⁴ Phone access to Samaritans is available, but as outlined below (Section 5.3) limited time out-of-cell time and low numbers of functional and available phones make it very difficult for prisoners to avail of this service. Prisoners reported not being inclined to talk about sensitive mental health issues on the phone, for the allowed six minutes, while prisoners and staff are on the landing.

¹⁴ CPT Statement of Principles relating to the Treatment of Persons Deprived of their Liberty in the Context of the Coronavirus Disease (Covid-19) Pandemic (20 March 2020) CPT/Inf(2020)13, <https://rm.coe.int/16809cfa4b>, Principle 6.

At the time of the inspection, people in Mountjoy Men's Prison had not received the COVID-19 vaccine. In the general community, people eligible for the vaccine were (Groups 1 - 4):

- those aged 65 years and older who live in long-term care facilities;
- frontline healthcare workers;
- people aged 70 and older living in the community - at different stages; and
- people aged 16 to 69 who are at very high risk.¹⁵

Healthcare staff working in the prison were vaccinated for COVID-19 (Group 2) in mid-February 2021. At the time of inspection, the general prison population fell under Group 9 of the COVID-19 vaccine priority allocations.

In line with the Principle of Equivalence, people in prison should, at the minimum, be provided with equal provision of healthcare, without discrimination based on grounds of their legal status. Further, as explained below in more detail (Section 4.3), the success of the Irish Prison Service in containing the spread of COVID-19 has been contingent on the use of solitary confinement. Given this, the Inspectorate welcomes the Irish Prison Service's ongoing efforts to lobby the National Public Health Emergency Team (NPHET) for the prioritisation of COVID-19 vaccinations for people living and working in prisons. However, despite the Irish Prison Service efforts to acquire vaccinations, in finalising this report on 5 May 2021, the Inspectorate was informed by the IPS that 17 number of prisoners with serious underlying medical conditions had not yet received the COVID-19 vaccination. In the general community, people in these groups had received vaccines; as such, the Principle of Equivalence is not being adhered to as related to COVID-19 vaccinations. As prisoners live in a congregated setting, the Inspectorate is of the view that this group as a whole should be prioritised.

4.1.4 Recommendations

Recommendation 8: In line with practice in the general community, and with the Principle of Equivalence, the IPS should ensure that people in prison are provided with written information about their test results.

Recommendation 9: The Inspectorate recommends that the Irish Prison Service continues its ongoing efforts to lobby for the prioritisation of COVID-19 vaccinations for people living and working in prisons.

4.1.5 IPS Review

"Paragraph 4.1.3 refers to communications with regard to the management of an outbreak and also to the placing of a prisoner in quarantine for failure to submit to a Covid-19 test.

The management of an outbreak situation in a prison is a significant logistical operation. The risk to prisoners' health and well-being is increased when Covid-19 is confirmed in the general prison population.

It is vital that all positive cases are identified to limit the spread of Covid-19 amongst prisoners, many of whom have underlying health conditions and would be deemed as high risk.

Communication is a critical component of our outbreak response and is a running agenda item on daily outbreak control team meetings. During the Mountjoy Prison outbreaks bespoke prisoner specific information was provided to prisoners by way of cell-drops, in conjunction with the Red Cross Volunteers, in an effort to keep prisoners informed of actions that were being taken.

The mass testing of prisoners and staff is also a critical part of our Covid-19 outbreak control measures.

¹⁵ Provisional Vaccine Allocation Groups (Last updated 26 February 2021) <https://www.gov.ie/en/publication/39038-provisional-vaccine-allocation-groups/#>

It is vital that all staff and prisoners avail of testing, at this time, to prevent the spread of infection and to allow the prison to return to a more normal regime as soon as possible.

If a prisoner declines to take a test, it is possible that the prisoner could be Covid-19 positive and could cause the virus to spread further. This could result in additional outbreaks and the requirement for additional rounds of mass testing.

In such situations the prisoner was required to be placed in isolation for the 14 day period in order to protect the health and safety of all persons within the prison. It is also the case that any staff member who declined to avail of testing was not permitted to return to work for the same period.

The Governor has advised that no prisoner had their regime restricted for 16 days for refusing to take a Covid-19 test.

This action is not a punitive action but a necessary infection control measure to protect the health and safety of all prisoners and staff and the measures introduced in Mountjoy to manage the outbreaks were successful in preventing the spread of Covid-19 and most importantly prevented death and serious illness.

On foot of the positive management of Covid-19 outbreaks in Mountjoy Prison, and other locations, the Irish Prison Service has developed a comprehensive Contingency Planning document for the management of such situations in a consistent manner across the estate.”

4.2 Family Contact

Contact with family members and friends is essential to the health and wellbeing of people in prison. As part of the inspection of Mountjoy Men's Prison, the Inspectorate assessed the impact of restrictions on family contact, in particular the loss of in-person visits. The Inspectorate also examined how the Prison Service has compensated for this.

4.2.1 Compliance

In response to the need to prevent transmission of COVID-19 in prisons the Irish Prison Rules 2007-2017 were amended in 2020 to include Rule 36A. Rule 36A places a restriction on implementation of Rules 35 and 36 as a means to prevent the transmission of infectious disease in prisons. Rule 35 includes provisions for ordinary visits whereby convicted adult prisoners are entitled to receive not less than one visit from relatives or friends each week of not less than 30 minutes duration. For unconvicted prisoners, the visit entitlement under Rule 35 is one visit per day from relatives or friends of not less than 15 minutes in duration on each of six days of the week, where practicable, but in any event, on not less than on each of three days of the week. Rule 36 provides for the regulation of visits, including provisions on the designation and searching of visitors, visits from legal representatives and visits for foreign nationals. The 2020 Amendment to the Rules, under 36A, permit the Director General (36A(1)) or the Governor (36A(2)) to suspend the entitlement to visits or 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. The lack of a sunset clause for the newly added Rule 36A is of concern to the Inspectorate.

Article 8.1 of the European Convention on Human Rights provides that “Everyone has the right to respect for his private and family life, his home and his correspondence.” Article 8.2 of the ECHR allows a public authority to interfere with implementation with Article 8.1 with in accordance with the law (national security, public safety, prevention of crime, etc).

The European Prison Rules 2020, Rule 24.1, provide that prisoners shall be allowed to communicate as often as possible by letter, telephone or other forms of communication with their families, other persons and representatives of outside organisations and to receive visits from these persons.

Given the restrictions imposed by Rule 36A of the 2020 Amendment to the Prison Rules, there exists an obligation for the Irish Government and the Irish Prison Service to ensure that COVID-19 related restrictions have a legal basis, are necessary, proportionate, respectful and restricted in time (CPT Principle 4).

4.2.2 Environment

At the time of the COVID-19 Thematic Inspection in Mountjoy Men's Prison, the country was under Level 5 restrictions. In alignment with restrictions in the general community, the Prison Service ceased all in-person visits to the prison. To compensate for this, the prison implemented 15-minute video link visits for prisoners not quarantining or in isolation. These calls were being facilitated using phones with a small built-in video screen measuring approximately 7.5cm x 12.5cm (measurement estimated from observation as the Inspection Team was not able to measure the screen during the inspection). As noted by prison staff, and confirmed by prisoners, the launch of the video link calls in Mountjoy Men's Prison had a number of complications, with calls not connecting or dropping out in the early stages of the initiative.

In the absence of in-person visits, postal communications are essential for maintaining family contact. Prison staff and prisoners reported delays in sending and receipt of post. In response to this delay, Mountjoy Prison is soon to roll-out a new "Family Emails" initiative; the Inspectorate welcomes this and commends the prison staff who worked to bring this initiative to fruition. The "Family Emails" programme has been piloted with 70 prisoners thus far, and when rolled out to the entire prison will allow prisoners to receive a maximum of two family emails per week, with the prison committing to "almost immediate" delivery of emails.

4.2.3 Outcomes

Without doubt, the number one concern raised by prisoners in conversation with the Inspection Team was the return of in-person visits. Prisoners reported varying levels of satisfaction with the video link visits. One prisoner explained that the timing of the video link calls is prohibitive for people in prison who have children in school; evening call times would ensure that people in prison are able to speak with their children. A large number of prisoners raised questions about access to in-person visits once restrictions are lifted, and how that might be contingent on receipt of the vaccine; many people queried what would happen in the situation that a prisoner declined receipt of the vaccine. These unanswered questions are a cause of anxiety for the men in prison.

The Inspectorate was also informed that visits allowed under Section 39 of the Prisons Act 2007, have been suspended as a result of COVID-19.

As noted above, the Inspectorate welcomes the "Family Emails" initiative. Given, that this initiative facilitates one-way (from family to prisoner) contact, it is imperative that prisoners be provided with materials (paper, envelopes, pens,) to respond to emails, and that post leave the prison in a timely manner, ie., on a daily basis. At present, Chaplains are not permitted to engage with prisoners on the landings, and are therefore not able to respond to all requests for letter-writing materials. To compensate for this, class offices should be adequately stocked with paper, pens and envelopes, and staff working on the landings should proactively ensure that people in prison are supplied with these materials.

The Inspection Team was shown card-making materials provided to prisoners by the school. While the personalised cards are a welcome initiative, concerns were raised by staff about the need to ensure post goes out in a timely manner so that cards made by prisoners for certain events do not arrive long after the event.

For prisoners not in quarantine or isolation, phone calls could be made on the landings or in the yard. The Inspection Team was informed that a number of the phones were not in operation. Given that prisoners were allowed onto the landings for decreased amounts of time (in smaller groups) there was less time available to make calls to family (and to support services). Prisoners reported that an increase in the number of phone calls makes no difference to them if there are not enough functioning phones to enable all the people on the landing to make calls when they are out of their cells. In the Medical Unit it was noted that in an area with 16 cells only one of the two phones available was operational and it was stated that this had been the case for some time.

In an effort to uphold Article 2 of the European Convention on Human Rights (Right to Life), the Irish Government has allowed for restrictions to be imposed on ECHR Article 8, both in the general community and for people in prison. While the law allows for this restriction in the context of prisons under Rule 36A of the Irish Prison Rules, the Prison Service has a positive obligation to ensure that the restrictions to the right to private and family life under Article 8 are necessary, proportionate, respectful and restricted in time. To this end, the Prison Service must ensure that people in prison are able to maintain family contact to the greatest extent possible.

4.2.4 Recommendations

Recommendation 10: In line with Rule 24.1 of the European Prison Rules, and in order to mitigate the impact of restrictions imposed on family contact by Rule 36A, the Inspectorate recommends that every effort be made to promptly identify, prioritise and repair faulty phones.

Recommendation 11: In line with Article 8 of the European Convention on Human Rights, the Inspectorate recommends that all postal communications are collected and delivered to prisoners in a timely manner, and to ensure that all class offices are adequately stocked with paper, pens and envelopes that are proactively distributed to people in prison.

4.3 Quarantine/Isolation Measures

People placed in quarantine in the prison include: all committals to prison; prisoners returning from court; and prisoners returned to custody by An Garda Síochána under a Section 42 warrant. Those placed in isolation include: prisoners who tested positive for COVID-19 virus; those showing symptoms of the COVID-19 virus, while awaiting test results; and those who are close contacts of a person with COVID-19, while awaiting test results. At the time of the inspection, the Inspection team was informed there were no prisoners isolating in Mountjoy Men's Prison. As a result, the Inspection Team focused on the experience of quarantine from the perspective of people who had been in quarantine.

4.3.1 Compliance

The CPT Statement of Principles relating to the Treatment of Persons Deprived of their Liberty in the Context of the Coronavirus Disease (COVID-19) pandemic, state:

While it is legitimate and reasonable to suspend non-essential activities, the fundamental rights of detained persons during the pandemic must be fully respected. This includes in particular the right to maintain adequate personal hygiene (including access to hot water and soap) and the right of daily access to the open air (of at least one hour).

In cases of isolation or placement in quarantine of a detained person who is infected or is suspected of being infected by the SARS-CoV-2 virus, the person concerned should be provided with meaningful human contact every day.¹⁶

In circumstances where prisoners are confined for more than 22 hours a day without meaningful human contact, this is solitary confinement; as defined by the 2020 European Prison Rules (Rule 60.6.a) and Mandela Rules (Rule 44).

While solitary confinement in itself is not a breach of Article 3 of the European Convention on Human Rights (prohibition on torture and inhuman or degrading treatment or punishment),¹⁷ the preventive nature of the Inspectorate's work is cause to raise concern about the prolonged use of solitary confinement as a strategy by which to avoid transmission of COVID-19 in the prison context.

4.3.2 Environment

To best capture what it is like to be in quarantine in Mountjoy Men's Prison, the Inspection Team asked people who had been in quarantine in the past three months to share their experience. From these conversations, the Inspection Team comprised an overview of a "Day in Quarantine" (Table 2).

Table 2: A Day in Quarantine

8:00 – 8:15	Breakfast bag delivered to cell
8:00 – 10:00	Use basin for cleaning; not permitted to shower while in quarantine
Approximately 9:45	Doctor takes temperature
10:00 – 12:00	15 minutes of time in the yard (alone); with opportunity for more time if another prisoner declines
Approximately 12:00	Dinner (lunch time) bag delivered on a trolley
12:00 – 16:00	Make 6 minute phone calls to family and/or solicitor (provided with a phone handset in each cell that is connected to an external phone lead provided by staff)
Approximately 16:00	Tea (light dinner) bag delivered on a trolley

Commonalities that arose in conversations with people who had experienced quarantine were as follows:

- Minimal human interaction (limited to short interactions with healthcare staff and phone calls with family and solicitors);
- Limited information provided to people in quarantine;
- 15 minutes of yard time ("fresh air") as standard, with opportunity for more time if other people decline;
- Not permitted to shower (for up to 14 days) - clean in a small basin;
- Not provided with new bedding;
- Not provided with additional clothing – use of same underwear, socks, clothing for more than 8 days – up to 14 days;
- Not able to select the type or quantity of food provided; and
- No access to books, letters/post or video link calls; could get a copy of a newspaper if a staff member provided it.

¹⁶ CPT Statement of Principles (n 14) Principles 6 and 8.

¹⁷ European Court of Human Rights, "Guide on the Case-law of the European Convention on Human Rights" (December 2020) https://www.echr.coe.int/Documents/Guide_Prisoners_rights_ENG.pdf, 49.

Prisoners spoken to by the Inspection team reported that they did have access to their solicitors and could call them; one prisoner commented that he would call his solicitor just to have someone to talk to. Prisoners also expressed not knowing why they were not allowed to take showers, and queried if the cells they were in had been disinfected prior to their occupancy. Information provided to the Inspectorate by the Governor noted that people on quarantine restricted regimes were provided with one hour of out-of-cell time each day, factoring in time in the exercise yard and on the landing.

4.3.3 Outcomes

Prisoners subjected to quarantine, as a COVID-19 preventive measure, were held in solitary confinement, as they were confined for 23 hours or more each day and had significantly less than two hours of meaningful human contact each day (see Section 5.3). Exacerbating an already concerning situation, prisoners were denied access to a shower for between eight and 14 days, which is not in accordance with Rule 19.4 of the European Prison Rules. The reported 15 minutes of fresh air provided to prisoners in quarantine does not align with the Mandela Rules (23.1) nor the European Prison Rules (27.1), which provide for at least one hour of exercise in the open air each day.

Members of prison staff expressed their concern to the Inspection team in relation to the restriction on showers for people in quarantine. It was explained to the Inspectorate that the disinfectant costs for the showers were cost-prohibitive because an external cleaning agency was contracted to decontaminate post-Covid-19 exposure areas.

In addition to the above, of much concern to the Office of the Inspector of Prisons is the implication that the punitive nature of quarantine and isolation has for promoting disclosure of COVID-19 symptoms in the prison. A considerable number of prisoners reported to the Inspection Team that people in the prison do not want to report COVID-19 symptoms for fear of being placed in isolation. It appears that the current approach to preventing COVID-19 transmission in the prison may have the unintended potential consequence of driving COVID-19 symptom disclosure underground.

The Office of the Inspector of Prisons shares the well-documented position that solitary confinement causes psychological harm to people in prison,¹⁸ regardless of reasoning for its imposition. As such, **solitary confinement should not be used as a means to prevent transmission of COVID-19 in prisons**; safer alternatives exist, such as community-based alternatives to custody and expansion and further application of early release criteria.¹⁹

4.3.4 Recommendations

Recommendation 12: In line with the European Prison Rules Rule 19.4, prisoners in quarantine/isolation must be permitted to shower, if not daily, at least two times in a seven day period.

Recommendation 13: Prisoners in quarantine/isolation must be provided with a daily change of clothing and a weekly change of bedding.

Recommendation 14: Two hours of meaningful human contact (as defined in section 5.3) must be facilitated each day for people in quarantine/isolation.

¹⁸ D. Cloud, et al, "Medical Isolation and Solitary Confinement: Balancing Health and Humanity in US Jails and Prisons During COVID-19" (2020) 35 *Journal of General Internal Medicine*, 2738-2742.

S. A., Kinner, et al, "Prisons and Custodial Settings are Part of a Comprehensive Response to COVID-19" (2020) 5 *Lancet Public Health*, e188-189.

¹⁹ CPT Statement of Principles (n 14) Principle 5.

Recommendation 15: Prisoners in quarantine/isolation must have at least one hour in the open air each day.

Recommendation 16: Measures must be taken to mitigate the detrimental effects of isolation or quarantine, including psychological support during and after quarantine/isolation in order to assist prisoners in coping with the impact of COVID-19 and subsequently imposed restrictive measures.²⁰

²⁰ SPT. Advice of the Subcommittee to States Parties and National Preventive Mechanisms relating to the Coronavirus Disease (COVID-19) Pandemic (April 2020) <https://undocs.org/CAT/OP/10>, 10(g).

5 REHABILITATION & DEVELOPMENT

5.1 Regimes

The Irish Prison Service Prison Framework for Restrictive Measures (7 December 2020) outlines changes to the prison regime in accordance with the general community restriction levels defined under the National Framework for Living with COVID-19. Restrictive measures at each level of the IPS Framework impose varying degrees of change to the prison regime. As part of the COVID-19 Thematic Inspection of Mountjoy Men's Prison, the Inspectorate focused on regime changes made in response to COVID-19 under Level 5 Restrictive Measures.

5.1.1 Compliance

The IPS Framework for Restrictive Measures, dated 7 December 2020,²¹ outlines the following restrictions under Level 5 (not an inclusive list):

Table 3: Level 5 Restrictive Measures

	Level 5 Restrictions
Visits	Suspended
Education	Await NPHET/Government Advice
Work & Training	Open – Protective Measures
TR (for resocialisation, education/work purposes)	No AM/PM or Date to Date
Section 39 Applications	No – except for grave humanitarian reasons
Quadrants	Unlock by landing
Religious Services	Closed – services move online
Catering	** Operating – protective measures
IPS Clinical Services	* Yes
External Clinical Services	Yes on a case by case basis based on clinical need
Restoration of Services***	Yes – all clinical (including MQI and Red Cross), Statutory, Resettlement & Education
* IPS Clinical Services: Dental emergencies only in levels 3 - 5 ** No Kraft Boxes to be supplied as we have developed an SOP to disinfect dishes *** As agreed by EPRT sub-group and Governor representatives NB - In the event of a Covid-19 outbreak at prison level, all of the above measures will be reviewed for the prison(s) concerned.	

In response to restrictive regimes imposed by prison services to prevent transmission of COVID-19, the CPT Statement of Principles Relating to the Treatment of Persons Deprived of their Liberty in the Context of the Coronavirus Disease (COVID-19) Pandemic indicate:

²¹ The OIP was informed by IPS Headquarters on 12 March 2021 that Version 7 of the IPS Framework for Restrictive Measures is due for review on 19 March 2021.

While it is legitimate and reasonable to suspend nonessential activities, the fundamental rights of detained persons during the pandemic must be fully respected. This includes in particular the right to maintain adequate personal hygiene (including access to hot water and soap) and the right of daily access to the open air (of at least one hour) (Principle 7).

Further to this, in its Follow-up Statement²² the CPT noted:

Importantly, temporary restrictions imposed to contain the spread of the virus must be lifted as soon as they are no longer required. This relates, in particular, to limitations on arrangements for detained persons to contact the outside world and reductions in the range of activities available to them.

The IPS Framework for Restrictive Measures permits Governors to determine restoration of services, and aligns access to education with NPHET guidance for the general community.

5.1.2 Environment

In the course of inspection, the Inspection Team was informed that face-to-face interventions with prisoners had been curtailed for nearly a year, with the following programmes and activities suspended or reduced at the time of inspection:

- In person education – extensive education and personal development programmes
- In-person visits
- Face to face psychology programmes
- Face to face probation supports – choice and challenge programme
- Drug treatment programme – limited drug counsellor phone contact
- Alternative to Violence Programme
- Day release programmes to attend education / work training programmes – average
- Bespoke rehabilitation programmes such Philly McMahon Initiative
- Weekly Park Run
- Maynooth University Access Programme²³
- Bohemians Foundation in-reach programme
- Progression Unit Bespoke Speakers Programme
- External AA and NA programmes
- Reduced face to face Chaplaincy supports
- Restricted out-of-cell time
- Autism awareness programme supported by ASIAM charity
- External choir collaboration
- Pathways to change, living with life programmes

As regards out-of-cell time, the Inspectorate was informed by prison staff that prisoners on protection landings have not experienced significant change to their regime. However, non-protection landings, of which there are six in Mountjoy Men's Prison, are now unlocked in smaller groups over shorter periods of time to allow for a rotation of access to the yard and gym. For example, at the time of inspection the one and half hour unlock period in the evening on C and D landings was divided into three slots of approximately 30 minutes each; during which time prisoners were allowed to "slop out" (clean), use the phone and shower.

²² CPT Follow-up Statement regarding the Situation of Persons Deprived of their Liberty in the Context of the Ongoing COVID-19 Pandemic CPT/Inf(2020) 21 (9 July 2020).

²³ The Mountjoy Prison Campus and Maynooth University Partnership has been ongoing but was officially launched on 19 April 2021. The programme is committed to delivering greater access to education to individuals and groups who are prison experienced, by providing access to education programmes that prepare for life after release and initiate a capacity for life-long learning. (<https://www.maynoothuniversity.ie/access-office/mountjoy-mu-partnership>)

Prisoners in the main prison on non-protection landings reported having between two and six hours of out-of-cell time each day. Staff reported that the least amount of time a person (not in isolation or quarantine) would spend locked up would be three and a half hours.

The Inspectorate was provided with a breakdown of out-of-cell time for prisoners (not engaged in essential work) in the Progression Unit, which was noted as 7 hours and 10 minutes each day. Prisoners in the Progression Unit reported having less yard time than prior to COVID-19 restrictions. The 20 people accommodated in the Progression Unit on quarantine restricted regimes experienced 23 hours or more of in-cell time (Section 4.3).

In relation to Incentivised Regimes, the Inspection Team was encouraged to learn that the percentage of prisoners on the Enhanced regime has remained relatively consistent, at approximately 50% of the prison population (17 February 2020 = 49%; 1 March 2021 = 50%). Additionally, there has been an increase in the percentage of prisoners on the Standard Regime over the past year (17 February 2020 = 33%; 1 March 2021 = 41%). At the time of the Inspection, 88% of prisoners in the Progression Unit were on an Enhanced Regime, with the remaining 12% being new-committal quarantine prisoners on the Standard Regime.

5.1.3 Outcomes

Mountjoy Men's Prison is providing most of the people in its care with the required one hour of "fresh air" time. However, as noted above (Section 4.3), prisoners in quarantine restricted regimes are provided less than one hour daily access to fresh air; this is not in line with CPT Principle 7 and Rule 27.1 of the 2020 Revised European Prison Rules. Staff and prisoners alike acknowledged that out-of-cell time had been reduced as a result of COVID-19, but prisoners on one of the non-protection wings questioned why they were being afforded less out-of-cell time than the other non-protection wing. Staff informed the Inspection Team that one of the non-protection wings had less capacity and therefore less people on the landings, resulting in more out-of-cell time.

As noted by numerous prisoners and staff in Mountjoy Men's Prison, a sense of restriction-normalcy now permeates the prison, and this is of concern. The Inspectorate is concerned that prison regime restrictions are being conceptualised purely in terms of protection from COVID-19 and that as a result a low standard of physical survival has been introduced; one devoid of substance and meaningful interaction, as examined further in sections 5.2 and 5.3.

5.1.4 Recommendation

Recommendation 17: The inequity in out-of-cell time for non-protection prisoners should be addressed, not by reduction of out-of-cell time, but by determining ways to increase the out-of-cell time for prisoners currently receiving less time.

5.1.5 IPS Review

"Paragraph 5.1.2 refers to reductions in out of cell time for non-protection prisoners and notes that prisoners are unlocked on a rotational basis. Due to the landing unlock arrangements prisoners are granted out of cell time on a rotational basis."

The Governor has advised that it is the case that, at certain parts of the day, some prisoners are unlocked for a slightly longer period than others however, this unlock process is rotated amongst the landings meaning all prisoners can avail of the same average out of cell time of 4 hours per day.

The Governor has also advised that it is not correct to report that not all prisoners get 1 hour per day 'fresh air time' (para 5.1.3). The Governor has advised that all prisoners avail of a minimum 1 hour consecutive 'fresh air time'."

5.2 Access to Education

At the time of inspection, formal in-person education was not being facilitated in the prison. However, of note, are the efforts made by the teachers at Mountjoy Men's Prison over the past year to provide alternative education materials and to develop blended learning courses which are at present ready for instruction once restrictions ease. During the course of inspection, the Inspection Team examined how access to education was being facilitated in the prison, and also learned of initiatives and ideas that have great capacity to improve access to education, irrespective of COVID-19 and restrictive measures.

5.2.1 Compliance

The Irish Prison Rules 2007-2020, Rules 27.2, 27.3 and 110 encompass the prison obligation to provide education programmes for prisoners. Education is recognised as an "authorised structured activity" with that has the objective of reducing the likelihood of reoffending (Rule 27.2). Rule 27.3 mandates that "In so far as is practicable, each convicted prisoner should be engaged in authorised structured activity for a period of not less than five hours on each of five days in each week." Rule 110 includes the following: that education programmes should meet the needs of prisoners, be designed to encourage participation, and that special attention should be given to prisoners with literacy and numeracy needs.

The Mandela Rules (Rule 104) state that education of young and illiterate prisoners should be compulsory and that, "so far as practicable" the education of prisoners shall be integrated with the educational system of the country so that after their release prisoners may continue their education without difficulty. In addition, the European Prison Rules (Rule 28.1) state that every prison shall seek to provide all prisoners with access to educational programmes that are "as comprehensive as possible and which meet their individual needs while taking into account their aspirations." Much like the Irish Prison Rules (Rule 110), the European Prison Rules state that persons with literacy and numeracy needs should be prioritised (Rule 28.2). These Rules also echo the Mandela Rules by stating that education and vocational programmes should be integrated with the country's general system so that prisons can continue their education and training after release without difficulty (Rule 28.7).

In regards to library access, the Irish Prison Rules require the establishment of a library in each prison (Rule 110.6), to which prisons should be entitled to avail of at least once a week (Rule 110.7). The Mandela Rules (Rule 64) state "Every prison shall have a library for the use of all categories of prisoners, adequately stocked with both recreational and instructional books, and prisoners shall be encouraged to make full use of it." Rule 28 of the European Prison Rules aligns with these provisions by recommending that "every institution shall have a library for the use of all prisoners, adequately stocked with a wide range of both recreational and educational resources, books and other media." The European Prison Rules also include a provision that, wherever possible, the prison library should be organised in co-operation with community library services (Rule 28.6).

5.2.2 Environment

At the time of the inspection, there were no education services running in the prison. However, pre-recorded educational programmes were being disseminated in the prison on the in-cell TV channel. The Inspection Team was informed that in the first days of the lockdown in March 2020 students were provided with activity packs comprising 30 pages of exercises and activities; these packs were distributed weekly by the school through April 2020, at which point the Prison Service commenced printing and distribution of similar packs.

Over the course of the pandemic, prisoners could take QQI courses, whereby course materials were given to them by the school with the assistance of Red Cross Volunteers. The QQI course booklets included:

Level 2:	Health-related Fitness; Food Choice and Health; Personal Care; Nonverbal Communication; Setting Learning Goals; Personal Decision-Making; Relaxation Techniques; Writing; Quantity and Numbers; Quantitative Problem-Solving; Pattern and Relationships; Music; Reading and Craft
Level 3:	Health and Fitness; Personal Effectiveness; Community Participation; Crime Awareness; Communications; Career Preparation; Challenging Discrimination; Application of Numbers (maths)
Level 4:	Health and Fitness

When teachers returned to the classrooms in September 2020, they worked with students to submit complete and submit certification for 208 modules from 80 students in 24 subject areas. In November 2020, accreditation was submitted for a further 174 courses from 101 students.

In addition to QQI courses, teachers sent and received work from their students, with particular focus on ESOL Leaving Certificate and Open University students. Leaving Certificate teachers held weekly individual tutorials using the professional visit facilities and this enabled eight students to sit the deferred Leaving Certificate in November 2020.

Alongside the course booklets, prisoners could request other materials from the school, such as: reading and writing booklet; history booklet; Irish language booklet; word searches/crosswords/Sudoku; Songs – lyrics and cords; Yoga & Keep Fit workouts; puzzles; relaxation CD; Learn the Guitar CD; Resilience/Healthy Mind Booklet and Colouring.

The Inspection Team was informed that from the onset of the pandemic through to August 2020, 2000 specific requests for education materials, resources and supplies had been received. The majority of requests were for art and craft supplies while word searches and other 'distraction' activities proved equally popular.

On 3 March 2021, eight Leaving Certificate students resumed their studies, in line with the lifting of restrictions in the general community.

As regards the library, the Inspection Team was informed that the library has long been one of the first services "to be cut" due to staffing shortages. As a result, the library was rarely open prior to COVID-19, and since COVID the library has been removed to allow for more room in the school. Even in the event that the library was fully operational, its location in the school meant that only prisoners attending the school could avail of the physical library. Prisoners can request books through the Red Cross Volunteers, but they are not provided with a list of book titles. Mountjoy Men's Prison library services are aligned with the Dublin City library system, which would, in theory, allow for people in prison to avail of a wide selection of books.

5.2.3 Outcomes

Despite the efforts made by teachers to engage students in education programmes, Level 5 restrictions have had a negative impact on student engagement. Teaching staff reported a drop off in requests for education materials over time, and also noted the limitations of the in-cell education programmes: there is no theme or continuity in the programmes and also no clarity on when the programmes are refreshed.

In the absence of in-person education, Mountjoy Men's Prison teachers have developed a curriculum of assessed and validated blended learning courses – each comprised of a workbook and multi-part video lectures. The Inspection Team was provided with the videos for one such course and found it to be engaging and easy to follow. The method for how these courses will be disseminated is still under discussion.

The blended learning courses provide a unique and timely opportunity to think creatively about how access to education might be improved in the Irish Prison Service. As is now practice in other jurisdictions,²⁴ access to education (and other services) can be increased, and made more substantive, through use of tablets. Education delivery by way of tablet would allow people to pause, take notes and repeatedly review materials. The Inspectorate encourages the Prison Service to consider the positive implications of acquiring tablets for use by prisoners: enable access to education, as well as more meaningful interactions with other services. If tablets were to be introduced to deliver education the teachers could reach previously unreachable prisoners, such as prisoners in the Challenging Behaviour Unit and those who are on protection from others. The cost implications of purchasing tablets may be offset by the high costs associated with printing hundreds of booklets.

As noted above, during the time of inspection there was no physical library facility in Mountjoy Men's Prison. To request a book, prisoners can fill in a request sheet and submit this form to Red Cross Prisoners, who ensure it the request is passed to the librarians when they come to the prison. The Inspection Team was informed that books are delivered to prisoners with equivalent wait time to that of the general community, and that upon return books are quarantined for three days. The Inspectorate was also informed that engagement with library services could be dramatically increased, but that this would require awareness-raising by bringing the library onto the landings, ie., provide prisoners with book title names/descriptions; book vending machines; mobile library trolley, etc.

5.2.4 Recommendations

Recommendation 18: To meet the education needs of prisoners (European Prison Rule 28.1), which include facilitating more substantive engagement with education (and other services), the Irish Prison Service should make tablets available for prisoner use. These tablets could be pre-loaded with education materials.

Recommendation 19: In line with Rule 110 of the Irish Prison Rules, Mountjoy Men's Prison should think proactively about how library services might be improved to encourage participation. Given the increased time that people are now required to remain in their cells, there is additional need to ensure people are able to avail of library services.

5.3 Access to Exercise/Interactions

Restrictions on meaningful human interaction and exercise have been a foundational action taken by the IPS to prevent transmission of COVID-19 in Irish Prisons. While recognising the utility of these restrictions, the Inspection Team focused on the impact of these measures on the people in Mountjoy Men's Prison. As noted in Section 4.3, prisoners in quarantine in Mountjoy Men's Prison experienced significant restrictions as regards exercise and human interaction. However, all prisoners in Mountjoy Men's Prison have experienced a reduction in their access to exercise and interactions.

5.3.1 Compliance

Rule 32 of the Irish Prison Rules mandate that all prisoners not employed in outdoor work or activities are entitled to not less than one hour of exercise in the open air each day, weather permitting. In addition to this the Rule states that "in so far as is practicable," all prisoners must be permitted access to the use of indoor space and equipment for physical recreation, exercise or training." However, the 2020 Amendment to the Irish Prison Rules 2007-2017, Rule 32A provides an amendment to Rule 32,

²⁴ Directorate of Norwegian Correctional Service, "Prevention Measures in European Prisons against COVID-19" (9 November 2020) <https://www.europris.org/directorate-of-norwegian-correctional-service-no/>.

whereby it permits the Director General (32A(1)) or the Governor (32A(2)) “to suspend the entitlement to physical recreation, exercise or training under Rule 32, or to 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.” The lack of a sunset clause for the newly added Rule 32A is of concern to the Inspectorate.

Although the Irish Prison Rules now allow for a restriction on exercise and physical recreation, international standards require that these restrictions be necessary, proportionate, respectful of human dignity and restricted in time. Further, international prison oversight bodies, such as the CPT, have determined that outdoor exercise facilities “should be reasonably spacious and whenever possible offer shelter from inclement weather.”²⁵

With regard to meaningful human interactions, the Irish Prison Rules, Rule 27, provides that “subject to any restrictions imposed under and in accordance with Part 3 of the Prisons Act 2007 and Part 4 of these Rules, each prisoner shall be allowed to spend at least two hours out of his or her cell with an opportunity during that time for meaningful human contact.” “Meaningful human contact” is defined in Rule 27.4 as “an interaction between a prisoner and another person of sufficient proximity so as to allow both to communicate by way of conversation.”

Despite restrictive measures imposed to prevent COVID-19 transmission, the standard on access to meaningful human contact remains, with the CPT stating in its March 2020 Statement of Principles: “on cases of isolation or placement in quarantine of a detained person who is infected or is suspected of being infected by the SARS-CoV-2 virus, the person concerned should be provided with meaningful human contact every day” (CPT Principle 8). For prisoners separated from the general population of the prison, on any grounds, a denial of two hours of meaningful human contact each day is solitary confinement.

While the Irish Prison Rules 2007-2020 provide a definition of “meaningful human contact”, the University of Essex and Penal Reform International’s *Initial Guidance on the Interpretation and Implementation of the UN Nelson Mandela Rules*²⁶ provides further substance to this principle as it is:

- provided by prison or external staff, individual prisoners, family, friends or others – or by a combination of these;
- human contact that is face to face and direct (without physical barriers) and more than fleeting or incidental, enabling empathetic interpersonal communication;
- contact that must not be limited to those interactions determined by prison routines, the course of (criminal) investigations or medical necessity; and
- direct rather than mediated and continuous rather than abrupt contact, that is an empathetic, sustained and social interaction.

The *Guidance* also states that it does not constitute ‘meaningful human contact’ if prison staff deliver a food tray, mail or medication to the cell door, and it also does not include situations where prisoners are able to shout at each other through cell walls or vents.

5.3.2 Environment

Mountjoy Men’s Prison has 14 standard yards of various sizes, and at the time of inspection was also using a small yard for the A wing; for a total 15 exercise yards in operation across the prison. The Inspection Team observed a number of these yards, with a commonality being the bleak, grey appearance and the presence of barbed wire surrounding each of the yards. There was no presence

²⁵ CPT Standards, Revised 2010, <https://www.refworld.org/pdfid/4d7882092.pdf>, 16.

²⁶ Essex Paper 3 Initial Guidance on the Interpretation and Implementation of the UN Nelson Mandela Rules (2017) <https://rm.coe.int/16806f6f50>.

of greenery, and limited or no shelter in the yards. The Inspection team was informed by staff that access to the yard and the gym is phased and restricted. In the main prison, the Inspection team was informed by prisoners that they have approximately one hour yard time each day, alternating gym days and 30 minutes in the evening to “slop out” (clean out their cells and shower). Prisoners informed the Inspection Team that they were no longer allowed to avail of the recreation hall in adverse weather conditions, despite this being a larger size than the gym.

Of particular concern was the condition of the small A-yard in the Main Prison, which was in use in response to ongoing issues with drug trafficking in the larger yard available to A-wing prisoners. The small A-yard has no toilet facility, and as a result prisoners resort to urinating in a corner of the yard, directly below cell windows. The Inspection Team observed a scent of ammonia in the corner area, and was informed by prisoners that this scent is overwhelming in the nearby cells on warm days. The one hand sanitiser dispenser in this yard was empty at the time of inspection, causing a situation where men urinate and then use the telephone on the yard without being able to use hand sanitiser. To worsen an already concerning situation, this yard has no shelter and the only provided seating is a set of three steps located near the phone. Prisoners showed the Inspection Team how a toilet flush on the top landing of A wing results in a splash of sewage water onto the men sitting below on the steps. The Inspection Team was informed at the close-out meeting that the repair of this pipe had been given priority.

As regards meaningful human interaction, suspended in-person services have, where possible, been replaced by phone call services. A full list of suspended programmes and services is provided above in Section 5.1.2. Prisoners in the Main Prison could access Merchants Quay services and psychology services on the phone (for six minutes, when out of their cell and a phone was functional and free). For the majority of prisoners, meaningful interaction, as defined in Section 5.3.1, was limited to the time prisoners spent together in the yard or gym. At the time of inspection, Chaplains and Teachers were not permitted to visit with prisoners on the landings. Prisoners reported to the Inspection Team that “phones are no replacement for in-person” interactions.

5.3.3 Outcomes

A common frustration expressed to the Inspection Team over the course of the inspection, by prisoners and staff alike was, “there are no rehabilitation services in the prison.” At the time of inspection, this appeared to be a true statement. The curtailment of services, and efforts to mitigate their curtailment have not proven adequate to enable meaningful human interaction.

Further, the environment of the exercise yards observed by the Inspection Team did not leave much to look forward to on the one hour occasion each day that the men are permitted to avail of fresh air. Mountjoy Men’s Prison should consider efforts to include green spaces in and around the yards; especially because research shows that even a 10% increase of green spaces can reduce prisoner-on-prisoner assaults, incidents of self-harm and incidents of assault on staff.²⁷ The lack of sanitary facilities in small yard A, as noted above, has negative implications for preventing transmission of disease; which is particularly concerning given the omnipresent threat of COVID-19 transmission in the prison.

Given the lack of in-person services available in the prison, there were very limited opportunities for prisoners to engage in meaningful interactions. Prisoners reported their frustrations with lack of access to services to the Inspection Team:

²⁷ D. Moran, et al., “Does Nature Contact in Prison Improve Well-Being? Mapping Land Cover to Identify the Effect of Greenspace on Self-Harm and Violence in Prisons in England and Wales” (2021) *Annals of the American Association of Geographers*, published online.

"It's the boredom that's killing us."

"I can't do this (stay off drugs) on my own."

"If the prison would come to me with help, I'd take it with both hands I would."

The Inspectorate welcomed the myriad of ideas that members of staff presented to improve this situation. These included:

- Dissemination of digital tablets to prisoners who want to engage with outside services (and education);
- Reconfiguration of large building facilities (churches) to enable safe interactions with psychology and drug addiction counselling services;
- Reduction of number of prisoner work days to allow more prisoners to avail of the limited opportunities to work (interact with other prisoners);

With the easing of restrictions in the coming weeks and months, the Inspectorate expects to see concerted efforts being made to bring outside services back into the prison. This could, and should be done in consultation with prisoners and staff working in the prison, who have no shortage of ideas as to how these services might best be facilitated in a safe and structured way. The Inspectorate shares the view of the CPT, which urged states in its July 2020 Follow-up Statement Regarding the Situation of Persons Deprived of their Liberty in the Context of the ongoing COVID-19 Pandemic, "to progressively move from the management of risks to seizing opportunities that the pandemic has created."

5.3.4 Recommendation

Recommendation 20: In line with the requirement to ensure "meaningful human contact", the Inspectorate recommends that Mountjoy Men's Prison develop and implement measures designed to mitigate the impact of restrictions imposed on prisoner exercise and interactions by Rule 32A of the Irish Prison Rules; this should be done in consultation with prisoners and staff working in the prison.

6 RESETTLEMENT

6.1 Release

As part of the COVID-19 Thematic Inspection of Mountjoy Men's Prison, the Inspection Team examined the impact of COVID-19 restrictive measures on programmes designed to prepare people for release from prison.

6.1.1 Compliance

The Irish Prison Service has committed itself to the management of custodial sentences in a way that “encourages and supports prisoners to live law abiding and purposeful lives as valued members of society.” To enable and operationalise this, the Irish Prison Service 2019-2022 Strategic Plan determines to “further develop the integration of prisoner care and support services to deliver more effective rehabilitation to prisoners.”²⁸ Alongside this, the IPS and the Probation Service have developed a multi-agency strategy to manage and rehabilitate “offenders” from pre- to post-imprisonment. This strategy involves Integrated Sentence Management (ISM); Community Returns; Probation Service case management and post-release supervision; and engagement with the Irish Association for the Social Integration of Offenders (IASIO) Resettlement Service.

The stated aim of this multi-pronged strategic approach is to ensure “that all releases from Irish prisons and places of detention are planned releases to ensure the informed and effective transition of the offender from prison to the community, in compliance with statutory, legal and sentencing provisions.”²⁹

The Irish Prison Rules include provisions which place responsibility on the Governor to “assist and encourage prisoners in (...) preparing for reintegration into society after release” (Rule 75(1)(ii)(d), and on the Prison Officer “to contribute to the rehabilitation and reintegration into the community (...) of prisoners” (Rule 85(3)(c)(iv). However, neither the Irish Prison Rules 2007-2020 nor the Prison Act 2007 place an obligation on the Prison Service to prepare people in prison for a planned and gradual return to life in society. Despite this absence in the national legislation, international human rights standards place great emphasis on this.

The Mandela Rules (Rule 87) state:

Before the completion of the sentence, it is desirable that the necessary steps be taken to ensure for the prisoner a gradual return to life in society. This aim may be achieved, depending on the case, by a pre-release regime organized in the same prison or in another appropriate institution, or by release on trial under some kind of supervision which must not be entrusted to the police but should be combined with effective social aid.

Further to this, the 2020 European Prison Rules 33, 103 and 107 recommend, amongst numerous other related provisions, the following:

- All prisoners shall have the benefit of arrangements designed to assist them in returning to free society after release (Rule 33.3);
- As soon as possible after such admission, reports shall be drawn up for sentenced prisoners about their personal situations, the proposed sentence plans for each of them and the strategy for preparation for their release (Rule 103.2);

²⁸ IPS, “Irish Prison Service Strategic Plan 2019-2022” https://www.irishprisons.ie/wp-content/uploads/documents_pdf/Irish-Prison-Services-Strategy-2019-2022.pdf.

²⁹ IPS, “Resettlement and Reintegration” <https://www.irishprisons.ie/prisoner-services/reintegration/>.

- Sentenced prisoners shall be encouraged to participate in drawing up their individual sentence plans (Rule 103.3);
- Such plans shall as far as is practicable include: (a) work; (b) education; (c) other activities; and (d) preparation for release (Rule 103.4);
- Sentenced prisoners shall be assisted in good time prior to release by procedures and special programmes enabling them to make the transition from life in prison to a law-abiding life in the community (Rule 107.1);
- Prison authorities shall work closely with services and agencies that supervise and assist released prisoners to enable all sentenced prisoners to re-establish themselves in the community, in particular with regard to family life and employment (Rule 107.4); and
- Representatives of such social services or agencies shall be afforded all necessary access to the prison and to prisoners to allow them to assist with preparations for release and the planning of after-care programmes (Rule 107.5).

6.1.2 Environment

All offending behaviour programmes have ceased in Mountjoy Men's Prison. There are no ongoing Narcotics Anonymous or Alcoholics Anonymous programmes, and people are not able to fulfil Parole Board requirements. The negative implications of this cannot be understated. People who had previously been engaged in day release schemes have not been able to avail of these schemes under the current restrictions, and as a result are now serving more time in prison than previously required.

The Inspection Team was particularly interested to hear about the impact of COVID-19 on the operation of Integrated Sentence Management (ISM) plans for the men in Mountjoy Men's Prison. It was disappointing to learn that, at the time of the Inspection, the prison had one ISM officer for the 693 people in the prison on 1 March. The Inspectorate was informed that the ideal ratio would be one ISM officer for 100 people. There are currently plans to have three full-time dedicated ISM officers in the prison, which would bring the ratio to approximately 1:233 people; a number that is more than double the ideal ratio. One staff member referred to ISM in Mountjoy Men's Prison as "lip service."

The Inspectorate was informed that there is a Prisoner Review Committee for life sentenced prisoners. This Committee engages with the Parole Board to develop a plan for life sentenced prisoners. However, the family of the prisoner, and the prisoner themselves does not play a role in the development of this plan. Prisoners who do not have a life sentence are not provided with a sentence plan.

Prisoners and staff informed the Inspection Team that Resettlement Services approach prisoners in the final twelve months of their sentence. At this point the process is initiated to determine the needs of the prisoner upon release, which may include healthcare, social welfare and accommodation.

6.1.3 Outcomes

As required by the European Prison Rules, the Mandela Rules and the Irish Prison Rules (Section 6.1.1), there is an obligation on the Irish Prison Service and on Mountjoy Men's Prison to ensure prisoners are prepared to re-integrate into society upon their release. The Inspection Team determined that, at present, Mountjoy Men's Prison is not fulfilling this obligation.

The Inspection Team spoke with a number of prisoners who were due for release at some point in the next six months. These prisoners conveyed feelings of uncertainty about the services available to them upon their release and also explained that they were unaware of what services the prison should provide them as part of the resettlement process. One prisoner explained he was unaware of what to ask for because, as he stated "I don't know what I am missing out on."

As regards Integrated Sentence Management (ISM), the Inspection team learned from prison staff that ISM is not functional in its current state. Prisoners have no structured plan for how they will engage with prison services; a situation only further exacerbated by the lack of services available due to COVID-19.

Prisoners and staff alike raised concerns with the Inspection Team about the implications of prisoners not being able to fulfil their Parole Board and other release requirements. A prisoner in the Progression Unit expressed having a “lack of hope for the end line as things keep moving” and further stated “I feel I have regressed over the last 12 months.” Of much interest to the Inspection Team were queries raised by staff as to how the Prison Service will compensate, or credit, prisoners who have been adversely impacted by COVID-19 in their efforts to fulfil their release requirements.

6.1.4 Recommendation

Recommendation 21: In line with the Mandela Rules and the European Prison Rules, the Irish Prison Service should strengthen, operationalise and broadly apply the Integrated Sentence Management process so that **all** prisoners are actively engaged and contributing to their sentence and re-integration plan.

7 RECOMMENDATIONS & IPS ACTION PLAN

No.	Recommendation	IPS Response	Action Required	Action Owner	Timeline
MJCT1	Mountjoy Men's Prison should endeavour to embark on a robust and timely information campaign intended to provide consistent and research-informed information about the effects and side-effects of the COVID-19 vaccines (particularly those that will be administered to prisoners).	<p>Accepted</p> <p>The Irish Prison Service has enhanced prisoner communications since the outbreak of Covid-19. Specific information "question and answers" literature on the Covid-19 vaccine have been developed by the IPS Vaccination Committee and provided to prisoners via cell drops.</p> <p>The Irish Prison Service has also introduced a new Prisoner Information TV Channel, to provide information and learning support for prisoners. Bespoke Covid-19 Vaccination Videos have been developed and are shared with prisoners via the Prisoner TV Channel.</p> <p>The IPS, via the Red Cross Volunteers, conducted an attitudes survey of prisoners on the Covid-19 vaccine to inform vaccine roll out.</p>	The IPS will continue to provide updated information to prisoners on Covid-19 related issues, including the vaccine.	Vaccine Committee Communications Prison management	In place and will be reviewed and augmented on an ongoing basis
MJCT2	In line with Rule 54 of the Nelson Mandela Rules, the Irish Prison Service should ensure that written and oral information is provided to prisoners upon entering quarantine and on an ongoing basis over the course of quarantine. This information should be designed to assist newly committed prisoners in adapting to quarantine, and should clearly outline what they can expect while in quarantine. The information should be provided in a language and form that can be understood by the prisoner; this may require the assistance of interpreters. Prisoners should be provided with ongoing opportunities to raise questions and to be informed of all matters necessary to adapt to quarantine and prison life in general.	<p>Accepted</p> <p>The Irish Prison Service provides a comprehensive Prisoner Information Book to all new committals to prison. The Book is printed in several languages and gives basic information about regimes and services within prisons.</p> <p>A bespoke booklet titled "Covid-19 – Living in Cell" was developed by the Red Cross Volunteers to provide detailed information to prisoners on isolation/quarantine and gives specific information on the Covid-19 testing process.</p>	<p>The Irish Prison Service will continue to review the information for new committals on an ongoing basis.</p> <p>Prison management will ensure that this booklet is given to all new committals</p>	Corporate Services Prison Management Prison management	<p>In place and will be reviewed and augmented on an ongoing basis</p> <p>In place and will be reviewed and augmented on an ongoing basis</p>
MJCT3	In line with the Nelson Mandela Rules, Rule 22 and European Prison Rules, Rule 22.4, the Inspectorate recommends that the scheduling around meal times be amended to ensure meals are served at reasonable intervals and at usual times: lunch (midday) and dinner (evening).	<p>Accepted</p> <p>In 2019, the Irish Prison Service introduced a pilot alteration to the schedule of meal times in Castlereagh and Mountjoy Prison (Progression Unit). The purpose was to examine the impact of providing the main daily meal in the evening. The results of the pilot were positive and the IPS decided, in 2019, to roll out this meal schedule to all prisons.</p> <p>However, the roll out of this initiative has been prevented due to industrial relations issues.</p> <p>The current prison day is structured in prisons to take account of the need to open cells on a landing basis due to Level 5 restriction. In Mountjoy the meals times are: Breakfast: 8.10am</p>	IPS will continue to engage with the staff representative association with regard to the alteration of the existing prisoner meal schedule	Care and Rehabilitation Prison management	<p>Ongoing</p> <p>TBC</p>

		<p>Lunch: 11.40 - 12.20 Evening meal: 3.40 – 4.20</p> <p>Prisoners are released from cells to collect meals at the servery on a rotational/landing basis to prevent the mixing of larger group of people.</p> <p>The return to divisional unlock, following the lowering of the restriction level, will result in a return to more normal meal time schedule.</p>	The IPS will reintroduce divisional unlock when Level 5 restrictions are eased.		
MJCT4	As recommended by the Inspectorate in the “Ameliorating the Impact of Cocooning on People in Custody – A Briefing “ Report, prisoners under COVID-19 related restricted regimes should be “informed about what (food) is on offer and asked which portions they do and do not want.”	<p>Part accepted</p> <p>The provision of meals in prisons represents a significant logistical challenge. The IPS operates a 28-day menu cycle to ensure a balanced diet is provided to people in custody. Certain dietary needs are met on request including a vegetarian option or options for religious reasons, such as halal options.</p> <p>It is not possible to provide for personal choice or menu options for meals as this would require significant additional resources.</p> <p>Portion control measures are followed in the distribution of food to ensure prisoners are provided with the required food portion.</p> <p>Consideration is being given to the use of a tri-compartment food tray for the provision of certain meal type which have a meat potato and vegetable offering.</p>	<p>The Irish Prison Service will trial the use of alternative food trays for prisoners in quarantine/isolation to allow for better segregation of foods.</p> <p>The use of these trays will be reviewed and rolled out to other locations if successful.</p>	Care and Rehabilitation	End May 2021
MJCT5	The Inspectorate recommends that the Irish Prison Service, in consultation with the Chaplaincy Service, consider innovative strategies for maximising use of the large church facilities. This would allow for socially distanced engagement with religious services, as well as other services such as psychology and addiction counselling.	<p>Not accepted</p> <p>Infection control measures, such as the cessation of religious services, are introduced based on guidelines published by Government.</p> <p>The Irish Prison Service will commence the reintroduction of religious services in line with the guidance set out by Government in the <i>Covid-19 Resilience and Recovery – The Path Ahead</i>.</p> <p>The return of religious services will be considered by Government, as part of the next stage of easing restrictions, to be announced on 4th May 2021.</p> <p>The prison chapels are not suitable locations for the delivery of confidential services such as Chaplaincy and Psychology.</p>	Prison management will facilitate the streaming of religious services through the Prisoner TV Channel.	<p>Prison management</p> <p>NPHET</p>	<p>End April 2021</p> <p>4 May 2021</p>
MJCT6	The Inspectorate urges Mountjoy Men’s Prison and the Irish Prison Service to address the specific matters outlined in Section 2.4, and to consider in a more general sense the training and culture required in the prison to ensure that such behaviours are never acceptable and the risk of re-occurrence is mitigated.	<p>Accepted</p> <p>The incident referred to in section 2.4 is unacceptable. It should be noted that the entry referred to represents one entry in a journal of which there are 192 daily journals in operation within the prison.</p> <p>The remark made was an isolated incident is not viewed as representative of the views of the workforce within the prison.</p> <p>All journals are reviewed by prison management and signed by Governors and Chief Officers.</p>	<p>Mountjoy Prison management have reminded staff of the need to ensure that all official journals are completed in a professional manner.</p> <p>Prison management will continue to review journals on a regular basis and will address any issues that arise.</p>	<p>Prison Management</p> <p>Corporate Services (E,D&I Lead)</p>	Completed

MJCT7	With concern for the increase in the prison population in recent months, the Inspectorate recommends that the Irish Prison Service engages with the Department of Justice to maximise all opportunities available for reducing the prison population.	<p>Accepted</p> <p>In March 2020 the Irish Prison Service took decisive action to reduce the prison population to ensure effective infection control measures.</p> <p>The Irish Prison Service has continued to maintain the prison population at or below 3,800 to ensure safe custody. The IPS has completed an assessment of the prison estates to determine a "Covid-19 Capacity" for safe custody levels.</p> <p>The IPS has engaged with the Department of Justice to examine potential solutions to manage the prison population in a way that ensures effective infection control measures.</p>	<p>In consultation with the Department of Justice the IPS will introduce a new Covid-19 Capacity in all prisons.</p>	Operations Directorate	April 2021
		<p>In addition, the Criminal Justice Efficiencies Group has tasked data analysts from across the sector with examining the potential impacts on prison numbers over the next 12 months.</p> <p>It should be noted that, while temporary release is judiciously used to regulate prison numbers, not all prisoners are suitable for temporary release and the overriding concern when deciding on temporary release is public safety.</p>	<p>The IPS will continue to review the Prison Population Management Plan and will introduce new measures to address prison overcrowding as necessary.</p>	Operations Directorate	Ongoing
			Data analysis on the impact of increased committals to be completed	Criminal Justice Efficiencies committee	
MJCT8	In line with practice in the general community, and with the Principle of Equivalence, the IPS should ensure that people in prison are provided with written information about their test results.	<p>Not accepted</p> <p>The Irish Prison Service has worked closely with the HSE/Public Health on the management of Covid-19 outbreaks in prisons. The completion of mass testing of all prisoners and staff is a huge logistical operation and this is completed twice per outbreak.</p> <p>People in the community are provided with test results via text message, which is not available to people in custody. The implementation of this recommendation would require the manual provision of individualised letters which is not currently feasible from IT and resource perspective.</p>			Not accepted
MJCT9	The Inspectorate recommends that the Irish Prison Service continues its ongoing efforts to lobby for the prioritisation of COVID-19 vaccinations for people living and working in prisons.	<p>Accepted</p> <p>The IPS continues to engage with the relevant Departments and agencies with regard to access to the Covid-19 vaccine in line with the grouping published by the Government</p>	The IPS will continue to engage with the appropriate agencies with regard to access to the Covid-19 vaccination.	Care and Rehabilitation NICT	Ongoing
MJCT10	In line with Rule 24.1 of the European Prison Rules, and in order to mitigate the impact of restrictions imposed on family contact by Rule 36A, the Inspectorate recommends that every effort be made to promptly identify, prioritise and repair faulty phones.	<p>Part accepted</p> <p>The Irish Prison Service has enhanced the availability of telephones to allow prisoners to continue to keep in contact with friends and families.</p> <p>Additional entitlement to phone calls have also been granted.</p> <p>Given the importance of family contact Mountjoy Prison trades staff ensure that broken handsets are repaired as soon as possible.</p>	Telecommunications equipment will be continuously assessed and replaced if faulty.	Prison management	Completed

		Unfortunately it is the case that telephones get damaged, due to vandalism, and every effort is made to ensure that damaged phones are repaired in a timely manner. In 2020, 31 repairs were carried out to telephones.			
MJCT11	In line with Article 8 of the European Convention on Human Rights, the Inspectorate recommends that all postal communications are collected and delivered to prisoners in a timely manner, and to ensure that all class offices are adequately stocked with paper, pens and envelopes that are proactively distributed to people in prison.	<p>Accepted</p> <p>The censors resources have been enhanced during the pandemic to prevent a backlog in post, a daily report is provided to the dedicated governor to allow monitoring of post</p> <p>There are currently no delays being experienced in the distribution of post to prisoners.</p>	The Irish Prison Service is piloting the use of eCorrespondence for prisoner communications in Mountjoy Prison (and Midlands Prison). If successful, consideration will be given to rolling out fully within Mountjoy Prison, and to other locations across the estate, which will allow for a more timely distribution of correspondence.	Prison Management	End Q4 2021
MJCT12	In line with the European Prison Rules Rule 19.4, prisoners in quarantine/ isolation must be permitted to shower, if not daily, at least two times in a seven day period.	<p>Part accepted</p> <p>Due to the structural age of Mountjoy Prison, cells are not equipped with showers and, due to current Infection control restrictions, showering while in quarantine is not feasible due to the high risk it poses to prisoners and staff. The cells do however facilitate in cell sanitation.</p> <p>All prisoners confined to their cell for the purpose of quarantine have access to hot water and soap to maintain adequate hygiene.</p> <p>This is in line with the <i>European Committee for the Prevention of Torture (CPT), Statement of Principles relating to the treatment of persons deprived of their liberty in the context of the Coronavirus disease.</i></p> <p>The Irish Prison Service continues to review infection control measures on a weekly basis and any change to infection control measures is made in line with the Government decisions on the easing of restrictions, and in consultation with Public Health.</p>	The provision of showers during the quarantine period is under active consideration in light of reducing levels of community transmission.	Care and Rehabilitation Human Resources	Ongoing
MJCT13	Prisoners in quarantine/isolation must be provided with a daily change of clothing and a weekly change of bedding.	<p>Not accepted</p> <p>It is not possible to provide laundered clothing to prisoners on a daily basis due to the capacity of the Mountjoy Prison laundry.</p> <p>Prisoners in quarantine are already provided with a weekly change of bedding as recommended and a daily change of underwear is provided.</p>		Prison Management	Not accepted

MJCT14	Two hours of meaningful human contact (as defined in section 5.3) must be facilitated each day for people in quarantine/isolation.	<p>Not accepted</p> <p>A critical infection control measure introduced by the Irish Prison Service has been the segregation of new committals from the general population for the purposes of quarantine.</p> <p>Prisoners in quarantine have restricted out of cell time, in accordance with Rule 32A of SI 250/2020 Prison Rules 2020.</p> <p>So far 53 prisoners, committed to custody from the community, have tested positive with Covid-19. There have been no prison based Covid-19 outbreaks, as a result of a new committal, due to the infection control measures introduced.</p> <p>All new prisoners are tested on day 1, with a 2nd test completed on day 7. If negative, and not symptomatic, prisoners exit quarantine after 8 days. The majority of quarantine prisoners have not required 14 days isolation.</p> <p>Prisoners in quarantine/isolation are managed in line with IPS national protocols developed by the Emergency Response Planning Team.</p> <p>Prisoners in quarantine/isolation have their door opened on a minimum of 2 occasions per day and are visited by the class officer, the Governor, medical staff, Chaplains.</p> <p>Restrictions on physical contact are necessary for infection control measures.</p> <p>A minimum of 1 hour continuous out of cell time is facilitated however, in general, prisoner receive more than 1 hour when numbers in isolation allow.</p>			Not accepted
MJCT15	Prisoners in quarantine/isolation must have at least one hour in the open air each day.	<p>Accepted</p> <p>All prisoners in isolation/ quarantine receive a minimum 1 hours open air exercise per day.</p> <p>All exercise takes place in the open air as landing recreation areas are currently closed for infection control purposes.</p>		Prison management	Completed
MJCT16	Measures must be taken to mitigate the detrimental effects of isolation or quarantine, including psychological support during and after quarantine/isolation in order to assist prisoners in coping with the impact of COVID-19 and subsequently imposed restrictive measures.	<p>Accepted</p> <p>A Covid outbreak-specific mental health protocol has been developed by the IPS Psychology Service. The approach incorporates a three-tiered layered care model which includes preventative, enhanced and acute mental health care interventions. It includes the use of tablets to proactively engage people on significantly restrictive measures, where required. The initiative is being piloted in Cloverhill Prison with committals in the coming weeks.</p>	The use of tablet computers for video link with psychology to be trialed in Cloverhill and rolled out across the estate if successful.	Care and Rehabilitation; Psychology Service	End June 2021
MJCT17	The inequity in out-of-cell time for non-protection prisoners should be addressed, not by reduction of out-of-cell time, but by determining ways to increase the out-of-cell	<p>Not Accepted</p> <p>Similar to the community the Covid-19 infection control measures have resulted in restricted prisoner movements. The IPS accepts that the introduction of enhanced infection control measures has impacted on the regime offered to prisoners on a daily basis and has resulted in reduced out of cell time in many areas.</p>	Prison management will continue to maximise out of cell time for all prisoners	Prison management	Not accepted

	time for prisoners currently receiving less time.	<p>This is a regrettable consequence of the implementation of measures aimed at protecting the health and safety of prisoners.</p> <p>Efforts are already made to ensure that prisoners receive maximum out of cell time whilst restricting contact amongst prisoners.</p> <p>Due to Level 5 restrictions all prisoners are unlocked by landing from cells. This results in prisoners being unlocked on a rotational basis.</p> <p>In order to facilitate exercise some prisoners are unlocked on the reserve period which is shorter than other periods.</p> <p>Unlock on the reserve period is rotated amongst landings resulting in a fair distribution of out of cell time amongst groupings.</p> <p>The return to divisional unlock with the easing of restrictions will result in a return to more normal unlock periods.</p> <p>The average out of cell time for non-restricted regime prisoners in Mountjoy is 4 hours per day.</p>	Prison management will reintroduce divisional unlock when it is deemed safe to do.		
MJCT18	To meet the education needs of prisoners (European Prison Rule 28.1), which include facilitating more substantive engagement with education (and other services), the Irish Prison Service should make tablets available for prisoner use. These tablets could be pre-loaded with education materials.	<p>Recommendation is under review</p> <p>The Irish Prison Service is developing an in-cell learning strategy to enhance learning from prison cells.</p> <p>A new prisoner TV Channel has been developed and is being rolled out across the estate. This allows for the broadcasting of local and national information and for the provision of educational material.</p> <p>CDETb have developed a substantial quantity of audio-visual course materials to be viewed on the TV channel and will provide accompanying supporting hard copy documentation to facilitate blended learning.</p>	<p>An in-cell technology plan is being developed to enhance learning capacities for prisoners and increase information and learning for those confined to cell.</p> <p>Care and Rehabilitation Directorate are examining technology solutions to allow prisoners to access educational materials on the education network from within cells.</p>	Care and Rehabilitation	<p>Q4 2021</p> <p>Q2 2021</p>
MJCT19	In line with Rule 110 of the Irish Prison Rules, Mountjoy Men's Prison should think proactively about how library services might be improved to encourage participation. Given the increased time that people are now required to remain in their cells, there is additional need to ensure people are able to avail of library services.	<p>Accepted</p> <p>Prison management are engaging with the library services with a view to enhancing service provision.</p>		Prison management	End Q2 2021

MJCT20	In line with the requirement to ensure “meaningful human contact”, the Inspectorate recommends that Mountjoy Men’s Prison develop and implement measures designed to mitigate the impact of restrictions imposed on prisoner exercise and interactions by Rule 32A of the Irish Prison Rules; this should be done in consultation with prisoners and staff working in the prison.	Not accepted See reply to MJCT 17	Prison management will continue to maximise out of cell time for all prisoners Prison management will reintroduce divisional unlock when it is deemed safe to do		Not accepted
MJCT21	In line with the Mandela Rules and the European Prison Rules, the Irish Prison Service should strengthen, operationalise and broadly apply the Integrated Sentence Management process so that all prisoners are actively engaged and contributing to their sentence and re-integration plan.	Accepted Mountjoy Prison has had a reduced capacity to co-ordinate the ISM programme due to vacancies. A competition to fill these vacancies is completed and all 3 ISM posts in Mountjoy are expected to be filled shortly and an increase in ISM hours introduced. To further support the development of the ISM function in all prisons a new centralised recording database for ISM interviews and prisoner multi-disciplinary sentence management plans is currently at the user acceptance testing phase of implementation. This database will provide the resources necessary to improve oversight and reporting in relation to the ISM function at Mountjoy. A proof of concept project is also underway to examine the potential to introduce mobile devices for ISM Coordinators to improve their prisoner face-to-face contact times. The results of this trial are expected in Q3 2021.	ISM officers to be appointed and assigned to Mountjoy Prison	Care and Rehabilitation/ Human Resources	End Q2 2021