



OIFIG AN CHIGIRE PRÍOSÚN
OFFICE OF THE INSPECTOR OF PRISONS

INSPECTION REPORT OVERSIGHT MONITORING VISIT DURING COVID-19 PANDEMIC

MOUNTJOY FEMALE PRISON (DÓCHAS CENTRE)

05 AUGUST 2020

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1 General Oversight Monitoring of Prisons during COVID-19 Pandemic

The Office of Inspector of Prisons (OIP) was due to launch a Framework for the Inspection of Prisons in Ireland on 23 March 2020 and because of the COVID-19 pandemic it was deferred. However, the OIP is cognisant of the requirement for enhanced oversight during a pandemic when society in general is subject to restrictions on daily life and increased restrictions are placed on people in custody. Such restrictions must be the least intrusive necessary to achieve the desired public health objectives and also be in place for the minimum time necessary. Oversight is therefore essential in order to provide independent verification that the human rights of persons in custody are being respected and that national legislation is being adhered to.

On-site inspections during the pandemic are specifically aimed at the following:

- reviewing how prisons in Ireland are responding to the challenges presented by the global public health crisis and are referred to by the OIP as Oversight Monitoring Visits;
- to provide assurance to the Minister for Justice and Equality on the Irish Prison Service (IPS) response to the COVID-19 pandemic for those in custody in prisons;
- to identify good practice that may be shared;
- to gather information/intelligence to assist the OIP's future priorities for inspections

Since the commencement of the COVID-19 Pandemic the OIP oversight activities have been re-directed to include the following:

- All prisons within Ireland have received a short visit from the Inspector of Prisons (IoP)
 - In order to minimise risk to prisoners and staff in prisons and also staff of the OIP, visits have been undertaken by the Inspector of Prisons (IoP). The regime in place in each prison was reviewed with particular emphasis on access to 'out of cell time' and provision of meaningful human contact.
 - Appropriate PPE has been worn when meeting with persons in custody categorised as vulnerable by the Irish Prison Service, this category of persons includes the following:
 - Persons aged 70 years and over
 - Persons with chronic unstable health conditions
 - Persons who are immunocompromised or, who have other health conditions that places them at increased risk if they were to contract the virus
 - The IoP spent three days in Mountjoy Female Prison (referred to throughout this report as the Dóchas Centre) a prison in which nearly half of the persons in custody were categorised as vulnerable. This afforded the IoP the opportunity to speak with and directly hear the experiences of prisoners and staff during this time.
- In order to hear from as many prisoners as possible within the current public health restrictions in prisons, the OIP issued a journal to a total of 88 prisoners in custody in Midlands Prison, Cloverhill Prison, Wheatfield Prison, Arbour Hill Prison, Mountjoy Male Prison, Mountjoy Female Prison (Dóchas Centre) and Castlerea Prison. The cohort of prisoners selected were being 'cocooned' by the Irish Prison Service and the intent of the OIP is to capture their 'lived experiences' during this time. The Journal was left with the

prisoners concerned for 14 days with the aid of the Irish Red Cross volunteers in each of the prisons. Two experts in criminology from Maynooth University assisted the IoP with analysis of the contents of the Journals. Subsequently, a briefing report was submitted to the Minister for Justice and Equality and the Director General of the Irish Prison Service.

- The OIP initially received a daily update from the IPS and in recent weeks a weekly update which provides information relating to the following:
 - The number of confirmed cases in prisons (0 at time of writing this report)
 - Number of confirmed staff cases
 - Prison Numbers
 - Number of suspected cases/isolation in prisons
 - Ongoing actions (includes information regarding the initiatives undertaken by the IPS to mitigate the impact of the temporary cessation of visits in prisons)
 - Summary of staffing in prisons
- The IoP received a verbal update from the Director General of the IPS every 7 -10 days from March 2020 to early July 2020
- The OIP has received copies of the following from the IPS:
 - Copies of the information leaflets provided to prisoners and staff
 - Copies of the algorithms in use within the IPS that outline the steps to be taken with the various cohorts of prisoners within prisons. The algorithms are based on the advices of the National Public Health Emergency Team (NPHE)
 - Activity data (at a point in time, i.e. one week in May 2020) relating to all prisons regarding
 - family video-link visits,
 - Solicitors Conference calls via video link
 - Calls to the IPS Support Line (Chaplaincy, Healthcare, Psychology and IASIO (Irish Association for Social Inclusion Opportunities))
- The OIP contacts the Governor in each prison to receive a verbal report at varying intervals
- Other sources of information received by the OIP are promptly followed up directly with the prison concerned, e.g. phone calls or letters from family members, letters / emails from prisoners or their legal representatives.

The IPS established an Emergency Response Planning Team (ERPT) to plan and coordinate public health safety within prisons. The ERPT Chair is the IPS Director of Corporate Services. Membership of the group is broad-based and includes, but is not limited to, expertise in public health, infection control, healthcare, senior management and prison governor representation.

2 Background

2.1 National Legislative Requirements

The Office of the Inspector of Prisons (OIP) is a statutory, independent office established pursuant to Part 5 of the Prisons Act 2007 (the Act). The key role assigned to the Inspector is to carry out regular inspections of the prisons in Ireland and to present reports on each institution inspected as well as an annual report to the Minister for Justice and Equality (“the Minister”) for laying before the Houses of the Oireachtas and for publication.

In carrying out an inspection, the Inspector of Prisons may:

- At any time enter any prison or any part of a prison
- Request and obtain from the Governor a copy of any books, records, other documents or extracts from such documents, and
- In the course of an inspection or arising out of an inspection bring any issues of concern to the notice of the Governor of the prison concerned, the Director General of the IPS or the Minister as the Inspector considers appropriate.

The Prison Rules 2007 as amended in 2013, 2014 and 2017 set out in some detail the statutory framework within which the IPS is to manage its estate. Certain rules stipulate minimum expectations in relation to a broad range of areas, including but not limited to, accommodation, hygiene, association and activity, support services, healthcare, education, contact with the outside community, privacy, grievance procedures and procedures on release.

In addition, the IPS, as a public body, is subject to the duty in Section 42 of the Irish Human Rights and Equality Commission Act 2014. This obliges public bodies in the performance of their functions to have regard to the need to “*protect the human rights of its members, staff and persons to whom it provides services.*”

2.2 International Obligations and Standards

In addition to domestic legal requirements, there is a range of relevant international human rights obligations which Ireland is party to and standards which inform the Inspectorate’s approach to inspection work.

These include, but are not limited to, the following international Treaties which Ireland has ratified:

- The Universal Declaration of Human Rights (UDHR)¹
- The International Covenant on Civil and Political Rights (ICCPR)²

¹ Universal Declaration on Human Rights 1948, ratified by Ireland in December 1985.

² International Covenant on Civil and Political Rights, G.A res. 2200A (XXI), 21 U.N. GAOR Supp. (No. 16) at 52, U.N. Doc. A/6316 (1966), 999 U.N.T.S. 171 (entered into force March 23, 1976). Ratified by Ireland in December 1989.

- The International Covenant on Economic, Social and Cultural Rights (ICESCR)³
- The European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR)⁴
- The United Nations Convention on the Rights of Persons with Disabilities (CRPD)⁵
- The United Nations Convention Against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (UNCAT)⁶
- The European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (ECPT)⁷

Particularly relevant to the work of the Inspectorate are three sets of authoritative standards dealing with the treatment of prisoners that are not legally binding but are accepted as best practice:

- The European Prison Rules (2006)
- The United Nations Standard Minimum Rules for the Treatment of Prisoners (the Mandela Rules) (2015)
- The United Nations Rules for the Treatment of Women Prisoners and Non-Custodial Measures for Women Offenders (the Bangkok Rules) (2010)

The European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) standards, country reports and annual reports are also very relevant.

³ International Covenant on Economic, Social and Cultural Rights, G.A. res. 2200A (XXI), 21 U.N. GAOR Supp. (No. 16) at 49, U.N. Doc. A/6316 (1966), 993 U.N.T.S. 3 (entered into force January 3, 1976). Ratified by Ireland in December 1989.

⁴ Convention for the Protection of Human Rights and Fundamental Freedoms, as amended by Protocol No.11 (Rome, 4.XI.1950). Ireland signed the Convention in 1953 and it was brought into Irish law in 2003.

⁵ Convention on the Rights of Persons with Disabilities, A/RES/61/106, Annex I, (entered into force 3 May 2008). Ireland signed the CRPD in March 2007 and ratified it in March 2018.

⁶ Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, G.A. res. 39/46, [annex, 39 UN GAOR Supp. (No. 51) at 197, UN Doc. A/39/51 (1984)] (entered into force 26 June 1987). Ireland signed UNCAT in 1992 and ratified it in 2002.

⁷ The European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (ECPT) was adopted by the Council of Europe on 26 November 1987. It was subsequently amended by two Protocols that entered into force on 1 March 2002. Ireland ratified the Convention in December 1985.

2.3 International Guidance during COVID-19 Pandemic

World Health Organisation

On 15 March 2020 the World Health Organisation provided interim guidance entitled *Preparedness, prevention and control of COVID-19 in prisons and other places of detention*. The guidance document sets out a framework to assist countries in developing action plans for prisons and other places of detention in response to the international coronavirus disease pandemic. The following objectives were identified:

1. To guide design and implementation of adequate preparedness plans for prisons and other detention settings to deal with the COVID-19 outbreak in such a way as to:
 - protect the health and well-being of people detainees in prisons and other closed settings, those who work there (custodial, healthcare and other staff), and people who visit prisons and other places of detention (legal visitors, family and friends of prisoners, etc.);
 - support the continued safe operation of prisons and other detention settings;
 - reduce the risk of outbreaks which could place a considerable demand on healthcare services in prisons and in the community;
 - reduce the likelihood that COVID-19 will spread within prisons and other places of detention and from such settings into the community;
 - ensure the needs of prisons and other detention settings are considered in national and local health and emergency planning.

2. To present effective preventive and response mechanisms for:
 - preventing the introduction of COVID-19 into prisons and other places of detention;
 - preventing the transmission of COVID-19 in prisons and other places of detention;
 - preventing the spread of COVID-19 from prisons and other closed settings to the community.

3. To outline an appropriate approach to dovetailing the prison health system and the national and local health and emergency planning system for:
 - Preventive measures, including physical distancing and hand hygiene facilities;
 - Disease surveillance;
 - Identification and diagnosis, including contact tracing;
 - Treatment and/or referral of COVID-19 cases requiring specialised and intensive care;
 - Wider system impacts (including impact of other measures on workforce, e.g. need for home isolation, etc.)

Council of Europe

On 20 March 2020 the Council of Europe European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) issued a *Statement of principles relating to the treatment of persons deprived of their liberty in the context of the coronavirus disease (COVID-19) pandemic*. The CPT acknowledged the significant global challenges that the pandemic presents, whilst at the same time it took the opportunity to remind all Council of Europe signatories of the absolute nature of the prohibition of torture and inhuman or degrading treatment of persons deprived of their liberty and that protective measures must never result in such treatment. The CPT proposed that the following principles should be applied by authorities responsible for persons deprived of their liberty within the Council of Europe area:

1. The basic principle must be to take all possible action to protect the health and safety of all persons deprived of their liberty. Taking such action also contributes to preserving the health and safety of staff.
2. WHO guidelines on fighting the pandemic as well as national health and clinical guidelines consistent with international standards must be respected and implemented fully in all places of deprivation of liberty.
3. Staff availability should be reinforced, and staff should receive all professional support, health and safety protection as well as training necessary in order to be able to continue to fulfil their tasks in places of deprivation of liberty.
4. Any restrictive measures taken vis a vis persons deprived of their liberty to prevent the spread of COVID-19 should have a legal basis and be necessary, proportionate, respectful of human dignity and restricted in time. Persons deprived of their liberty should receive comprehensive information, in a language they understand, about any such measures.
5. As close personal contact encourages the spread of the virus, concerted efforts should be made by all relevant authorities to resort to alternatives to deprivation of liberty. Such an approach is imperative, in particular, in situations of overcrowding. Further, authorities should make greater use of alternatives to pre-trial detention, commutation of sentences, early release and probation; reassess the need to continue involuntary placement of psychiatric patients; discharge or release to community care, wherever appropriate, residents of social care homes; and refrain, to the maximum extent possible, from detaining migrants.
6. As regards the provision of healthcare, special attention will be required to the specific needs of detained persons with particular regard to vulnerable groups and/or at-risk groups, such as older persons and persons with pre-existing medical conditions. This includes, inter alia, screening for COVID-19 and pathways to intensive care as required. Further, detained persons should receive additional psychological support from staff at this time.
7. 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). Further, any restrictions on contact with the outside world, including visits, should be compensated for by increased access to alternative means of communication (such as telephone or Voice-over Internet-Protocol communication).
8. In cases of isolation or placement in quarantine of a detained persons 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.
9. Fundamental safeguards against the ill-treatment of persons in the custody of law enforcement officials (access to a lawyer, access to a doctor, notification of custody) must be fully respected in all circumstances and at all times. Precautionary measures (such as requiring persons with symptoms to wear protective masks) may be appropriate in some circumstances.
10. Monitoring by independent bodies, including National Preventive Mechanisms (NPM's) and the CPT, remains an essential safeguard against ill-treatment. States should continue to guarantee access to monitoring bodies to all places of detention, including places where persons are kept in quarantine. All monitoring bodies should however take every precaution to observe the 'do no harm' principle, in particular when dealing with older persons and persons with pre-existing medical conditions.

United Nations

On 24 March 2020, the Chairpersons of the 10 United Nations (UN) Treaty bodies, including the Committee against Torture (CAT), urged global leaders to ensure that human rights are respected in government measures to tackle the COVID-19 pandemic. They called on states to take extra care of those particularly vulnerable to the effects of COVID-19, including older people, people with disabilities, asylum seekers and migrants and people deprived of their liberty.

On 30 March 2020, the SPT issued detailed advice on a range of actions governments and independent monitoring bodies should take to protect people deprived of their liberty during the COVID-19 pandemic. The recommended measures relate to all places of deprivation of liberty and aim at mitigating the risks to health created by the Coronavirus, by considering reducing prison populations and the use of immigration detention. All detainees and people in quarantine and closed medical settings should also receive reliable and accurate information concerning all adopted measures. It further calls on NPMs to continue exercising their preventive mandate during the pandemic, including by carrying out visits to places of detention when possible, bearing in mind the “do no harm” principle, and by adapting their working methods – the overriding criterion being that of effectiveness in preventing ill-treatment of detained persons.

3 OVERSIGHT MONITORING VISIT - APPROACH

Stage 1-Preparation

Mountjoy Female Prison (the Dóchas Centre) was selected for an onsite oversight monitoring visit during the pandemic utilising two criteria; firstly location, i.e. a prison in Dublin and secondly a prison with the highest percentage of prisoners within the prison 'being cocooned'⁸. The relevant guidance referred to in Section 2.3 was collated to assist in focusing the areas to be monitored during the visit. The IoP contacted the Governor in the Dóchas in advance to notify him of the dates of the visit.

Stage 2 Engagement.

The onsite monitoring visit took place on Monday 27 April 2020; Tuesday 28 April 2020 and Tuesday 5 May 2020.

Initiation briefing: At the start of the visit the IoP briefed the Dóchas Centre Governor, Assistant Governor and Chief Officer regarding her visit. She advised that during the pandemic the inspection of the centre was by means of an Oversight Monitoring Visit with specific focus on:

- reviewing how the Dóchas Centre was responding to the challenges presented by the global public health crisis;
- providing assurance to the Minister for Justice and Equality on the Irish Prison Service (IPS) response to the COVID-19 pandemic for those in custody in the Dóchas;
- identifying good practice that may be shared;
- gathering information/intelligence to assist the OIP's future priorities for inspections

An opportunity was also provided for prison management to raise any queries or flag any specific issues. The Governor welcomed the IoP, provided an overview of actions taken within the prison to protect the prison population and informed her that he and his staff would co-operate fully with her visit.

Observation and assessment: The IoP had unrestricted access to all areas of the prison and to all records. She also observed the daily routine within the prison. On the morning of day 1 and day 3 she 'shadowed' and observed the Chief Officers carrying out their duties. For the remaining period the IoP had access, on her own, to all areas of the prison and in keeping with the principle of 'do no harm' she observed the IPS protocols⁹ regarding appropriate use of Personal Protective Equipment (PPE). The Inspector observed the prison facilities, operations and standard operating procedures and in doing so engaged with many of the women in custody and staff.

Interviews and discussions: The IoP was cognisant of ensuring that she had the opportunity to speak with and hear from as many women in the prison as possible, in particular, those for whom additional measures had been put in place to protect them from contracting the coronavirus COVID-19 disease. Most of the interactions with the women in custody took

⁸ 'Cocooned' is the terms used by the National Public Health EmergencyTeam (NPHE) for persons in the community identified as particularly vulnerable to COVID-19 disease and for whom additional public health safety measures were recommended.

⁹ It should be noted that the IPS protocols for the use of PPE were developed in conjunction with NPHE and its vulnerable persons subgroup.

place in open areas or recreation rooms so that 'social distancing' was possible. Some discussions took place on landings or in prisoner rooms and this also involved maintaining social distancing and wearing PPE as appropriate. The openness of both the women and staff over the course of the three days was highly commendable.

Documentation review: The IoP reviewed paper documentation including, but not limited to, prisoner recreation time; use of restrictive practices, Guide to Risk Assessment, PPE and Confinement, and daily reports. In order to hear the 'lived experience' of those being 'cocooned' in prisons in Ireland, the OIP, with the assistance of the Irish Red Cross liaison officers and volunteers, issued journals and invited them to share, in word or in art, whatever they wished to share with the OIP. The journals received from the Dóchas were reviewed and also informed this report.

Close-out meeting: On Wednesday 6 May 2020 the IoP met with the Governor of Mountjoy Prison, Governor and Assistant Governor of the Dóchas Centre and a Chief Officer, to provide initial feedback regarding levels of engagement with her visit and emerging findings.

Stage 3 Reporting

Following the on-site visits the IoP requested specific activity data which was promptly provided.

The IoP prepared a draft report and shared it with the Governors on 02 June 2020 for review and comments by 8 June 2020. The Governors were informed that the sharing of the draft report provided them with an opportunity to identify any factual inaccuracies in the draft report; raise any clarifications they may have and develop an Action Plan to address any issues identified. A reminder issued on 17 June 2020.

The IoP received the comments on the draft report on 24 July 2020 and an Action Plan was provided. Following consideration of the comments received, the draft report was updated and finalised on 05 August 2020. The report was submitted to the Minister for Justice and Equality in accordance with Section 31 Prisons Act 2007 and was also provided to the Director General of the Irish Prison Service.

4 Key Facts

3.1 Location

Mountjoy Female Prison, known as the Dóchas Centre, is situated within the grounds of Mountjoy Prison, North Circular Road, Dublin 7. It is described by the Irish Prison Service (IPS) as a closed, medium security prison for females aged 18 years and over. Mountjoy Prison supports the Dóchas by the detailing of staff and provision of limited administrative supports.

3.2 Role

The Dóchas Centre is the committal prison for females committed on remand or sentenced from all courts outside of the Munster Area.

3.3 Brief History

The Dóchas Centre was constructed in 1999 to accommodate 85 women. In 2012 a newly refurbished building was opened to accommodate a further 20 women, providing for a maximum capacity of 105.

3.4 Capacity

On 9 January 2020 the IPS informed the Office of Inspector of Prisons (OIP) that recent changes to bed capacity were made in the Dóchas Centre shortly before Christmas 2019, with the bed capacity increased from 105 to 146. The OIP was informed that this was “as a result primarily of better utilisation of under-used capacity as opposed to the introduction of 41 additional beds/bunks”.

Configuration of accommodation as at 24 May 2020:

Hazel House had 12 rooms each with 2 beds:	24
Laurel House had 10 rooms each with 2 beds:	20
Rowan House had 10 rooms each with 2 beds:	20
Maple House had 10 rooms each with 2 beds:	20
Health Care Unit (HCU) had 3 rooms each with 1 bed:	03
Elm House had 10 rooms each with 1 bed:	10
Cedar House had 18 rooms of which 17 are 1 bedded and 1 has a twin bunk (1 x 2):	19
Willows had 11 rooms of which 6 are 1 bedded, 1 has 2 beds and 4 have 3 beds:	20
Phoenix had 7 rooms of which 5 are 2 bedded and 2 are 3 bedded:	16
Committal Unit had 5 rooms of which 2 are 1 bedded, 1 has 2 beds and 2 have 3 beds:	10
Total	162

In addition to the increase of 41 beds [39%] capacity in December 2019 there has been an additional increase of 16 beds [11%], with a total increase since December 2019 of 57 beds

[54%]. At time of finalising this report (30/07/2020) the bed capacity of 162 is not reflected in the bed capacity figures on the IPS website which remains at 146.

On each of the three days of the on-site monitoring visit there were 117, 113 and 109 women accommodated in the Dóchas Centre. The breakdown in terms of placements in single and multi-occupancy rooms was requested from the IPS. The Governor in the Dóchas Centre informed the IoP on 24/05/2020 that on 21/05/2020 he had requested the Cognos Reports from the IT Department that would show the individual room occupancies on the requested dates and that he would furnish them to the IoP on receipt. At time of finalising this report (05/08/2020) receipt of the information remained outstanding. The IPS response to the draft report addressed bed capacity and stated that *“the increase in beds in the Dóchas Centre is a direct result of the rising number of committals and to avoid prisoners sleeping on mattresses on the floors. This capacity change was achieved through greater use of existing capacity as opposed to the installation of additional beds at that time.”* This statement appears to indicate that no additional beds were installed even though the evidence provided by the Governor in the Dóchas Centre demonstrates the contrary.

3.5 Staffing:

The management and staff on duty on each of the three days of the on-site monitoring visit were requested and received. For security reasons the details in relation to staffing are not specified in this report. However, they have been provided separately to the Minister for Justice and Equality and her officials.

It is crucial that any prison accommodating women has female custodial staff in sufficient numbers at all times and that the preponderance of staff in contact with prisoners should be female.¹⁰ The percentage (%) of female to male staff in the Dóchas centre on the three days of the on-site visit ranged from 67% to 71% and this is welcomed.

Due to the pandemic, additional officers were available on-site as they were temporarily assigned from other areas, for example from the Prison Service Escort Corps (PSEC). Allocated staff within the Dóchas were also available as they were not required for external escorting of prisoners to courts to the same extent as pre-pandemic. The centre benefitted from the assignment of an additional officer to assist the ISM¹¹ officer in preparing the women for release and making the appropriate links with probation and other services, eg. Housing.

The input of multidisciplinary teams within prisons facilitates a co-ordinated approach and the sharing of experiences and insights through the various lenses of management, security staff, education, chaplaincy, psychology and work-training. The IoP was informed that Multidisciplinary Team (MDT) working takes place, however there were no minutes of MDT meetings for 2020 available for review. It is acknowledged that since early March 2020 the pandemic has impacted upon the usual routine in prisons and it is recommended that formal MDT meetings recommence at the earliest opportunity, with retention of agenda and minutes for governance review.

¹⁰ Council of Europe CPT/Inf (2018)5.

¹¹ Integrated Sentence Management Officer (ISM)

5 Oversight Monitoring Criteria and associated Findings

5.1 Monitoring Criteria

4.1.1 Reduction in Prison Population.

The Council of Europe has advised that as close personal contact encourages the spread of the COVID-19 virus, concerted efforts should be made by all relevant authorities to resort to alternatives.

Table 3: Prisoner Population in Dóchas Centre (www.ips.ie)

Date	Number in Custody	Number on Temporary Release*	Number on Trial/ Remand	Total Prisoners in System**	Bed Capacity	Bed Capacity per Office of Inspector of Prisons
10/02/2020 (11/02/2019)	132 (141)	49 (15)	33 (35)	189 (165)	146 (105)	105
17/02/2020 (18/02/2019)	140 (142)	45 (17)	33 (32)	193 (168)	146 (105)	105
24/02/2020 (25/02/2020)	147 (136)	44 (17)	38 (28)	200 (162)	146 (105)	105
02/03/2020 (04/03/2019)	147 (132)	57 (15)	44 (19)	213 (157)	146 (105)	105
09/03/2020 (11/03/2019)	149 (129)	58 (16)	45 (21)	215 (156)	146 (105)	105
16/03/2020 (18/03/2019)	140 (133)	67 (16)	44 (21)	215 (160)	146 (105)	105
23/03/2020 (25/03/2019)	125 (135)	83 (14)	43 (25)	216 (160)	146 (105)	105
30/03/2020 (01/04/2019)	121 (136)	80 (15)	35 (26)	209 (161)	146 (105)	105
06/04/2020 (08/04/2019)	119 (132)	78 (22)	33(30)	205 (164)	146 (105)	105
13/04/2020 (15/04/2019)	117 (133)	74 (18)	32 (30)	200 (161)	146 (105)	105
20/04/2020 (22/04/2019)	120 (129)	70 (21)	36 (29)	198 (159)	146 (105)	105
27/04/ 2020 (29/04/2019)	117 (129)	71 (19)	31 (35)	196 (157)	146 (105)	105
28/04/ 2020 (30/04/2019)	113 (135)	72 (18)	33 (32)	193 (162)	146 (105)	105
05/05/ 2020 (07/05/2019)	109 (135)	69 (16)	29 (34)	186 (160)	146 (105)	105

Legend:

- *Number on Temporary Release figures include:
 - Prisoners on Reviewable Temporary Release
 - Prisoners on Full temporary Release
 - Prisoners on Reviewable Temporary Release Community Return under the supervision of Probation Service
- ** Total prisoners in system figures include:
 - Prisoners in custody
 - Prisoners on any form of temporary release
 - Prisoners detained in hospital or the Central Mental Hospital
 - Life sentenced prisoners in the Community

Dates of IoP onsite oversight monitoring visit

In 2013 the IoP identified unacceptable overcrowding as “*the single greatest problem associated with the Centre.*”¹² Seven years on the OIP remains concerned that the Dóchas operational capacity is 54% in excess of the design- build capacity of the prison with associated impacts on the women in custody in terms of accommodation, prison regime, and access to education, chaplaincy and other services.

It is further noted that many of the women in prison were serving short sentences for crimes that do not necessarily appear to attract similar custodial sentences for men. A key finding in a recent international review report by Professor Ian O Donnell on recidivism and policy

¹² Inspector of Prisons (2013) Interim Report on the Dóchas Centre by the Inspector of Prisons Judge Michael Reilly, p.6.

responses, published by the Department of Justice and Equality, identified that suspended sentences or community service can be more effective in terms of reducing recidivism than short terms of imprisonment¹³. Whilst this is not a matter that can be addressed by the prison service and it is acknowledged that the Dóchas Centre is required to accept all women committed to there from the courts, it is important to emphasise that the OIP is not advocating for longer sentences but for alternatives, such that imprisonment is only utilised as a last resort. This is a complex issue that requires a multi-sectoral approach across numerous government departments. It is interesting to note that the previous report from the OIP on the Dóchas Centre in 2013 identified this as a significant issue.¹⁴ A request for statistics for sentence length in 2019 was issued to the Governor in the Dóchas Centre and was not provided and therefore is not available for inclusion in this report.

The specific preventative public health measure of ‘social distancing’ is challenging within a prison setting and even more so in areas where there is shared accommodation. In 2019, the OIP noted that due to overcrowding mattresses were placed on floors and recreation rooms were being used as multiple occupancy bedrooms. The efforts that have been made to eradicate such practices and to return recreation rooms to their design function is welcomed. The issue of overcrowding is a matter that cannot be resolved by the prison and the IPS in isolation from the rest of the criminal justice system. Therefore, greater efforts are required by the IPS and all key stakeholders to address this key issue without resorting to increasing multi-occupancy rooms. Imprisonment should be utilised as a route of last resort when all other appropriate means of sanction have been exhausted.

The increased capacity within the existing footprint of the prison has resulted in a reduction in the availability of single rooms. The CPT recommends¹⁵ that in multiple-occupancy cells the sanitary facilities should be fully partitioned (up to the ceiling) and this is not the situation across all areas of the Dóchas Centre. In an environment where in Ireland female prisoners cannot currently aspire to detention in a low secure setting, the availability of single accommodation is important in the context of sentence progression. With the likelihood that Ireland will have to ‘learn to live with Covid 19’ for the foreseeable future and the associated social distancing that entails, it is essential that in addition to the efforts that have been made to reduce the prison population, efforts are required to reduce overall prison capacity rather than increasing it.

5.1.2 Protection

Part 4 of the Prison Rules 2007-2017 (the Rules) addresses control, discipline and sanctions. Rules 62 to 65 inclusive address control within a prison setting. Part 10 of the Rules (99-107) addresses healthcare in prisons. Prison oversight includes reviewing use of restrictive practices to ascertain if their use is proportionate, lawful, accountable, necessary and non-discriminatory (PLANN). On one or more of the three days of the on-site monitoring visit three rules were utilised as follows:

Rule 62: Removal of prisoner from structured activity or association on the grounds of order.

¹³http://www.justice.ie/en/JELR/An_Evidence_Review_of_Recidivism_and_Policy_Responses.pdf/File_s/An_Evidence_Review_of_Recidivism_and_Policy_Responses.pdf

¹⁴ Inspector of Prisons (2013) Interim Report on the Dóchas Centre by the Inspector of Prisons Judge Michael Reilly, p.10.

¹⁵ European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) *Living space per prisoner in prison establishments: CPT standards*. CPT/Inf (2015) 44/

Rule 63: Protection of Vulnerable prisoners.

Rule 103: Recommendations of prison doctor.

On 27 April 2020: Fifty-one (51) of the women in custody were ‘cocooned’ for their safety in order to protect them from contraction of the COVID-19 virus subject to Rule 63. Thirteen (13) women were subject to Rule 103 as they were in quarantine or isolation. The IoP was informed that one woman was on her fifth day subject to Rule 63 for non-compliance with Covid-19 precautions. Another woman was on her second day on Rule 63 due to bullying in a specified area of the prison.

On 28 April 2020: Fifty-one (51) of the women in custody were ‘cocooned’ for their safety in order to protect them from contraction of the COVID-19 virus subject to Rule 63. Nine (09) women were subject to Rule 103 as they were in quarantine or isolation. The IoP was informed that one woman was on her sixth day on Rule 63 for non-compliance with Covid-19 precautions and she remained on the rule for a further two days when she was released from Court into the care of an in-patient mental health service. It would appear that as the person concerned was mentally unwell she may have been unable to fully comprehend her actions around COVID-19 precautions.

[REDACTED]

On 5 May 2020: Fifty-two (52) of the women in custody were ‘cocooned’ for their safety in order to protect them from contraction of the COVID-19 virus subject to Rule 63. Nine (09) women were subject to Rule 103 as they were in quarantine or isolation. One woman was on her third day subject to Rule 62 “*for non-compliance and reckless behaviour around COVID-19*”. She was released to a psychiatric inpatient mental health unit on her ninth day subject to this rule. Similarly to the woman referred to above, as she was mentally unwell she may have been unable to fully comprehend her actions around COVID-19 precautions.

On 25 May 2020, the IoP returned to the Dóchas to review the written records relating to the use of Rules 62 and 63 on the dates of her on-site monitoring visit as the photocopied documentation that she had received was illegible. The following was noted:

- The *Mountjoy Prison Rule 62 Prisoners on Restricted Regimes Book* requires amendment for the following reasons:
 - The instruction on the top of each form in the book states as follows:

“*This form must be completed by any inmate requesting or being placed on a restricted regime*”[emphasis added].

“*Copy must be issued to inmate and to prison file*”

It is a requirement of Rule 62 that the “*Governor shall make and keep a record*” In practice this is a delegated function under Rule 76. It is clear that

the onus to make and keep a record is on a member of prison staff and not on the prisoner as stated in the Rule 62 book.

- There is a section on the form as follows: “Rule detained under: 62 63 “ The person completing the form circles the rule that s/he is applying. The book is clearly labelled for use when Rule 62 is used. It does not contain the appropriate fields of information required under Rule 63 and therefore the option to circle ‘63’ should not be provided. There is a separate Rule 63 book for appropriate use. It was noted that there appeared to be confusion as to the appropriate use of Rule 62 and 63 and the Rule 62 book and associated forms compounded the confusion.
- Rule 62(4) states “Where the direction under paragraph (1) is still in force, the Governor shall review not less than once in every seven days a direction under paragraph (1) for the purposes of determining whether, having regard to all the circumstances, the direction might be revoked.” [emphasis added]. It is clear that the Rule provides that the review must take place not less than once in every seven days. It does not state the review must take place on day seven, day 14, or day 21. For example a review could take place on Day 3 and if so, the subsequent review must take place once within the next seven days, i.e. on or before Day 10. Below is an extract of the review section of the form. It can be seen that there is no provision for a review outside of day 7, 14, 21, or over 21 days. This is not in compliance with the relevant rule.

Start Date:		Date of Review:		
Period on restricted regime	7 days	14 days	21 Days	Over 21 days

In response to the draft report the IPS stated the following:

“The form as presented is correct. However, the manner in which the Rule is applied is in accord with the Prison Rules. It is an operational standard across the Estate that such reviews and extension requests occur on 7 day periods which is allowed under the Rules. We have on occasion requested that Governors conduct their 7 day reviews in a period less than 7 days (for example when such reviews fall to be held on Christmas Day, New Years day etc). The form is for record purposes only – Governors are free to review on day 5 as opposed to day 7 as they see fit. In circumstances where the Rules allow for a Review to take place on Day 7, and where Governors conduct their Review on Day 7, the Governor is in compliance with the Rules.

Taking account of the observations by the Inspector of Prisons, contained in this Report, the Director of Operations will issue a circular to all prison governors reminding them of their discretion with regard to the carrying out of the review at an earlier stage rather than waiting for day 7. In addition, the Director will advise Governors that should such a review be carried out earlier than the 7th day that the record should be amended to reflect this fact, and ensure that any further period of review are carried out within 7 days of the previous review.”

- The reason(s) for detention in two of the forms reviewed were not clear as they did not specify a reason but provided an opinion statement. For example, in one form (which was being used for Rule 63 in the Rule 62 book) the reason for detention was stated as “own safety”. No reason was provided as to why the woman’s safety was under threat. The section for “inmates comments” (sic) stated “No issues. Not fighting with anyone”. As the information in the official record book was unclear and incomplete the IoP also reviewed the woman’s record on the Prisoner Information Management System (PIMS) and there was no entry specifying any evidence regarding a threat to safety. All administrative decisions must be reasoned and a written record of evidence to support reasoning must be retained on file. The remaining forms reviewed provided reasoned decisions.

[REDACTED]

No documentary evidence to support the above statements was provided to the IoP for her review.

As the Prison Rules apply in all prisons it is recommended that the IPS develops and put in place Standardised Rule Recording Books for use in all prisons that comply with the relevant legislative requirements. The IOP remains of the view that Governors must be provided with appropriate administrative record templates / forms that comply with the Prison Rules and that do not require amendments to be made. The record should ‘standalone’ in providing reasoned decisions. Mr Justice Mc Mahon in the High Court referred to amendment of forms as “a simple administrative matter”¹⁶.

Cocooning

As stated in Section 2.4 one of the criteria for selecting the Dóchas for a Covid-19 Oversight Monitoring Visit was due to the high numbers of women who were being ‘cocooned’ for their safety to protect them from contracting Covid-19 disease. On the day(s) of the IoP visits, the women being isolated or quarantined were either asymptomatic or symptomatic for COVID - 19 and were waiting to be tested or awaiting the results of testing. The criteria for ‘cocooning’ within prisons mirrored the National Public Health Emergency Team (NPHE) public health advices to the general community, i.e. persons 70 years of age and over and persons with chronic unstable medical conditions. Healthcare staff within prisons were requested by the Governor to identify the prisoners that fell into both of the above categories. A third category was also identified, i.e. those with a chronic health condition. Table 3 provides a list of the number of women ‘cocooned’ on each day of the onsite monitoring visit (27 April 2020; 28 April 2020, 5 May 2020) and on three dates post visit (12,13, 27 May 2020).

¹⁶ [2008] IEHC 441. M.-v-The Mental Health Commission & Ors.

Table 3: Persons in Custody ‘Cocooning’

Prison	27 April 2020	28 April 2020	05 May 2020	12 May 2020	13 May 2020	27 May 2020
Dóchas Centre	51	51	52	52	36	28

Cocooning within the community is challenging and it is acknowledged that it is particularly challenging within a prison. The principle of ‘do no harm’ is important and it is understandable that prisons seek to ensure that adequate controls are in place to prevent prisoners and staff from contracting COVID-19. It must also be acknowledged that there are mental health effects to spending increased time ‘in cell’ and it is challenging to balance these inherent conflicts. The IoP identified that the criteria for cocooning in the Dóchas Centre appeared to vary from that in other prisons. This raised a question as to whether prisoners in other prisons were being afforded adequate protection, or, did all of the women cocooning in the Dóchas require to be so? The IoP shared this observation with Prison Management and healthcare staff on day two of her visit and at the close-out meeting on 06 May 2020. It is noted that at time of finalising this report there are no women cocooning in the Dóchas Centre.

5.1.3 Environment

Physical environment

Health Screening

Prior to entry to the prison, all staff and visitors (including the IoP) were subject to health screening. A short questionnaire and temperature checking took place in a separate building before the entrance to the prison. This process was introduced on 29 March 2020. The IPS is to be commended for the introduction of such screening.

Following the Chief Officer’s Parade every morning, the first task involved staff asking the women if they were feeling unwell or if they had any respiratory symptoms. The officers’ reports were provided to the Chief Officer and the Governors. This prompt inquiry as to health status is to be commended as one of a range of interventions adopted by the Irish Prison Service to prevent the entry of Covid 19 to the prison population.

Contact Tracing

In order to rapidly respond to the threat of COVID-19 the IPS established a robust contact tracing model and trained staff in its use. This included training staff in the Dóchas Centre. The IPS has informed the OIP that the tracing model has been acknowledged by the World Health Organisation as best practice.

Cleanliness

The IoP noted the cleanliness of all areas of the prison. When complimented accordingly, it was clear that the women in custody were proud that their efforts were noticed. The women were complimentary of the staff in assisting them. Multiple references were made by staff to the key role played by the IPS Infection Prevention and Control Manager.

There were ample supplies of cleaning solution and hand sanitizers were strategically placed around the prison. It was challenging to maintain social distancing of two metres at all times and prison officers of all ranks / grades were observed frequently reminding the women of the importance of doing so and most importantly, explaining the reason why. Similar to the general community, markings on floors were in place to illustrate the required two metres distance.

The IPS Infection Control Manager provided the IoP with a copy of the continuous professional development training for IPS staff in relation to Hygiene and Infection Control in Prisons which had been updated to reflect the changes required for SARS CoV2 droplet threat. Approximately, two years ago the IPS commenced the roll-out of hygiene and infection control training across the prisons estate and Local Infection Control Committees were established in each prison, including the Dóchas.

The IPS approach to infection control is commendable.

Personal Protective Equipment (PPE)

The IPS Infection Control Manager provided the IoP with a copy of the IPS PPE Donning and Doffing and Handwashing handout which was issued to staff to complement the infection control presentation referred to in the previous section.

Supplies of PPE were available in the Chief Officers' Office and in the Chief Nursing Officer's Office. Guidance for appropriate use of PPE was clearly specified in a colour-coded document issued to prisons by the IPS Executive Clinical Lead via the ERPT. Due to the evolving nature of the pandemic and the advices from NPHET, staff and the women in custody found it challenging to keep up with each iteration of guidance developed. This was understandable but also unavoidable.

Some of the women who were 'cocooning' alleged that they were provided with a surgical face mask when cocooning commenced (a number of weeks previously) and that it had not been replaced since. The IoP was unable to confirm this as there was no record of when face masks were replaced. It is recommended that a record of the allocation and replacement of PPE to each of the women is maintained.

In response to the draft report the IPS stated that "*...it is not possible to maintain a record of the allocation and replacement of each individuals PPE. However PPE is available to all persons who require it and there is sufficient stock levels in place across the Prison Estate to provide same.*" In the absence of documentary evidence to the contrary, the IPS is leaving itself open to further allegations that replacement masks are not being provided when required. The IoP remains of the view that it is possible to maintain such an administrative record and it would not be an onerous task.

Education and other Activities

The efforts of staff in encouraging the women to participate in work and/or leisure activities was observed. The women were engaged in gardening, yoga, keep-fit classes, cleaning windows, personal laundry, knitting, crocheting, crossword puzzles, jigsaw puzzles and other board games. Although the school was closed and was greatly missed by the women, the

Education Centre staff had prepared packs of relevant materials for the women and they were looking at ways to support those undertaking specific courses. Access to the gym was limited to the days that a qualified gym officer was on duty and this applied to one side of the roster. The gym was not accessible on all three days of the monitoring visit.

The IPS arranged for additional television channels to be available. This enabled limited access to Netflix. During the onsite visit this facility was in place, although there were some teething problems in some of the houses which were being actively addressed. Mountjoy male and female prison also provided an 'in-house' television channel. This enabled the inclusion of mindfulness, yoga, self-help and exercise programmes to be played on a continuous loop. Post the pandemic the retention and expansion of this facility would be welcomed by the women.

Chaplaincy

The women welcomed the support provided by chaplaincy. They saw it as a 'safe space' to share their concerns, worries and any issues they may have had in relation to the prison. The service was availed of as frequently as possible. There was one full-time chaplain available to the women, which was very limited considering the volume of work within the prison. The service was augmented by a part-time volunteer who was unavailable during the pandemic. The workload of the Chaplain was increased during the pandemic as daily contact was being made with all of the women being cocooned or in isolation or quarantine. During the third day of the on-site monitoring visit arrangements were being made by the IPS for the provision of a dedicated telephone number for prisoners to contact a 'call centre' in the IPS Headquarters and the caller would be transferred to one of the following services as requested: Psychology, Chaplaincy, IASIO, and Merchant's Quay (drug counselling service). It was acknowledged that due to the type of services concerned, input would be limited to 'first aid' as more 'in-depth' interaction would neither be safe or appropriate.

Psychology Services

Psychology services were observed to be continuing during the on-site monitoring visit. The Dóchas Centre had adapted the manner in which such consultations could continue to take place in safety for both the women and psychologist/assistant psychologist. The woman was brought to the healthcare area of the prison and her consultation was via a video-link phone with the psychologist in another room. All equipment was sanitised before and after individual use.

Tuck Shop

The women had access to the tuck shop, although many of them had limited funds to spend in the shop. The IoP was informed by the women that the prices for some items were prohibitive and more expensive than supermarkets in the community. As personal visits were suspended due to the pandemic, the IPS put in place an electronic funds transfer system so that monies could be lodged into the women's accounts by family members. On the three days of the on-site visit there were 255, 151 and 197 banking transactions relating to all of the prisons in Ireland. This indicates the uptake of this new IPS service. At the time of the on-site visits the IPS had just introduced a new payments system in conjunction with An Post. In the month of April €4,678 was lodged into the IPS Bank Account for the women in the Dóchas. It is recommended that the cashless systems of lodging monies into prisoner accounts is retained post pandemic. In response to the draft report the IPS stated it was its

intention to maintain the cashless system introduced in prisons during COVID-19 and this is welcomed.

Visits

On the grounds of public health, the IPS suspended all visits to prisons at the end of March 2020. Connectedness with family and friends is extremely important and the IPS looked to replace actual visits with 'virtual visits'. This change was not without challenges on the prison side which included purchasing of relevant handsets, additional wiring, server upgrades and identification of suitable locations within the prison for the handsets. On the external user side there were also challenges – smart phones and email addresses were required, calls dropping due to poor broadband in certain areas of the country, lack of understanding on how to book and subsequently access the visit. The IPS provided detailed 'help guides' on its website and when challenges continued to persist a helpline for callers was also provided. The number of virtual visits by video link call on each of the three days of the monitoring visit (Monday x1 and Tuesday x 2) and also for three dates in May (Monday x1 and Tuesday x 2) is outlined in Table 4.

Table 4: Video link calls

	27 April 2020	28 April 2020	5 May 2020	18 May 2020	19 May 2020	26 May 2020
Number of successful calls	6	5	17	9	13	6
Duration of time of call in minutes	15	15	15	15	15	15
Number of incomplete or dropped calls and associated reason	3 due to IT issues	1 due to IT issues	1 due to IT issues	3 due to IT issues	5 due to IT issues	0**

**New application to the software installed on the 25th May 2020 to address IT issues

It was not possible to compare the number of video link visits with visits on the same days in January 2020 and February 2020 as visits were closed on Tuesdays. However Appendix A provides information regarding all family visits for January 2020 (99) and February 2020 (61). It is noticeable that there were very few visits to the women in custody during that period and it illustrates the impact that imprisonment has on women in terms of connectedness with family and or other supports in the community.

Psychological environment

Safety

The IoP observed that there were relationships between the women in the prison. The increase in multi-occupancy rooms and changes in the prison regime management with an associated increase in the time that the women are required to spend in their rooms, may be an associated or contributory factor. It is important that all such relationships are based on the principle of informed consent and that increased observation and awareness of vulnerable women is put in place to ensure they are not exploited. This issue was brought to prison management attention at the close-out meeting. In response to the draft report the IPS stated that *“measures introduced to protect staff and prisoners at the start of the COVID pandemic has resulted in a reduction of the regimes available to prisoners. However, as*

restrictions are lifted and unwinding measures introduced the Irish Prison Service will be looking to increase the regime available in all prisons, in line with public health advises and prisoner safety.”

The IoP observed appropriate, respectful interactions between prison staff and the women. It was evident that staff were eager to support the women during their time in custody. It was also evident that staff were aware of the particular challenges that face women in custody, including issues around family supports, childcare, finances and accommodation. Unfortunately, the IoP received specific verbal complaints from women regarding the manner in which a very small cohort of staff interacted with them. One stated that the manner in which she was referred to was worse than an animal “...you wouldn't speak to or treat a dog like that.” When asked if they had made formal complaints to management the women concerned stated they were afraid to do so for fear of reprisal. The women were careful to share their concerns with the IoP when she was unaccompanied. It must be emphasised that the disrespectful verbal interactions alleged by the women related to a very small cohort of staff and this should not detract from the majority. The OiP is aware of similar concerns previously brought to the IPS attention through the prisoner complaints system and to the OiP via Rule 44 letters¹⁷. Therefore, this lends credence to the further verbal reports received. These concerns were brought to the attention of management at the close-out meeting.

In its response to the draft report the IPS stated the following:

“We are committed to providing an environment for staff and prisoners which is centred on dignity and respect. In 2019 the Director General appointed an Equality, Diversity and inclusion lead to oversee the promotion of equality and diversity in the Service. We respect diversity and we will always take the appropriate action against any form of discrimination, bullying and harassment.

Our staff are reminded at all times of the need to engage with all people, (staff, prisoners and visitors to prisons), with courtesy, respect and professionalism. The relationship between prisoners and staff in the Irish Prison Service is internationally recognised as very positive and generally courteous and respectful. If a complaint is made by a prisoner with regard to the conduct of an officer, the matter will be fully investigated by prison management at all times , and a Code of Discipline will be initiated if appropriate.

In addition, the Irish Prison Service, through the Equality, Diversity & Inclusion Officer in the Corporate Services Directorate has been requested to develop and roll out an awareness campaign for all staff and prisoners across the Estate to remind all those living and working in our prisons of the need to treat each other with respect and courtesy. This information and awareness campaign will cover appropriate behaviour and actions for how people interact with each other on a daily basis with a focus on, respecting boundaries, respectful behaviours and respectful language. The Dóchas Centre will be prioritised for the roll out of this awareness campaign.

The Irish Prison Service has been engaged with the Dublin Rape Crisis Centre with regard to sexual assault and sexual harassment in the Irish Prison Service. The Dublin Rape Crisis centre provides an in reach service in the Dóchas centre and the Governor of the Dóchas has recently extended this service to a full day every Tuesday to allow the women in custody have access to this service. This consultation takes place in a private room in the healthcare area (currently by video call). The Equality and Diversity Officer is engaging further with the DRCC with regard to a specific programme for

¹⁷ Rule 44(1)(h) of the Prison Rules 2007-2017 makes provision for entitlement of a prisoner to send a letter to or receive a letter from the Inspector of Prisons.

prisoners in the Dóchas Centre to raise awareness with regard to sexual assault, sexual harassment and consent.

The Inspectors Office will be kept informed of developments in these areas.”

In response to the draft report reference to prisoners' reluctance to make complaints for fear of reprisal, the IPS stated the following:

“A prisoner complaints system was introduced by the Irish Prison Service in November 2012, based on a model recommended by the then-Inspector of Prisons. The current Irish Prison Service Complaints Policy is available on the website www.irishprisons.ie.

As set out in more detail in that policy, all prisoners have the right to make a complaint at any time and all complaints are treated with the utmost seriousness.

The introduction and implementation of a new Prison Service Complaints Policy is a priority for the Irish Prison Service and work is well advanced on measures to implement the new Policy, which includes a fully integrated IT complaints system to streamline the management of all complaints along with a new appeal process.

A new Complaints Unit has been established in the Irish Prison Service and that training is currently being rolled out to prison staff. Amendments required to the Prison Rules, 2007 are also currently being finalised. The Irish Prison Service expects to introduce the new prisoner complaints system before the end of 2020. A comprehensive training for staff on the new system will be rolled out.

In tandem with the launch of the new complaints system an information campaign for prisoners informing them of the options available to them will be undertaken by the Prison Service. Central to this information campaign will be giving reassurance to prisoners that the organisation encourages any prisoner with a complaint to do so and that complaint will be taken seriously.”

Since 2012 the OiP has expressed concerns regarding the IPS complaints system and at time of writing this report serious concerns remain. The OiP has an oversight role in relation to IPS investigations of serious complaints¹⁸. The OiP welcomes the pending introduction of a new complaints system and will continue to report on same in fulfilment of its statutory functions.

In section 1 reference was made to the Journals that were issued to prisoners cocooning in all prisons. The responses received illustrate the mental challenges prisoners experienced at this time, including worrying about their own health, their family members' health and boredom. Those cocooning in the Dóchas Centre made reference to what they referred to as, constant moving of location within the prison which they stated effected their ability to make friends with others. They also commented on the reduction in time available to them to access fresh air. They missed the school and the gym. Comments included *“I am feeling very anxious and sad”, “I am feeling a bit stressed today”*. The women also welcomed receiving books, jig-saw puzzles, wool, and drawing materials *“...they [referring to staff] are trying to keep us happy”*. Another woman commented *“To be honest with you my mental health is suffering bigtime because of all of this.”* It is clear that cocooning in a prison poses additional challenges to cocooning within the general community and frequent assessment /review to assess all risks of cocooning is required and it is noted that this was done in the Dóchas Centre. As stated previously in this report, at time of finalising this report (05/08/2020) there were no women 'cocooning' in the Dóchas Centre.

¹⁸ Rule 57B (12) Prison Rules 2007-2017.

5.1.4 Provision of Information

The availability of information for the women and staff in relation to the pandemic and the associated prison regime was readily available. A newsletter for prisoners and another for staff had been issued weekly, with the first editions issuing on 20 March 2020.

In the first issue a range of items were covered: the symptoms of COVID-19; what will happen if you are experiencing symptoms; appointments and general prison services; what will happen if 'out of cell time' is restricted and changes in visiting procedures; what can you do to help? The Irish Red Cross volunteers played a key role in distributing the leaflets within the prison.

The Irish Prison Service set up a specific Covid 19 portal on its intranet site and all information leaflets were and continue to be available to download, including versions in a range of the most commonly used languages across the prison system. The women and staff appreciated the receipt of information at frequent intervals. The significant increase in the frequency and volume of information provided to the women is welcomed and it is recommended that this practice continues post the pandemic.

During the on-site monitoring visit arrangements were made for 'information packs' to be collated and made available for each woman on committal to the prison.

In response to the draft report the IPS said it was its intention to maintain an improved level of information provided to prisoners post COVID-19 and this is welcomed.

6 SUMMARY OF MAIN CONCERNS

- Increase of 57 (54%) beds capacity since December 2019 without an increase in the footprint of the prison. This has increased multi-occupancy rooms with a resultant decrease in single rooms.
- Relationships between the women in the prison must at all times be consensual and observation enhanced to ensure vulnerable women are protected.
- Reports of a very small number of staffs' disrespectful verbal interactions with prisoners.
- Reluctance to make complaints for fear of reprisal as expressed by the women.
- Cessation of regular multidisciplinary meetings in 2020. (it should be noted that at time of finalising this report such meetings have recommenced).
- Revised prison regime resulting in less availability of time in the open air for all of the women.
- Initial concerns regarding the large proportion of the population cocooning was addressed post on-site visit.

7 Summary of Good Practice

- Reduction in prison population by increasing the number of persons provided temporary release – reviewable/ full / community return scheme under the supervision of the Probation Service.
- Provision of health screening and temperature checking prior to entry of staff and others to prevent entry of the COVID-19 disease into the prison.
- Public Health Safety measures in line with those in the community were in place in the prison
- Appropriate supplies of cleaning equipment and sanitisers available and in use.
- Prisoners assessed as requiring cocooning were reviewed so that only those who require to be cocooned on the grounds of public safety were cocooned and only for the minimum amount of time necessary.
- Provision of frequent written information to the women in prison and staff.
- Active Irish Red Cross Volunteer System who assisted prison management in the dissemination of information to prisoners.
- Provision of materials for the women in their rooms to lessen the impact of no access to school.
- Introduction of cashless system for lodging payments to prisoner accounts.
- Interactions observed between staff and prisoners were respectful and supportive.
- Alternatives to face to face interactions with services put in place (psychology, chaplaincy etc).
- Alternative to face to face family visits put in place.
- Access to the Courts maintained directly by attending court in person or by video-link.

Appendix A: FAMILY VISITS

Family Visits in Dóchas Centre January and February 2020

January 2020 date/day	Number of Visits		February 2020 Date/day	Number of Visits
1 Weds	0		1 Sat	2
2 Thurs	0		2 Sun	19
3 Fri	0		3 Mon	0
4 Sat	3		4 Tues	Closed
5 Sun	2		5 Weds	0
6 Mon	1		6 Thurs	0
7 Tues	Closed		7 Fri	0
8 Weds	0		8 Sat	0
9 Thurs	1		9 Sun	4
10 Fri	2		10 Mon	0
11 Sat	1		11 Tues	Closed
12 Sun	0		12 Weds	1
13 Mon	0		13 Thurs	0
14 Tues	Closed		14 Fri	1
15 Weds	0		15 Sat	0
16 Thurs	1		16 Sun	2
17 Fri	0		17 Mon	0
18 Sat	0		18 Tues	Closed
19 Sun	17		19 Weds	10
20 Mon	0		20 Thurs	2
21 Tues	Closed		21 Fri	1
22 Weds	1		22 Sat	18
23 Thurs	1		23 Sun	0
24 Fri	4		24 Mon	0
25 Sat	20		25 Tues	Closed
26 Sun	22		26 Weds	1
27 Mon	0		27 Thurs	0
28 Tues	Closed		28 Fri	0
29 Weds	13		29 Sat	0
30 Thurs	10			
31 Fri	0			
TOTAL	99		TOTAL	61



Accompanying Statement
concerning redactions made to Report of the Inspector of Prisons entitled
Inspection Report | Oversight Monitoring Visit during Covid-19 Pandemic |
Mountjoy Female Prison (Dóchas Centre)

Section 31(3) of the Prisons Act 2007 provides that the Minister for Justice shall, as soon as practicable after receiving a report of the Inspector of Prisons, cause it to be laid before each House of the Oireachtas and to be published.

Subsection (4)(b) states that the Minister may omit any matter from any report so laid or published where he or she is of the opinion, after consultation with the Secretary-General to the Government, that its disclosure

- (i) would be contrary to the public interest, or
- (ii) may infringe the constitutional rights of any person

Having consulted with the Secretary General to the Government, the Minister has omitted certain matters from the report under section 31(4)(b) of the Prisons Act 2007.

This statement is made in accordance with Section 31(5) of the Act which provides that where any matters are so omitted, a statement to that effect shall be attached to the report concerned on its being laid before each House of the Oireachtas and on its publication.