

Fifth Annual Report of the
Inspector of Prisons and
Places of Detention
for the Year
2006 -2007

**NOTE: Parts of this Report have been deleted on the basis of legal
advice**

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Introduction

Dear Minister

Herewith my fifth annual report which I hope you will publish in full. I congratulate you on at last making this office statutory subject to a ministerial order bring the relevant sections into existence. It would have been preferable to make the report to the Oireachtas rather than the Minister.

I would like to thank your officials particularly Messrs. Jimmy Martin and Brian Purcell and the Governors, staff and prisoners who assisted.

Sincerely yours

The Hon. Mr. Justice Kinlen
The Inspector of Prisons and
Places of Detention

Activities of the Inspectorate

Under a letter of contract prepared by Messrs. Aylward and Mellett both senior public servants in the Department of Justice Equality and Law Reform the Inspector may concern himself with anything which “he deems appropriate”. They were the appropriate officials in charge of the prison system. The role of Inspector was to be clarified in the proposed Prisons Bill. In his first report the Inspector pointed out that the prisoners were being held in Mountjoy in inhumane and degrading conditions where, in the basement, they were in crowded holding cells reeking of urine and vomit. At that time of course there was “slopping out” for many of the prisoners in the system. No one disputed those findings. They have not been denied to this day. The then Minister had made an order closing one wing of Mountjoy. It was not possible for the Governor of Mountjoy to do anything as he has to accept all warrants made out to him. As a result of the Inspector’s report the closed wing has now been partially refurbished and re-opened.

As reported last year the Inspector and his special advisor former Governor Woods on 2/3/06 attended a conference in Croke Park of the Irish Commission for Justice and Social Affairs launched by Cardinal Martini who is in charge of that Department in the Vatican. In frustration the Inspector used this opportunity to describe the unjust and inhumane conditions which he had encountered in the basement area of Mountjoy Prison. He also gave an interview to Patsy McGarry of the Irish Times and provided him with

copies of photographs of the conditions at that time in the holding cell, which were as bad as when first inspected by the Inspector 2 years earlier. The Inspector also gave a copy of the photographs and the report of the POA to the Catholic Archbishop of Dublin who promised to show them both to the Minister. A few weeks later Patsy McGarry published an article based on the report from the POA's Assistant Secretary in Mountjoy with his photographs. There were also comments from the Inspector.

The Inspectorate finished its fourth annual report. It was required to be presented not later than the fourth month. The Minister received it on 28/4/06 and unlike the previous year he did not delay it for an unconscionable time. The previous report was delayed and altered to protect the taxpayer from defamation action by senior public servants.

The annual report is normally issued just as the Dail and the Seanad are adjourning for the summer recess.

The Minister phoned the Inspector on the 10th April to say that the bill had gone to the President for her signature.

In April the Inspectorate did a full inspection of Wheatfield Prison spread over three weeks. This was conducted by the Inspector and his special adviser former Governor Jim Woods, Mark Kelly (a Human Rights expert who during the year was appointed Director of The Irish Council of Civil Liberties for which he is to be congratulated) Mr. Patrick Keane S.C and by

Dr. Ledwith. The Inspectorate prepared a report on this full inspection. A summary of our findings of the Inspectorate's inspection of Wheatfield Prison are set out in a schedule of this annual report.

The Inspector was delighted and honoured to be invited by Rev Dean McCarthy of St. Patrick's Cathedral to a luncheon at the Deanery to meet a cross section of interesting people and to discuss the Irish Prison situation. He also met for lunch the new Director of the Prison Service Mr. Brian Purcell who made a deep and favourable impression on the Inspector.

The Inspector on 5/5/06 proceeded to the excellent new Brehon Hotel in Killarney as guest of the POA for their annual conference. The Inspector, who knows the Minister well, informed the Minister that he was impatient at his failure to make the Inspectorate statutory. The Inspector stated even a friendly dog can turn on its owner. The Minister then remarked to the Inspector "bite me then". At that suggestion the Inspector called a press conference at which RTE, the Irish Times and the Irish Independent were represented. He pointed out that Dr. Whitaker's Commission had suggested an independent inspectorate of prisons. That was in 1986. Since then it had been included in the programme for the present Government and had been promised to the CPT by 2002 but nothing was done. I queried "what are they hiding or of what are they afraid?". However, they do have a traditional ethos of secrecy as witnessed by their treatment of both the McBride Committee and the treatment of Dr. Whitaker and his commission.

The Minister should confer with Dr. Whitaker Mr Justice Henchy and other members of the Commission. They blatantly lack transparency.

On Wednesday the 10th of May the Inspector and his personal assistant, Mr McCarthy, attended a lecture at 7.45pm at the Marino Institute in Griffith Avenue in memory of a former teacher. The memorial lecture was given by Fr. Peter McVerry SJ who highlighted again the appalling attitude which detained all young persons between 16 and 21 in St. Patrick's Institution which is in all its manifestations a prison. To pretend that this institution is anything else is highly developed Jesuitical semantics. The Inspector endorsed at length everything Fr. McVerry said. The Fr. McVerry S.J was also on the Whitaker Commission and I have no doubt would agree with Dr. Whittaker and Mr. Justice Henchy.

The Inspector had for many years been on the Visiting Committee of St. Patrick's. He used to vet people in St. Patrick's and Mountjoy to see if they could have a bed in the PACE hostel in Priorswood House.

As previously reported St. Patrick's, through no fault of the staff, was an appalling institution with all its workshops closed and the inmates locked up for up to 19 hours a day in their very depressing cells and then exercised in dreary yards. It was a finishing school in criminality encouraged by inactivity and colossal boredom. The open centre for young offenders at Shanganagh had been closed and in deed sold. (Fort Mitchel) on Spike Island also closed and as a result, St. Patrick's is the only institution for young persons, including some children for any offence no matter how serious or how trivial.

This induced violence as there was little else to occupy these young males at the hyperactive stage in their development.

The Inspector was honoured to attend the conferring of honorary doctorates on two of his peers in protecting human rights namely John Hume and Mary Robinson in the University of Limerick, which had also earlier given an honorary doctorate to the Inspector.

The Inspector was planning to spend nine days holidays in Switzerland. He met the counsellor of the Swiss Embassy in Dublin and explained he would like to visit prisons. He also contacted Ambassador Joseph Lynch of the Irish Embassy in Berne. The Swiss Embassy and the Irish Ambassador were most helpful. Indeed the Swiss would have kept the Inspector visiting prisons for the whole of his visit. However, he suggested that two days should be devoted to the Swiss Institutions. This was done. It was very interesting and useful and a separate report on it is appended to this annual report.

Zero tolerance of drugs is an impossible dream. However, there must be a sustained, continuous and determined effort at least to control it and to facilitate prisoners in every way possibly to eradicate their addiction. "AA" have a fairly good rate of control. "N.A" and "Gamblers Anonymous" are admirable bodies internationally but with a lesser success rate than AA.

The Inspector hosted a luncheon at his home for Frs. Riordan and McVerry of the Jesuit Institute of Justice and Social Affairs who are greatly involved in human rights and aftercare for former prisoners.

The Inspector flew to Zurich then by taxi to the Irish Swiss owned Hotel Albana on Lake Lucerne. From there he visited Malters Rehabilitation Centre where all the prisoners and all the participants were regarded as “patients” He also visited a prison at Schagrun as reported separately in this report. On return to Dublin he prepared both reports on the Swiss Institutions and sent copies to the Directors and to the Irish Ambassador and the Swiss Ambassador and also to persons who had helped the Inspector. The reports give an overview of their treatment particularly of heroin addicts.

In June the Inspectorate did a full inspection of Limerick Prison. This was followed by a re-visit to Castlerea prison. A summary of our findings arising from all the foregoing inspections are appended to this report. The Inspector then retired to his sub office in Sneem County Kerry where he met several people including members of the POA who were vacationing in South Kerry. Sadly later in the year the Inspector attended the funeral of the Governor of Limerick Prison. He will be sorely missed.

The Inspector called a few times to St. Patrick’s Institution to see if any of the workshops had reopened. Unfortunately they had difficulty with their contractor and the matter was delayed. However the Inspector had the

dubious honour of being the first person to use the new toilets within the workshops.

Meeting with the CPT

The Inspector and his special advisor former Governor Woods were delighted to meet the CPT from Strasbourg on the 3rd October. The delegation was led by Snr Mario Felice. They had obviously read the inspector's reports and were very au fait with the Irish situation and its problems. The leader of the delegation (Snr Felice) stated that the Inspector's style was similar to that of Lord Ramsbotham in England. The Inspector responded that the problems were frequently similar but he had never yet met Lord Ramsbotham although he had undoubtedly read his seminal book "Prisonsgate". Also on the delegation was Dr. Gurand who was a friend of Mr. McIntosh registrar of the Court of Appeal of the OECD on which the Inspector sits as the British and Irish Judge. The CPT spent nine days in Ireland and visited more extensively than on previous occasions. The Inspector awaits their report and the reply of the Irish Government with eager anticipation.

The Inspector had a meeting with Mr. Brian Coulter who is the Ombudsman for prisoners in Northern Ireland. He is required to investigate any death that occurs in prison. As pointed out in the inspectorate's last annual report, it would appear that prisoners in Northern Ireland have a Prisoners Ombudsman and also have a complaints procedure totally dissimilar to what is available in this jurisdiction. This seems to the Inspector to be in breach of

the Belfast Agreement where there is to be equality between conditions in Northern Ireland and in the Republic of Ireland.

The Killing of a Prisoner Mr Douch

In the document drafted by Mr. Mellett and Mr. Aylward on which the Inspector acts prior to being incorporated in a proposed Bill, which is slowly being processed at the moment by the current Minister, who is proudly proclaiming that he has been responsible for more bills than any previous Minister. The Minister can ask the Inspector to investigate anything. However, when prisoner Mr. Douch died in a holding cell in Mountjoy Prison the Inspector was quite willing and able to investigate the matter. However he wasn't even asked. Instead the Minister appointed a senior (recently retired) public servant who had been in charge of the prisons sections in the Department as Deputy Secretary General. He started his career as a Garda in Malahide then entered the Civil Service having done the Bar, he continued to rise until he became Deputy Secretary General with particular responsibility for prisons.

The Inspector would of course have been willing and able to investigate the death of this unfortunate man. However, since the Inspector had made reports regarding conditions years ago in the same area he might be regarded (wrongly) by the Minister as prejudiced. The Inspector had made a very clear finding of inhumane and degrading conditions for the prisoners and indeed prison officers by the use of the base cells in Mountjoy. The Minister might have well regarded the Inspector having regard to that finding

as “unsuitable”. This would not have been justified. However, the Inspector had expected to be called before Mr. Mellett. The Inspector’s original finding has never been denied or disputed by the Department.

The Inspector was not called to make a submission to Mr. Mellett. The Inspector subsequently discovered that infact the Inquiry was very restricted and it would not have been appropriate having regard to the remit of the former Deputy Secretary General to inquire into the history of the previous incident as reported by the Inspector of Prisons.

On Wednesday the 25th October 2006 at the request of Fr. O’Hanlon S.J the Inspector launched a booklet containing three articles about Irish Prisons and Irish prisoners. One was the lecture already given on the 10th May by Fr. McVerry S. J. In the interval between when the lecture was given and when it was printed, four workshops had been re-opened and a fifth was about to be re-opened. This had been promised for the previous January. The work was certainly encouraged by the then impending visit of the CPT and by the persistence of the Inspector in calling to St. Patrick’s. The Inspector has already pointed out several times that years ago an officer in St. Patrick’s conducted many courses to train people to be mechanics, to becoming drivers including drivers of heavy vehicles and panel beaters. That officer retired and has never been replaced. All young people as part of their education, in this motorised society, should learn how to drive.

The Inspector was invited to lunch by the President of the Incorporated Law Society and afterwards presided as Inspector over a meeting consisting of a Chinese delegation and representatives of the Probation and Welfare Service, the Gardai, the Dept. of Justice Equality and Law Reform.

On the 6th November 2006 the Inspector and his team made a full inspection of Portlaoise Prison. A summary of our findings arising out of that visitation are appended to this report.

The Inspector hosted a dinner in honour of Nicholas Howen Secretary General of the ICJ which was attended by Mr. Justice Charleton the Chairman of the Bar Council, the President of the Law Society and the President of the Irish Section of the ICJ and their partners or spouses.

Plays are now performed by prisoners mainly in Mountjoy but also in other prisons but not as publicly. I have even seen a play which was written by a prisoner with the aid of his creative writing teacher. It was performed in Mountjoy and such plays are under the inspirational guidance of Governor Lonergan.

The Minister wants no drugs in prison. I have no doubt that Governor Lonergan would agree with that. The Inspector certainly would. However in the real world drug addicts have fantastic ingenuity. In America once they tried to get rid of alcohol which resulted in people making Moonshine and millions of dollars. To abolish drugs completely is like abolishing sin! Of course every effort must be made to prevent drugs getting into prison (this

includes alcohol which is the cause of so much crime). The Gardai seem in recent times to be hyperactive in seizing drugs and they deserve the highest commendation.

Recidivism

The Minister facilitated Professor Ian O'Donnell who was to do a scientific assessment of recidivism. The Department of Justice Equality and Law Reform and indeed the Prison Service do not have a copy of Prof. O'Donnell's report. However, on the 6th December 2006 findings of the first large scale study of released prisoners was published by the UCD Institute of Criminology of which Dr. Ian O'Donnell is the Director. It was based on almost 20,000 prisoners released. It revealed that more than one in four were back behind bars within twelve months and almost half within four years. The piece downloaded as part of what appeared in the Irish Independent "opinion piece" "headed" we need policies to break the cycle of imprisonment". The Inspector has contacted Prof. O'Donnell and with his permission reprints here some of his statements which express the views of the Inspector perhaps more eloquently and elegantly than expressed by the Inspector.

"These levels of recidivism are in line with the international experience and demonstrate that prison does not produce law-abiding citizens. Some might believe that this is irrelevant, or that all it shows is that we do not punish hard enough".

“But the successful reintegration of ex-prisoners is important for maintaining public safety and community vitality, reducing the costly expansion of the criminal justice system, and minimising the collateral damage that ensues when ex-prisoners are kept at the margins of society”.

The UCD research found that those with a Dublin address were less likely to be re-imprisoned than those from elsewhere.

“This might be because elements key to successful reintegration such as access to jobs and drug treatment, and close proximity to family and other social supports, are more readily available in the capital”.

“Sex offenders returned to prison less regularly than any other category of offender. For example, 18pc were serving a new prison sentence within three years, compared to 49pc of property offenders. At present, the Parole Board is reluctant to recommend sex offenders for early release because they are perceived to pose a high risk. If risk assessment is to play a role in parole decisions then the finding must be to the advantage of sex offenders, regardless of the public odium they attract”.

“The likelihood of recidivism was higher for young people and for those previously in prison. This points to a clear policy goal: keep children and young adults out of prison if possible, to prevent this futile punitive cycle from becoming ingrained. Reliable information about levels of recidivism and the characteristics of at-risk individuals can help in the evaluation of strategies to reduce re-offending. In particular, it provides an opportunity to benchmark the new prison proposed for Thornton Hall in north Dublin. If this

development goes ahead, the challenge will be to design it so that prisoners are better prepared for release and less likely to return than is presently the case”.

“Now that the recidivism rate has been established, impetus can be given to putting into practice and evaluating the many recommendations that have been made on making prison terms more positive. For example, the relative effectiveness of probation can be put to the test”.

“The forthcoming election presents an opportunity to infuse the debate about law and order with some quality information. It brings one issue into sharp focus. This is the fact that any expansion of the prison system contains within it the seeds of future growth”.

“Bigger prison populations mean more recidivists and this is a loop that becomes increasingly difficult to break. A Government that reduced dependence on the prison would earn the gratitude of future generations”.

The Inspector would highlight the very convincing findings on recidivism by Prof. Ian O’Donnell and his team.

The Minister recently visited California. His immediate predecessor made a similar excursion and came back with “zero tolerance” I hope the Minister read Denis Staunton’s article on Prisons in California in the Irish Times. No sane person would wish this “solution” on the Irish public. Recently the RTE

programme “Primetime” did a fascinating programme on people in prison for not paying their tv licence or forgetting to pay it. A culture is developing whereby people go to prison rather than pay a fine. If they do so the slate is clear. They have been punished. However, if they are there for debt they still owe the debt which means that the person who put them in prison may put them in prison again. If a business wants to use the prison system to force people to pay their debts, should not the business firm who is using that mechanism pay for the incarceration rather than the unfortunate tax payer?

Save for his interview with Patsy McGarry and for his press conference after he was encouraged by the Minister to “bite”, the Inspector has avoided the media. This is a policy decision. He has been invited to do programmes on radio, television and articles in the papers. However, he does not think it appropriate while he is establishing the office that he should do any of these things while he is still in office.

The Inspector was invited by IASD which has now changed its name to ACJRD (Association for Criminal Justice Research Development Limited) to the launch of the papers delivered at a recent convention. Unfortunately the Minister who was to launch it was detained by Government business. Accordingly Martin Tansey chairperson of the ACJRD launched the report. Mr. Tansey in the course of his opening address suggested that the Inspector of Prisons should try to persuade the judiciary from sending people to prison for short periods. Afterwards the Inspector privately informed Mr.

Tansey that it was not his function to lecture the judiciary. Their independence must be respected. Indeed the speech given the previous year through ACJRD currently states: “ however it is clear to me that a sine qua non on a successful law enforcement policy is one that has versatility in its criminal sanctions. There are of course crimes that are so extensive in the damage that they cause, or, can cause to society, that mandatory penalties are required. Murder and drink driving are the illustrations of that phenomenon.

Our criminal law provides for a wide range of offences with a wide variety of sanctions it is the judiciary which must use the appropriate sanction within the margin of its discretion. That is our greatest mechanism for achieving a balanced sentence that reconciles the various interests that are at stake”.

Unfortunately within two weeks of that meeting Mr. Tansey died. The Inspector had known him from the time he used to visit St. Patrick’s and Mountjoy to interview potential candidates for residence in the PACE hostel at Priorswood. Mr. Tansey has proved himself a wise advisor to the Inspector and particularly the importance of keeping his independence.

A very saddened Inspector attended at the funeral of his remains where the deceased widow reminisced about their visit to the Inspector in Sneem. The Inspector will personally miss the wise advice of Mr. Tansey who will be a great lost to ACJRD and to all who were involved in rehabilitation for

prisoners. May his soul rest in peace and may the affectionate regard of so many people act as a solace to his grieving family.

Public Inspection of Prisons

In the old days it was the Local Authority who provided supervision of prisons. They were responsible for the prisons, bridewells and ships in the Liffey and the Lee. However, in 1925 the Oireachtas established Visiting Committees. These were appointed by the Minister. They had considerable powers and they could hold sworn inquiries. They were political appointments and some (but not by any means all) were paid expenses. However, under Section 19 of the 1997 Act a lot of the powers of the visiting committee were removed. When the CPT in their report suggested that there should be an external and independent body the Government replied that Section 19 was (sub section 3) necessary because of a perceived “conflict of interest”. That subsection gave power to the visiting committee to hear prisoners’ disciplinary appeals from decisions of the Governor. It was not a bad idea. Most of the people who appeared before Visiting Committees were complaining about losing privileges such as recreation or remission! However, by the time they got to the Visiting Committee the sanctions of the Governor had been passed and implemented and the Visiting Committee could do nothing. However this new power contained in the 1997 was to be subject to rules which of course never came into existence let alone into force. The Inspector has highlighted this problem in other reports and now the matter has been resolved in the new prison bill which has repealed that section!

The Inspector was promised and Dr. Whitaker and his commission recommended an independent statutory office. But first the Minister did nothing although it was included in the programme for Government and he was assuring the CPT that it was about to come into existence. Then the Minister tried to control the first independent Inspector since 1830's (I jest not) by including the Inspector in the new prison rules. The present Inspector made it quite clear that he would not be bound by rules. There was a provision that he could only visit prisons at "reasonable hours". The Inspector made it quite clear that he would decide when he wanted to visit a prison and would inspect it at any hour. Eventually this highly productive Minister produced a Bill which has been passed just in time for the next general election which purports to establish an independent inspectorate. It is better than nothing. In the draft bill Section 41 deals with repeals. It states:- " The following enactments are repealed:

- (a) section 3(3) of the Prisons (Visiting Committees) Act 1925
- (b) section 1(2) of the Prisons Act 1933
- (c) section 19 of the Criminal Justice (Miscellaneous Provisions) Act 1997.

These sections are pinned together and added as an appendix to this report. They make interesting reading.

Breach of Belfast Agreement

The Inspector has already highlighted the differences between the Republic and Northern Ireland which clearly seems to be in breach of the spirit of the Belfast Agreement. Prisoners in Northern Ireland have privileges and protection that are not available in the south of Ireland as highlighted in the

last report of the Inspector. Mercifully we do have the European Committee for the prevention of torture (CPT) which is also available to prisoners in Northern Ireland but we have not signed the optional protocol to the United Nations Convention against Torture (OPCAT). It does apply in Northern Ireland but not the Republic of Ireland. It requires states to establish independent inspectorates referred to as “National Preventative Mechanisms” for all places of detention. It would include mental hospitals as well as prisons. However the Irish have not joined or accepted that convention. Northern Ireland did in 2003.

The effective functioning of Inspectorates help to ensure that people with disabilities and detainees in institutions will become less vulnerable to abuse and ill treatment. They will become more visible to the protective gaze of society. Their voices will be heard. Services consequently will be improved and abuses remedied. The State itself will benefit particularly if the main emphasis is rehabilitation. Far too many people who are ill or otherwise inadequate are put into prison at enormous cost. While the prison officers are now costing less than previously. The civil service itself is increasing and has plans for further increase despite the Government policy of capping the growth of civil servants. Also it appears to the Inspector that the cost of this evergrowing civil service is unjustified and inexcusable. Therefore the Inspector recommends that an external business consultant examine the pyramid built in accordance with “Parkinson’s law” which is the current department. In Portugal, the whole structure of the Civil Service, its cost and its efficiency, is being questioned and reviewed at the moment.

Under the current Prisons Bill the decision of the Governor can be appealed to the Minister who may affirm, modify, suspend or revoke the sanction and cause the prisoner to be notified accordingly. If the prisoner has lost part of his remission he may appeal to an appeal tribunal established under Section 16. This is a very restrictive right of appeal. However, the prisoner can get legal aid. The appeal tribunal may be just one person and that person may be removed from office by the Minister for misbehaviour or if in the opinion of the Minister the person has become incapable through ill health **or otherwise** (emphasis added) of effectively performing the functions of an appeal tribunal. Why is the appeal tribunal so restricted. Surely it should be an appeal to the person appointed “or” “to the Visiting Committee”. It should be totally independent of the Department and the Prison Service and the Minister. “All power tends to corrupt and absolute power corrupts absolutely” to quote Lord Acton.

The Bill also deals with the power of the Minister to extend or build prisons. Any development is exempt from the Planning and Development Act 2000 and 2006 or any regulations made under the 2000 Act or the European Communities Environmental Assessment Regulations 1989 to 2005 or the Building Control Act 1990 and Regulations made thereunder. The Bill also seems to anticipate trouble with national monuments found on the site.

It is specifically stated that:- “ It is not a function of the Inspector to investigate or adjudicate on a complaint from an individual prisoner”. The Inspector would agree with that but would insist that it should be a totally

independent and impartial ombudsman protected by statute, similar to other jurisdictions, who deal with prisoners complaints.

Grand Opera and Mountjoy Prison

Politicians stay away from prisons and prison issues. They all persist in the belief of Michael Howard's, mantra "prisons work".

They may work for a small percentage of the population. The fact that over 3,000 prisoners will be entitled to vote in the elections in the near future may make politicians more alert to them and their families and friends.

Senator Mary Henry is certainly exempt from the foregoing stricture. She discovered that Maino Prison near Perugia in Italy was involved in the production of opera. The DGOS now Opera Ireland (of which the Inspector has been a patron member since 1947) was intrigued (and with the co-operation of Governors Lonergan and McMahon) in the question of involvement of prisoners in Mountjoy male and the Dochas female prisons. The prisoners expressed great interest.

There is no doubt that music and theatre are extremely important in rehabilitation and in exciting interest in theatre. This is surely particularly true of Irish people who tend to have a highly developed dramatic stream of consciousness.

This innovative scheme was first devised in Italy in 2004 at the maximum security prison of Maino Perugia. Now this wonderful project has crossed the Italian border and lands in Ireland to stage the first full scale opera production of La Boheme as the second stage of an ambitious project got under way here in Dublin.

Between January and June 2004 dozens of prisoners in Maino prison studied the opera and then created sketches for the scenes and the costumes ending up with a theatrical presentation. After this first stage designer Burzia Addabbo filmed and directed a documentary entitled “Boheme al carcere dti Maino” about the genesis of the project at Maino. The prisoners at Mountjoy prison accepted the challenge to take part together with the Maino prisoners for the second part of this project.

This extraordinary project involving a first time calibration in exchange between two European prisons for a common purpose was confirmed when Emilio di Somma (deputy governor of the prison administration at Maino) spoke of the theatrical activity as a useful instrument in giving back freedom of thought to those who are temporarily deprived of physical freedom and to give prisoners skills and abilities to be used professionally once they leave the prison.

Opera Ireland deserve great credit for their activity in this matter (as in many other ways) as they attempt to interest the young people (including those on the margin) in the happy marriage of many art forms which is “grand opera”.

The Inspector and his assistant attended the launch of this unique project at Mountjoy Prison on Monday 18th September. It is wonderful that prisoners are being productively employed and they can but benefit from this experiment. There are many people in the prison system with imagination, foresight and genuine concern for rehabilitation. At the launch there was an exhibition of the sketches done in the Italian prison which were now being made in Mountjoy male prison. While the costumes were being made in the female (Dochas) part of Mountjoy. All parties concerned deserve great congratulations. The whole prison system will blossom and improve if hope is encouraged rather than be suppressed by bureaucracy inactivity and boredom. Several long term officers were deeply involved such as Industrial Manager Egan and the Head Carpenter officer Keane. They have worked for years with Mabel Troy and her team in producing plays and appropriate scenery sets and artefacts for the very professional annual plays in the “the joy”. The Inspector brought a small group to the excellent performance of “La Boheme” with a great sense of pride.

The Quakers and Samaritans

The Quakers are involved in “alternative to violence” programme which run a number of work shops in the prison every year. The last year was a difficult one because of the problems between the Minister and the POA. However, the project for example in Arbour Hill is a great success. 4 men from there are now facilitators for the programme. There are two workshops planned for

this autumn namely a basic one for new comers and a more advanced second level one later.

The visitors' centres at Mountjoy and Cloverhill run by the Quakers in conjunction with the St. Vincent de Paul Society provide a valuable service. The committee have sent a carefully prepared proposal for their needs in Thornton Hall. They have also requested a discussion with the architects but as of September 2006 they have had no response. The modern trend is to prevent incarceration by encouraging the offender to develop his/her strengths for example a drug/alcohol abuser might be obliged by the court to undergo a treatment programme, to train as a carer; to compensate the victim and/or some other "outside" method of equalising the harm they have done and preventing reoccurrence. Many countries around the world are exploring these methods in bringing offenders back into normal society. I have already dealt with the situation in Spain. In this annual report I have dealt with some of the work done in Switzerland. The Inspector received a report from a Dublin Quaker lady who attended the international crime forum in Bangkok in Thailand. She visited both men and women's prisons. Many of the events were undertaken by volunteers including training offenders to sing and play in both classical and traditional choirs and orchestras and also modern and traditional dance. She writes "both prisons have education facilities similar to ours but the practical training was more extensive e.g the repair and maintenance of cars, motorbikes, bicycles and other mechanical items. There are factories making all manners of things ranging from embroidered hankies to cushions, furniture and Thai paintings for business

premises. These are all for sale in a special shop where one could also get a Thai massage!! In Ireland she suggests perhaps hairdressing and manicure. Along side was a restaurant supplied by prisoners who were training in every level of haute cuisine as well as waiting, flower arrangements, laundry. The gardens were also tended by trainees. All of these activities could lead to a better future on discharge. There are some such efforts made in some of our prisons which ought to be encouraged but badly need inspirational guidance and expansion.

Mr. Brian Purcell has been appointed as Director of the Prison Service. He succeeds Mr. Sean Aylward who has been made "Secretary General" of the Department of Justice Equality and Law Reform.

While I respect him and believe that we have established a reasonably good working arrangement I feel he does not have much experience in crime. He originally came from the Department of Social Welfare. He has investigated and doubted if there were ever 18 workshops in St. Patrick's. They have gone back through the records and the most workshops they ever had, according to Mr. Purcell, in any given time was 10. I was on the Visiting Committee of St. Patrick's for many years save one year. There is a mickey mouse training for driving licences in one of our smaller prisons. There were arrangements made in various prisons to provide some such training but it came to nothing. All of that work was rehabilitative and ensured people would get employment when they left St. Patrick's Institution. In present society everyone should be able to drive. It is a most useful educational tool and is far better than current enforced idleness.

I have great admiration for Mr. Brian Purcell. He is a very decent man but he has been given an impossible task. He is trying to defend the indefensible and excuse the inexcusable. If we have (as we do) over 200 sex offenders and one excellent course run by a dedicated psychologist in Arbour Hill Prison for a maximum of eight prisoners is not a proper way to address the matter. The Inspector has already reported on his visitation to Wootthen in the Vale in Nottinghamshire where there were 14 psychologists offering all sorts of courses for various types of sex offenders. The present system is totally inadequate for the numbers who require treatment if they are to make any chance of being released without impinging on the safety of the general public. The inspector does not suggest that the workshops were the answer, but they did exist, even though according to Mr. Brian Purcell, they were menial and did little or nothing to rehabilitate offenders. The point the Inspector wanted to state and is now stating clearly is that young prisoners who are accommodated in St. Patrick's Institution and (if they were re-acting favourably to the rehabilitation on offer) could be promoted to an open prison at Shanganagh. Also many of them were installed on Spike Island where there was a wonderful if under resourced educational ethos. The present Minister closed Shanganagh and Spike Island. He is going to build a state of the art prison on Spike Island or elsewhere in Munster. These issues will be resolved in 7 or 10 years if and when Thornton Hall is completed.

Mr. Purcell states "we have problems in Cork Prison in relation to incell sanitation but they are going to be addressed by moving them to a new

development on Spike Island. (However, if people take legal action on the grounds that they have been inhumanly treated by a Prison Service, it will be very expensive for the tax payer. The Government has already had to face the army deafness cases. However, there is little doubt that there will be many prisoners who will take action based on the inhumane and degrading circumstances in which they were incarcerated.) Then tension which clearly exists in several prisons will not go away because the Minister intends to produce an alleged panacea in Thornton Hall and Spike or elsewhere in the distant future. There is some speculation that Spike might be used for tourist and recreational purposes. The new prison may be in part of the present military camp at Kilworth. The road there is frequently icy and fog bound in winter.

The Inspector is not suggesting that prisons be abolished. Certainly not. However prisons should only be used where there is no alternative. The judiciary are supposed to have the mantra that prison is "the last resort". There is no legal basis for this mantra. However it is regarded as good practice. Infact judges have little option in so far as they only have the option of prison or fine or both. The bulk of the people before them have little or no visible assets. That means that they go to prison. However people such as Judge O'Reilly in the District Court has devised the Nenagh experiment which is now spreading to other districts where first offenders are given a chance with the co-operation of the community to make amends or possible reform. It is also used by Judge James Paul McDonnell in Tallaght. It seems to be effective and is far less costly than prison. The victim is

encouraged to be part of the scheme. The Minister has set up a committee to advise on restorative justice. This is a hopeful sign - at last.

The inspector most certainly does not resent the views of Mr. Purcell. Infact he welcomes them. However, he wishes that Mr. Purcell (and his Minister) would face up to the reality of the situation that the Prison Service has been a disastrous failure. The primary purpose of imprisonment is rehabilitation. However the present system, particularly regarding young persons practically guarantees that they will follow a life of crime when they are released back into society. Also the many layered structure of prisons and the Department of Justice Equality and Law Reform is costing the taxpayer an enormous sum . They have ambitions to increase the bureauacy. The Inspector had suggested and repeats that an external body should assess the Department's expenditure. Is it really cost effective? They answer that the Oireachtas Committee and the Comptroller and Auditor General do just that. This is true but it requires a focused investigation by a specialist external business expert. Is it an ever growing bureaucracy? Is it cost effective? Is money being wasted? Business firms, lay off people either in voluntary or enforced redundancy. Does that ever happen in the Department or is the reaction "I am a public servant. I am permanent, pensionable, and unsackable!! (to quote Maureen Potter a great comedienne).

The Department do not realise the following human rights breaches.

A) Right to vote - denied by the Irish High Court (IR) and by the department but confirmed by the European Court in the Hirst Case. This decision is accepted by Minister Roche and he has brought in legislation. (cf Electoral Amendment Act 2006). The Justice Department had said Hirst case did not apply to Ireland.

B) Right to conjugal rights - found and accepted in a number of jurisdictions. The Inspector first met it in Vietnam in 1980!! However the Irish High Court has ruled against it in (Murray v Ireland 1985 IR 532) and Irish Supreme Court agree (1991 ILRM 465). Mr. Purcell scoffs at the idea in his Irish Times interview by denying that he and the Prison Service are running “a family planning clinic”. The European Courts may not share these views.

C) Some prisoners in prisons have already commenced proceedings about sleeping and eating in inhumane and degrading conditions. This could be a very expensive trip to court as it is hard to imagine any court condoning and permitting some of the conditions already highlighted by the Inspector.

Thornton Hall

The Minister has decided, in his wisdom, that the solution and the panacea of all prison problems will be resolved by building on a large site in north county Dublin.

The Comptroller and Auditor General in his report of 2005, published on the 27th September 2006, states that the Prison Service paid at least twice the going rate when it purchased 150 acres of agricultural land for the proposed new prison at Thornton Hall in north county Dublin. It cost 29.9 million Euro. The comptroller and auditor general believes that the price stemmed from a decision to disclose the states interest in acquiring a site for a prison. He concluded:- "in the circumstances a well managed confidential third party approach might have allowed the Prison Service to procure a suitable land at a much lower price than what was paid for the land at Thornton". He also said:- "the land acquired for the prison was also greater than the 100 acres originally sought for the new prison and the relocation of the Central Mental Hospital". However the Department of Justice Equality and Law Reform rejected this finding saying that such a confidential approach would not have been appropriate or practical in the purchase of a site for the most significant prison development in the States history". "The use of a third party would not, in our view, have been sufficiently transparent to provide the necessary accountability, would not have identified the best sites and which could have lead to grave difficulties with the vendor".

The Inspector is opposed to the idea of large prisons. They may work in America where the prison population is growing at an enormous rate. However in England where a similar culture prevailed there is now a strongly held view, even amongst mandarins, that too many people are going to prison! In Sweden and Switzerland the Inspector from his studies is quite satisfied that the concentration should be on small prisons and possibly

devoted to specific crimes. Rehabilitation should be more than a pious aspiration as enunciated, with some pomposity, in mission statements. It should be the dynamo which should run the entire prisons system. In Sweden and Switzerland they specialise in smaller prisons. Also in Switzerland as appears elsewhere in this annual report the judge rather than a bureaucrat decides whether a prisoner goes to a) a prison b) a rehabilitation centre or c) a hospital. The Irish judiciary do not have these choices. They undoubtedly should.

There is also the separate question of whether it is advisable to have a mental hospital in the middle of a prison complex. There seems to be very strong views against it. As well as that Mountjoy did have the advantage of having a general hospital across the road from it to deal with emergencies of all sorts. This facility will not be available at the Thornton Hall site as it is presently envisaged.

On 24th October 2006 the Inspector was a guest for lunch of Mr. Michael Irvine President of the Incorporated Law Society. After lunch Mr. Justice Paul Carney told a group of Chinese Lawyers how the Central Criminal Court works. During the morning the visiting Chinese had attended a murder trial at which Mr. Justice Carney had presided. The next day they were visiting Mountjoy and had also seen the recently rejuvenated St. Patrick's Institution. The Inspector of Prisons then presided over a seminar which was attended by representatives of the DPP's office the Probation and Welfare Service, Superintendent McDermott and Inspector Kavanagh of the Gardai and Mary

Ellen Ring S.C. Unfortunately the Director General could not attend and sent his apologies. (He played soccer with the first Irish group to visit China (since the revolution) in 1976. Unfortunately he was detained in front of an Oireachtas Committee.

Postal Voting by Prisoners

The electoral (amendment) Act 2006 which was enacted recently sets out new procedures to enable prisoners to vote by post. A notice inserted by the Department of the Environment Heritage and Local Government in a number of newspapers states: "New category of postal voter". If you are registered as an elector you may apply to be included in the postal voters lists. If you are unable to vote at your polling station due to circumstances of your detention in a prison pursuant to an Order of a Court. If you are eligible to vote and you wish to avail of this new postal voting facility for any election or referendum which may be held during the period of 2007/2008 Register of Electors you must complete form RFG. If you are not already on the Register you should also complete Form RFA4 which should accompany Form RFG. Application forms **will be available from Friday the 19th January 2007 in all prisons** in the state and in other locations such as City/County Council offices, Garda Stations, Public Libraries and Post Offices.

"Completed application forms should be sent to the Registration Authority (i.e the City/County Council) for the area where you are registered as an elector so as to arrive by Wednesday the 14th February 2007 at the latest."

If the local authority refuses a right to vote there is an appeal to the County Registrar.

The Inspector deemed it appropriate to ensure that this law with its restricted timetable was fully operational. On Monday the 29th January 2007 the Inspector inspected seven prisons in the greater Dublin area. Firstly, he went to Mountjoy. The Class Officers did not have the relevant forms and had indeed never seen them. The Inspector went to the circle. He asked an officer to provide him with copies of the two mentioned forms. While the officer was making enquiries the Inspector crossed over to the Dochas Centre. One of the officers he met stated that she had seen the advertisement in "The Star" however they had not seen any forms and they were not circulating in Mountjoy. This meant that for eight or nine days from the time that they were stated to be available (i.e the 19th January) they were not available in these two prison establishments. Before he left the premises he met the officer who had copies in English and Irish of the two required forms. He also had notices to put up around the prison.

The Inspector then went to the Training Unit. The capacity is 94 prisoners but in fact there were only 84 on the day of the Inspector's visit. Each prisoner had received both forms by being left on his bed in his room on and from the 19th. The Governor promised to check the number of forms returned to be posted to the local authority and promised to transmit it to the Inspector's office. The officers stated that they expected a fairly good

response from the prisoners detained in the Training Unit. The return from the Training Unit shows that 5 prisoners registered.

The Inspector then visited St. Patrick's Institution. No one had sought the forms. The notices were up and the forms were available. They did not anticipate that anyone in St. Patrick's will take an interest in this or any other election. This seems to confirm the views expressed by Fr. McVerry S.J on "Talk to Joe" on RTE radio one. He said the votes would not make any difference to the poor.

The Inspector then visited Arbour Hill Prison. They had notices in position and forms were available in English and Irish. They told me that they had a settled type of community, that they anticipated that at least 50% of the resident population would vote. They are in liaison with two officials of the Dublin Local Authority. They hoped to have everything ready by the end of that week. When the comments of Fr. McVerry were put to them they stated that he was only speaking about St. Patrick's and not about the more mature prisoners such as you would find in Arbour Hill. Nearly 50% have applied for a vote in this prison.

The Inspector then visited Wheatfield where the Inspector had a pleasant lunch in the staff canteen and about which he had previously received complaints from some POA people. He met the Governor and a Chief Officer. They informed the Inspector that the notices and the voting papers were available from the 19th. The prison has also got its own receipt system

for its own records which is a very good idea and could be emulated. It means that if any prisoners says he didn't get the form his file will show that not merely that he got it but that he signed for it. A copy of this receipt was provided to the Inspector. A number of people had already signed up for voting. Wheatfield anticipate that there will be a good take up. They already had several forms returned. They also stated that they are very alert to the fact that they have to be registered by the 14th February. (The Inspector understands that the date has been extended for prisoners until 15 days prior to the election and the forms are being issued to new committals since the former closing date).

In Cloverhill the Inspector spoke with Governor Smith who is in charge of the arrangements and he stated that the notices were up and the forms were available from the 18th January but since so many of the population is transient (a remand prison) he did not anticipate that there would be a big vote. In fact he thought it would be as little as one or two.

If a person is homeless and if they are in a prison or place of detention it is the understanding that they will be voting in the area where the prison or detention centre is sited. The prisons are sited in interesting constituencies!

Recommendations

1. ESTABLISH BY STATUTE A PRISONER OMBUDSMAN IMMEDIATELY.
2. Restore powers to Visiting Committees

3. Ratify immediately the optional protocol to the UN Convention against torture (OPCAT). This would bring us in line with the position in Northern Ireland. It is required by the Belfast Agreement.

All the above three would be contrary to the tradition and the ethos of the Department and many of the Ministers who had “charge of” the Department.

4. Establish Inspectorate with a legal mandate. It is essential that Inspectorates be given a legal basis with a mandate to conduct regular unannounced and announced visits to prisons and places of detention including Garda stations, and the criminal mental hospital. It is objected that they have their own inspectorates or they should have. The mere fact that the Inspectorates overlap is not in itself a bad thing. The Inspector should have unobstructed access to all institutions on demand and at any hour.

5. Ensure that inspectorates are INDEPENDENT. They should be totally independent from the executive and from the various layers of bureaucracy involved in the running and control of prisons and places of detention. The Inspector should have an allocated budget which is sufficient and effective to carry out the mission of the Inspectorate.

The Inspector can hire his own staff and maintain office space separate from the executive and institutions.

6. Recruit qualified and experienced Inspectors. The Inspector may hire people on a part time basis from various professional backgrounds.
The Inspector can bring in inspectors on an ad hoc basis. The Inspector shall inspect each institution once every two years. The Inspector should have access to visit all parts of the institution. The Inspector should also have the right to view all documentation without justification or explanation including health documentation, court records, and punishment records.
7. PUBLISH COMPREHENSIVE REPORTS. The Inspectorate should publicly release detailed reports which identify the problems and the root causes of the problems. The Inspectorate shall formally make SMART (specific, measurable, achievable, realistic and timebound) recommendations to institutions and to the authorities which have power to implement them.
8. Set priorities and implementation period.
9. Highlight best practice including alternatives to institutionalisation.
Ensure maximum impact. The Inspectorate should present an annual report to the Oireachtas. The Minister and the Department and other interested parties can of course comment on the reports and should NOT have the power to delete or alter or delay the Inspector's report without the consent of the Inspector. The Inspectorate should conduct a follow up visit to ensure that the recommendations are implemented, or, if not, why not.

10. Co-ordinate activities. The Inspectorate should collaborate and co-ordinate with other bodies responsible for the promotion and protection of human rights including other inspectorates and complaints mechanisms.

The Jesuit centre for faith and justice 26 Upper Sherrard Street Dublin 1 have issued comments and suggested amendments in relation to the Prison Bill 2006. The Inspector understands that a copy of this useful document has been sent to all members of the Oireachtas. It deserves careful consideration. Some points raised are included in the foregoing suggestions of the Inspectorate.

The Inspector was requested to visit American planes in Shannon to see if there were detainees on them. He did not think it appropriate to do so under his present limited non statutory remit.

The Inspector is gravely concerned about the inappropriate use of Irish Prisons for the detention of non-Irish Nationals awaiting deportation. This shameful practice should cease immediately. This has been recommended by a report commissioned by the Irish Refugee Council, The Irish Penal Reform Trust and the Immigration Council of Ireland and the Catholic Chaplains to Irish Prisons who suggest that their recommendations are “falling on deaf ears”. Many (who committed no offence) are lodged in grossly overcrowded conditions in Cloverhill Prison. These unfortunates have human rights and dignity. Ireland should provide adequate holding arrangements near an airport. Their repatriation should be top priority. They

certainly should not be stuffed into overcrowded and totally inappropriate prisons.

Launch of new Initiative at Castlerea Prison

On Thursday the 15th February 2007 the Inspector and his Special Advisor former Governor Jim Woods and his Personal Assistant Martin McCarthy attended at a wonderful launch of further education in Castlerea Prison as guests of Governor Scannell.

Fourteen inmates at Castlerea Prison County Roscommon followed a new cookery programme taught by experts from Athlone Institute of Technology. This was announced by Prof. Ciaran O’Cathain President of the Athlone Institute of Technology. Their motto is “Excellence through Innovation”.

He stated that the three year apprenticeship would be a course built around three core areas of study - “culinary, arts, scientific principles, and introduction to prisoners studies”.

He said “training would involved 7 contact hours a day over a thirty five week period for three years and will be delivered in the prison by Athlone IT lecturers. Soon they will be required to consolidate their academic learning and to provide evidence of this through the completion of a course log book”. He stated that credit must be given to Brian O’Ruairc culinary art lecturer and John O’Hara Head of the Department of Hospitality Tourism and Leisure Studies for their commitment. The Inspector was informed that one prisoner

will shortly be leaving prison but arrangements have been made for him to continue studying until he reaches qualification as a chef. The pupils were dressed as chef/apprentices. There was a large selection of delicious food, all of which was made and served by the prisoners.

The most receptive and enthusiastic Governor Dan Scannell had co-operated with Athlone IT and gave a very enthusiastic address as did Prof. O'Cathain. The Inspector also spoke about the importance of rehabilitation and that the punishment was to deprive persons of their liberty. However the key note should be rehabilitation and if possible qualify the prisoner so that he would not re-offend. We now had an empirical report on re-offending which proved (if proof were needed) that prisons on the whole, as presently conceived, do not work.

All concerned with the establishing of this course deserve great credit. It is a sort of an initiative which should be encouraged and emulated. Mr. Tansey reminded me that 30 years ago Bolton Street Technical College did a similar course in Mountjoy.

The Inspector was also very pleased to hear that the prisoner who had been in the observation cell and had made several attempts on his own life had been treated in the prison and was now a very great deal better. The Governor was delighted with this result. The former Catholic Chaplain had sued the Minister and the Prison Service and had got a substantial award in

damages. This had been appealed by the Minister and the Prison Service but the Inspector was informed that the appeal had been withdrawn.

Workshops in St. Patrick's Institution

The head of the workshops in St. Patrick's Institution also spoke to the Inspector and informed him that all workshops were open and effective and that there was work for everyone in St. Patrick's. He did not say that all the prisoners in St. Patrick's were working. The main thing is that there is work available for them. It is desirable that all prisoners should work and if possible get some sort of qualification. However there should be an incentive to work. The Inspector has suggested the Spanish experience (which is similar to the Hong Kong experience where a large number of prisoners are paid their full wages working for an outside factory. Their employer also pays their social welfare stamps. In Switzerland prisoners have to pay for their incarceration or it is paid by their family or their Canton or a combination thereof. These ideas deserve careful consideration and probable implementation.

I asked about St. Patrick's where they never replaced the teacher who taught mechanics and driving. Some of his pupils are, to this day, driving lorries from Dublin to Moscow. He said that there was nobody teaching driving and that it was very politically sensitive. The Inspector pointed out that even, if people used motor cars to carry out crimes it would be for the benefit of society, (not merely the criminal) that he should know how to drive correctly and pass a driving test. Nowadays with the difficulty of getting from home to

a place of work because of the spatial strategy all young persons should be taught how to drive. He did not accept this argument and again stated that it would be politically dynamite.

Award Ceremony in Wheatfield Prison

On the 27th February the Inspector attended as a guest of Governor Edward Whelan at a very significant event in Wheatfield.

The President of Ireland has an award system. It is a national challenge award devised by the President for young people between 15 and 25 years of age. To earn an award a participant agrees a suitable challenge in four different areas of activity.

The core purpose of the award is to help young people increase their self confidence and self esteem. This is done by getting people who might take part in getting involved in each of the four programme areas of the award.

The four areas of the awards are

- A) Personal Skill Development.
- B) Physical Recreation
- C) Community Involvement
- D) Venture Activity

The award is non competitive. Once the participant achieves the challenge then he is automatically entitled to the award. One can win a bronze, silver or gold award.

A record 13,600 people from the age of 15 to 25 participated in this Gaisce Programme in 2006. 64 adults from all around Ireland were presented with the gold awards by President McAleese at Dublin Castle.

For the first time ever prisoners also won awards. The Inspector was overjoyed to be part of the celebrations marking the first ever awarding of the Gaisce Awards to prisoners Gold, Silver, Bronze. Governor Whelan and his team deserve every possible commendation on this great achievement. The eloquent Gold winner spoke freely of the gratitude and admiration of those who helped him achieve this honour. Governor Whelan is leaving for Portlaoise but hopefully it is very much a temporary move because he and his staff run an excellent prison and much is happening and much more is waiting to happen. The award winners were joined by their families and a very pleasant meal was provided by the prisoners for all present. Many other awards won by the prisoners were also on display on the wall in the hall.

APPENDICES

Appendix A

Visit to Prisons in Switzerland June 2006

The Swiss Embassy in Dublin and particularly the Counsellor Dr. Ernest Balzli greatly facilitated the Inspector .

The Inspector was staying in the excellent hotel Albana in Weggis on Lake Lucerne. It was run by his old friend Una Wolf (nee Brennan) formerly of the RTE choir and her family. I had been warned that the prisons might not have English speaking persons to assist in the interpretation. However Una Wolfe arranged that a Mary Debach (nee Dillon) would collect me in her car and drove me to Lucerne to meet her red haired daughter Roisin (who was a dead ringer for Maureen O'Hara). She is in her final year to become a lawyer and has experience in criminal law and international law. We also collected Claudio Leitgeb who is a Director General of the Prisons and Places of Detention in the Canton of Luzern. We then drove out to a small town some short distance from Luzern called Malters. We drove down a country road under a railway bridge and suddenly we were at the institution. It is a rather large elderly farmhouse. In the grounds there is built a much more modern building. Beside the entrance door on this new building was a large Irish Flag which was a very nice and much appreciated gesture. We were warmly welcomed by the Director who apologised that he only spoke "American"! We assured him that we would be able to cope! This is an institution only for drug addicts. Sometimes prisoners on remand are sent here but frequently they are also sent here by the Courts on sentence. They

only had twelve separate single bedrooms each en-suite. 50% of the persons detained here come from the courts. The balance come voluntarily for the “cure”. They are all heroin addicts although some are addicted to methadone. He did not refer to his clients as ‘prisoners’ but as his ‘patients’. The gate was wide open. No one wore uniforms and any inmate could escape if he or she was so minded. It had basically a male population but there were two female patients present on the day of our inspection. He told us that this could present problems. There was also occasionally an element of bullying. The Director claimed it was a private institution but got some state funding. All clients have to pay 330 Swiss Francs per day. (The rate of exchange is roughly 1 Euro 50 cent per Swiss Franc). If the prisoner or other patients does not have money it is taken from their social welfare allowances or from members of their family. The Director believed that if the family were financially involved that it would bolster their support for the patient who is trying to recover. The whole atmosphere of the place was rehabilitation. I told him sadly that the Irish mission prison statement previously highlighted rehabilitation. It was not implemented fully at all. He was amazed. He stated that in Switzerland they concentrate all the time and the number one objective is “rehabilitation”. It is for this reason that this institution deals only with drug addicts. The persons chosen to stay here or were sent here have a drug addiction problem and the whole ethos of the premises is to help them to cope or to eradicate their dependence or at least control it.

When they left here there were half way houses or hostels. Also they were frequently placed with families. 90% of the persons going through his

institution were male and many were very severe cases. Infact they specialised in severe cases. They specialised in people who had no jobs and whose life might be regarded as a failure. Frequently they had psychological or psychiatric problems. A judge could send them to prison or elsewhere such as a psychiatric hospital or the rehabilitation centre like the one the Inspector was visiting. The Inspector explained that in Ireland while the judges paid lip service to the idea that prison was the very "last resort" it practically means only prison or a fine or both. The mindset of the vast majority of the people, who were understandably confronted by the crimes committed, will be in favour of locking them away and on throwing away the key. Even the extremists would re-introduce the death penalty.

The management were not very much in favour of the courts issuing a combination order as there was no finality to it. There was no Inspector of Prisons as such. However the Director General who had accompanied us is Director of Prisons in the canton and could infact visit all neighbouring cantons. In his area for drug addicts there was only one closed - security or high risk prison. The others were small institutions dedicated to a particular offence. The institution, we were visiting had since 1994 been for heroin addicts. The inspector was told that 30% were now off drugs completely 20% were still on drugs but were controlled and could lead normal lives. 70% do not re-offend. Each patient had at least three individual psychotherapy sessions per week with their families or partners involved. At least 2 out of 12 can not read or write but this varies quite considerably and the majority would be semi literate They had twelve staff who were part time. The

Director had a budget to pay all these people. However there was also a psychiatrist who came once a week and worked closely with the two psychotherapists. There was a local G.P and a local dentist. They were not paid by the Director or by the Prison Service but directly by the Dept of Health. The two psychotherapists were an essential part of the staff of the institution. There were also three craftsmen or work managers who were part of the institutions staff. One was a teacher of social skills. The average stay in the institution is 12 to 18 months. They are taught simple education and also computer skills, art classes, hand crafts and in particular musical therapy as everyone can participate in it. It is particularly suitable for semi literate or illiterate people as it helps them to communicate. The teachers concentrate on teaching living skills. Methadone has been “used in the” Institution for the last year. However they can not facilitate or cope with “cold turkey”. That has to be done in a psychiatric setting. (Emphasis added)

It is easy to escape. A train runs through the grounds. There is a main road near by and there is an excellent bus service. However, if someone goes missing the police are notified and the patient is retrieved. However, the Director General then decides on re-assessment whether the person should be returned to a rehabilitation centre or put into a secure prison or a psychiatric hospital. They don't normally have many people escaping.

The Inspector asked about chaplains and was told that there were no chaplains as such. In the old days the priests and ministers used to visit the institution but now in Switzerland if you want a priest or a minister you have

to go to them. (apparently there is a great decline in vocations). Preferably on a Sunday if anyone wants to go to a service they can of course do so. If someone is seriously ill and requires spiritual administration, it will be procured.

We then went on a tour of inspection of the premises. In the grounds there were a large number of plastic green houses and there is plenty to occupy the "patients". We visited one patient in his bedroom. He told us he was a heroin addict and he was hoping to control it and if possible get rid of it. He had photographs of his children on the wall and also many tiles and paintings which showed considerable skill. He hopes to make his livelihood for the sake of his wife and family with the skills he was developing here. He didn't mind having to pay for it if it produced a result. He found the place very friendly, relaxed and caring. We then had lunch with the Director, the two psychotherapists, social worker and the very jolly cook who assured the Inspector that the meal provided was normal and not for a special occasion. It was self service. It was basically rice with a great deal of meat and vegetables added. You could have as much of the main courses as you wished. The patients sat at an adjoining table in a light filled room with much glass and windows. The patients then retired outside to have a smoke in the fresh air. The Director General and the Director of this institution were all in favour of small focused institutions rather than large ones. They told me that in Switzerland the focus (for the sake of the entire community) was to try to rehabilitate a person. While they do not have an Inspector of prisons as such

they do have a commission of lay people who are similar to a visiting committee. They are political appointments.

Monday June 12th 2006 at 8.45am the Irish Ambassador (His Excellency Mr. Joseph Lynch) collected me at the Hotel Albana in Weggis. We drove to the Strasfanalt, Schongrin in the Canton of Solothurn. Unfortunately due to road repairs we were slightly delayed but we phoned the prison that we were running 10 minutes behind schedule. Our interpreter Mrs. Mary Dubach (nee Dillon) of Adare Co. Limerick answered. She is a teacher of English and is married to a Swiss man who used to work in Tarbert in Co. Kerry. She is the mother of Rosin who had been our interpreter in Malters. She was already in the prison. We were brought into a room for tea, coffee, lemonade and sweet bites for a short video about the prison. The prison governor very graciously welcomed our party and apologised that he had other appointments in the morning but he left us in the company of Mr. Weirdel (whom the Embassy stated was our contact person. He was a Socialarbieter (leiter He-geb. Kost) who spoke excellent English and Mr. Heinz Stutz who was also a Sozalarbeiter. They with the assistance of Mrs. Mary Dubach led us through the audio visual. In this prison for 11 years now there is a heroin treatment project. Mr. Weiber is leader of the project. It is regarded as a lower security prison. No officer was wearing a prison uniform. There were 74 prisoners which is practically a 100% capacity and 51 staff. There are five nurses who work on a shift part time basis job sharing. There is one general practitioner who is local and there is one visiting psychiatrist visiting normally once a week or as needed. There are 3

dentists. It is right behind the cantonal hospital which provides normal hospital facilities.

All prisoners must pay for their stay. If the prisoner can not afford it then his family will have to pay for it. It is done through the social services who collect the money from their various areas but if the communities themselves can not afford to pay for the prisoner social services normally sort it out.

There are various rates for various therapies. Nearly all those with drug problems suffer from Hep B. A quarter of the prisoners are HIV positive and three or four have full blown aids. The prisoners include people who do robbery, murder and infact it is all crimes including drug dealing. They take prisoners from three months to life. After 15 years the people on life can apply to the parole board. 20 years is the longest sentence but life can mean life. Prisoners are unlocked at 7.30 am and work until 5.30 p.m. They then have recreation from 5.30 to 10.00pm when there is a lock up. They work on the farm and the garden and all in house work. The farm consists of 50 hectares. They are paid 25 francs per day as wages. One third goes into an account available on their departure the balance is available for use in the tuck shop and to pay the cost of their stay if there is no other source available. There is close liaison with the social worker in their respective communities. Work is legally compulsory. At the induction stage of their prison sentence there is a plan to which they must adhere. They can not work for themselves. If they do not work or comply with their plan they can be reassessed. It might be suitable to put them at some other occupation. However they must all work. This will be law by the year 2007 but it is

presently being enforced in this canton. If you rebel all privileges are taken from the prisoner. He is locked up and can lose remission. In practice nobody rebels. If there is any problem it can be resolved in community by transferring the work to be done to another type of work.

At the entrance to the prison there is a shop selling plants and seeds all produced by the prisoners. It is a very successful shop. There is no real opposition from other garden centres in the area. Each Canton has to pay ultimately for its own prisoner and also has to look after a half way house and, if possible, to provide them with a job on release. They accept that many heroin addicts can not be weaned off the drug but they can be brought to control their appetite for it. They get support from their local community.

In practice they get a measured dose, if approved in prison. If they are stable when they are released they will be provided with regular daily doses at a state clinic. This reduces the number of drug godfathers and dealers substantially.

The party then went on a visitation of the premises. The cells are all for one occupant only. They have in built sanitation of a toilet and wash hand basin. The showers are communal but consist of individual cubicles. All the prisoners eat in a communal dining room and the Inspector pointed out that in the days of James Cagney movies he was always leading groups of rioters starting in the communal dining canteen. They said they had no trouble whatsoever with 74/75 people in the one canteen. There is a separation cell

which was actually two rooms but were designed for temporary user. A serial killer was presently the one who occupied it partly for his own protection.

The Inspector is not sufficiently confident to suggest a similar ethos in the Irish Prison Service. However it is fascinating scheme and requires serious study and possible adoption.

However the fact that prisoners or families or community have to pay for the incarceration. Also the giving of a drug supply to addicts by the state as part of their rehabilitation are certainly novel ideas which take a great deal of criminality out of the equation. They both require a radical and possibly, impossible change of mind not merely in the Minister, Department, Prison Service but in the whole population. It still is worthy of further urgent study.

Appendix B

Conclusions and Findings from Wheatfield Prison

The prison is very modern and opened in 1989 with in-cell sanitary facilities provided (without showering facilities within the cells). Its design with basement under the accommodation areas allows for most of the repairs/maintenance work to be carried out without having to have the cells empty. There are very good workshop, work training and educational facilities provided and some of the workshops have been enlarged and modernised since our last inspection. The prison also has 3 outdoor exercise yards, a large sports hall and a new all - weather football pitch.

An enormous amount of additional building has taken place since our last inspection which consisted of a new laundry, new secure car parking areas for staff, new staff locker rooms, new administration offices, new all-weather football pitch, new emergency exits from all of the accommodation units, new smoke-extraction system, new fire doors on corridors, upgrading of some of the electrical work, upgrading of some of the workshops and of the segregation unit, upgrading of the sports hall, new control room, etc. There are suggestions that another cell block is going to be built within the grounds of Wheatfield to accommodate remand prisoners from the overcrowded adjacent Cloverhill Prison, but this was not confirmed. The amount of money spent on the new buildings and the upgrading of existing facilities appears enormous for a prison that was built in the 1980's.

The introduction in January 2006 of the new annualised working hours for prison staff appears to have “teething” problems. It appears some staff are in favour of it while others are opposed to it, but the Inspectorate got an overall negative impression of its implementation. There were several examples where services to prisoners (workshops, education, censor office, library, etc) were definitely curtailed as a result of the annualised hours, some were even given examples of curtailment since 2004 when the first reduction in staff overtime working hours was introduced.

A reasonable amount of staff training has taken place in the past year. 180 staff received refresher training in B.A. (breathing apparatus, donning and doffing of equipment only). 223 received refresher training in C & R phase I and 59 staff in phase II, no refresher training in phase III of C & R. All of the workshop staff (instructors and industrial trainers) received the necessary refresher training or new training in their areas of responsibilities. Staff also participated in training courses in hygiene, computers, hostage and suicide awareness, physical education, interviewing skills, I.M.I senior management, health and safety, environmental management, management of food/hygiene, etc. There were 7 fire drill evacuations carried out during the year which involved 290 prisoners, 28 staff and 10 “outside” building work men. It was noted that not all of the units were involved in the evacuation drills and 5 of the units were previously evacuated. There is a provision of allocated hours for training in the new annualised hours schedule, hopefully this will see an improvement.

The kitchen continues to achieve its outstanding awards and all of the food sampled throughout the inspection was very well presented and tasteful. Both the kitchens in the main prison were spotless as were their food storage facilities, fridges, cold rooms, servery areas, etc.

The new laundry is a great addition to the prison and allows for the prisoners to have at least one change of freshly laundered clothing per week. It has also stopped the prisoners' personal clothing being sent out for laundering thus blocking off one avenue of illegal drugs getting into the prison. While the laundry operates a longer working day than the other workshops, it is a pity that it cannot do the entire laundry requirements of both Wheatfield and Cloverhill prisons. (Cloverhill send only a portion of their laundry.) One would think that a laundry which is described as the most modern and up-to-date in Europe should be able to do the laundry needs of the entire Dublin-based prisons.

The work training workshops have, or some very soon will have, the necessary standards to allow the prisoners to participate in the various certification courses (City & Guilds, Fetac, etc) which are so useful to those who may be seeking employment after release. The prison will not be mentioned on the certificate if they achieve same. It is good that the prison workshops have been raised to these standards. The numbers engaged in the workshops did not match the numbers described in the pre-inspection questionnaire. There were fewer. So the Inspector is not sure if all of the prisoners are usefully employed or engaged while out of their cell. The

education section was closed during our inspection as the teachers were on their Easter break, so the prisoners that normally attend school were either around the units or surplus in the workshops which may have given the impression that there was not full employment for all.

The prison is kept very well and is very clean. Good credit to all concerned for keeping it in such a high standard of hygiene. The flower beds between the units and the flower pots around the walkway with the grass neatly cut adds very much to its presentation.

There is a high standard of hygiene maintained among the prisoners, and their clothing, bedding, etc is washed weekly. The prisoners have T.V's, radio, kettle, etc within their cells and have telephone facilities (phone cards). They can write and receive letters, although the posting and receiving of the letters may be delayed due to staffing (censor) problems. (Staffing censoring problems have been strongly disputed by management.) They can get a weekly visit and a lot of them receive an extra visit per week with the Governor's permission. A new listeners scheme has been introduced which is managed by the Samaritans. A listening suite has been provided and a group of prisoners have been trained as "listeners". Two of the prisoners are on the prisons committee. The prison is to be commended for this new service.

The relationship between staff and prisoners appears reasonable. There were 348 prisoners on disciplinary report (P.19's) in the past six months of which 76 lost remission and 11 had a deduction made from their gratuity for

damage to property. 151 forfeited evening recreation for 3 weeks or longer while 125 forfeited visits. 11 prisoners were on report for assault on staff and 50 on report for assault on a fellow prisoner. 61 were reported for smuggling or attempting to smuggle illegal substances into the prison. The Inspectorate did a cursory check on the disciplinary reports and thought that a considerable number of prisoners were placed on report, that the officers appeared to apply the P.19's method quickly and that the punishment imposed in some cases appeared severe for the offences reported. It was not an in-depth study but it is a cause for concern which may be returned to on another inspection.

The prisoners who are kept in long-term segregation without any or very little stimulation or regime is soul-destroying. Such prisoners within the prison system should be accommodated in an area with structured programmes and proper regimes. The fact that there are between 8 - 20 prisoners per day on 23-hour-lock-up for "their protection" or for "medical" reasons is not good management for such a group of prisoners. Daily reviews of such prisoners by local management and H.Q should take place in order to reduce the numbers of such prisoners held in this position. Transfers to other prisons where they may be able to mix freely may be one solution. A structured regime for those unable to mix should be considered.

Long and life-sentenced prisoners should be accommodated together as far as possible and extra facilities/structured programmes should be introduced for them. The long and short-sentenced prisoners are all mixed together at present.

The new induction programme for new committal prisoners was introduced in January 2006 and this is a very welcome development.

The medical needs of the prisoner are quite well catered for with a doctor (G.P.) in daily attendance, psychiatrists 3 days per week, dentistry available three and a half days per week, psychologist full time, and other services, optician, dietician, outside public hospitals etc, when required. There are between 70 - 80 prisoners daily on a methadone treatment programme while 3 - 4 per day are on a detoxification course.

Staff morale is quite good although the introduction of the annualised hours is having an effect. There are 134 staff seeking a transfer at present, mostly, the Governor states, to get nearer their homes. Staff turnover for the past year was 56, which consisted of 24 new staff, 9 retired, 22 transferred and 1 dismissed. There was one disciplinary hearing conducted by the Governor in the past twelve months. One prisoner escaped during the year who was under escort of prison officers and taken at gunpoint. Another prisoner absconded while on temporary release accompanied by a chaplain.

The various agents working in the prison (e.g. chaplains, teachers, psychologist, probation and welfare, medical etc) expressed concern at the lack of information flow between local management and themselves. The Inspector suggests that the head of each such agency should attend at least once a month at the local management meeting.

The Inspector wishes to thank the Governor and staff most sincerely for the hospitality shown to the Inspectorate team throughout the inspection. He also wishes to thank them for providing the facilities and for their co-operation and help. It is very much appreciated.

Appendix C

Conclusions and Findings for Limerick Prison

This should be read in conjunction with the full inspection report on this Institution which is available on the internet.

There appears to be good medical care provided for the prisoners. Of course it could be improved with additional staff especially counsellors.

Regarding re-habilitation programmes the “Connect Project” is not working in Limerick Prison. There are staff posted or detailed for it and these posts are never filled due to shortage of staff and the new annualised staff do not allow for it within the present staffing levels.

There is one full time Probation and Welfare Officer, a second officer part time and a part time senior which is a reduction in the Probation and Welfare staffing levels since our last inspection. The Welfare Officers supply reports to the Parole Board. They refer prisoners to the “Linkage programme” if they are seeking employment and they contact the various agencies seeking accommodation for those prisoners who have none on release. Some prisoners are excluded from hostel accommodation due to previous behavioural problems and these cases are extremely hard to provide with a place to live on release. The welfare officers are not involved in many in prison programmes but they hope to commence some next September. However, with staffing levels, at present, at approximately 200 prisoners daily in custody it would be almost impossible to have the time to provide

programmes as their time is taken up dealing with current everyday problems. There is an urgent need for an increase in the Probation and Welfare staff here.

The staff/management relations appear quite good with both sides appreciating each other's role. The staff/prisoner relationship is also good in general, however, there were some concerns expressed on both sides regarding the staffing levels within the prison, staff's safety, etc while prisoners were complaining of their services being cut or curtailed as a result of no staff to operate such services, and a cutback or reduction in time on recreation, visits, receiving letters etc. There is a disquiet among some staff concerning their compulsory transfers from other prisons to Limerick and the long-distance travel on a daily basis they have to undertake to get to their place of work. Dissatisfaction has also been expressed concerning the duties roster, the annualised hours and problems with time off. It was evident that there is discontent among a considerable number of staff which does affect the overall harmony of the operation of the prison. The sooner these problems are resolved, the better it will be for the prison. Despite the discontent among some staff, there are only 2 staff seeking a transfer out of the prison.

The annualised hours were introduced into the prison last January and they are not working satisfactorily as there are staffing level problems.

Management state it will take at least another 3-4 months to sort out. No staff refresher training took place in the past 12 months in breathing

apparatus operation (in the event of fire), C & R or familiarisation training in the use of fire hose reels, stand pipe connections, fire extinguishers etc. Management state that the city's fire brigade is based within 300 metres of the prison and therefore would be at the prison and ready to tackle the problem faster than prison staff who would have to put on protective clothing, get the equipment etc. Several fire drill evacuations were carried out during the past 6 months which is commendable. A more detailed recording of information on each exercise should be undertaken (e.g date, area/wing evacuated, number of staff involved, number of prisoners involved, time commenced, time area wing completely evacuated, overall time involved to evacuate, any problems or obstacles encountered during the exercise and the name of the officer in charge of the operation).

There were other staff training/courses that did take place in computers, nursing, counselling, management, environmental health and safety, project management, gas welding, catering, work training (cleaning and laundering) safety awareness etc. It is good that such training has taken place but a lot more needs to be done. There are provisions in the annualised hours programme for staff training but due to a shortfall in staffing levels, this training cannot be undertaken. There is an increase in the number of staff taking sick leave. When the annualised hours were first introduced there was a drop in the level of sick leave but it has increased since and has well exceeded the daily average prior to the annualised hours commencing.

The female prisoners' section is extremely small and cramped. It has 10 single cells which are almost permanently doubled, resulting in a population of 20 prisoners. Their facilities are limited with little work or other activities to occupy them. The fact that they are so cramped, they are confined in each other's company throughout their entire time both out of cell and even when in cell, as they are sharing, leads to tension and frustration. The whole place is claustrophobic. There should be a reduction in the numbers held there in the short term and a proper facility provided for female prisoners in the longer term with plenty of space for single cell occupancy as well as work, recreation, and education facilities. A female prison for the Munster region should be considered in the present plans for new prisons, either in Cork or Limerick.

Overall Summary

It is a well run prison. The hygiene levels in some areas need to be improved. The work/training and "Connect projects" should be introduced as soon as possible. The staffing problems highlighted should be examined.

The introduction of the annualised hours and the overtime cutbacks introduced in 2004 are having an adverse effect on the services and facilities for prisoners (workshops, library, censor office, prisoners' telephone cards etc). It is my opinion that services and facilities were not intended to be curtailed when the new working arrangements were being discussed and agreed. It is disappointing that it is now happening. Hopefully this situation will improve. There is a need for additional probation and welfare staff as well as an additional psychologist. Replace A & B wings with new modern

building. Provide for additional waiting room for prisoners' visitors with creche facilities if the number of prisoners detained in the prison is increased. Provide full employment/education for all prisoners and bring all of the work training workshops to recognised certification standard of training.

The excellent dedicated and friendly Governor died a short time after our inspection. The Inspector and two members of his three person staff attended the funeral. He was a most impressive public servant and will be certainly sorely missed by his family, prisoners, staff, management and indeed by the Inspectorate. May he rest in peace.

Appendix D

Observations and Findings for Castlerea Prison

This prison had a full inspection in June 2004 and this report reflects on the inspector's revisit to establish if the recommendations made in the full inspection were complied with.

The Inspectorate team went through the findings and recommendations from the previous full inspection. The Inspector found that 10 of the recommendations were fully implemented three were partially implemented and six were not acted upon. The recommendations not acted on have an effect on services to the prisoners such as a) no psychologists b) no additional probation and welfare officer c) no librarian and the library appears to be closed most of the time d) the computer workshop is closed e) there is no streamlining of the counselling services.

All these add up to poor support and rehabilitation opportunities for the prisoners. They should be rectified.

Issues raised by the prisoners at the meeting with the Inspectorate.

A) failure to be granted transfer requests from Castlerea prison mainly to Dublin based prisons for family or for medical reasons or to an open centre.

B) poor planning for prisoners serving long sentences (there are no family special visits no additional phone calls no extra channels, no family days and

no forward plans regarding rehabilitation, re-intergration to community, no support or assistance on release “just let you off”). Several complaints regarding their solicitors or their legal representatives. They complained that they failed to appear in court on the day of the hearing and prisoners can not get in touch with them. They failed to come to the prison to visit them and if the prisoner wishes to change solicitor the first solicitor is reluctant to hand over the legal papers to the newly appointed solicitor. This was a cause of considerable frustration to several of the prisoners. Prisoners should be encouraged to notify the Governor or his nominee of any such defaults and these should be communicated to the Law Society for investigation and, hopefully, solution.

There were also complaints that there was no flexibility regarding the day and time allocated to make a phone call. Unlike prisoners in other prisons who are issued with phone cards and can make calls whenever suitable for a person receiving them. The Governor informed the Inspectorate that a new telephone system will be installed in the prison before next Christmas. It is hoped that the complaints can be resolved with the new system.

There is an overcrowding problem especially in the remand section but hopefully with the additional unit being presently built, this problem will be eliminated and the prison will return to single cell occupancy.

The prison is not entirely “drug free”. However it is not experiencing illicit drug problems as other prisons. It is relatively a drug free prison.

It is good that all the prisoners mix freely with each other including sex offenders. It is a pity that there are no sex offenders programmes and that they have to depend on Arbour Hill Prison to get into such a programme.

The Samaritans continue to visit the prison and the “listening scheme” appears to be working well. The “new project your equal” is very much welcomed and hopefully will be successful. Great praise is due to all concerned in getting it into the prison.

It is unfortunate that there is no psychology service, no librarian, no additional probation and welfare officer and that the computer workshop is left idle at present. Such gaps in the service leave a void for prisoners regimes or rehabilitation.

The newly introduced annualised hours appears to be working well and they are operating the prison within the allocated budget. Management assured us that the new system did not affect the services to prisoners in any way (“except very occasionally”!!). They may have to take officers off posts to perform escort duties. The amount of new building work taking place and future building plans for the prison are extensive and welcomed. The additional facilities would be of great benefit to prisoners and staff. The staff training has not become fully operational and hopefully, with the recently appointed liaison officer, all staff will receive their required training. The new lay RC chaplain has been appointed to the prison. A priest from the local parish celebrates mass on a Sunday.

APPENDIX E

Observations and Findings for Arbour Hill Prison

Summary

The Visiting Committee happened to be holding their monthly meeting within the prison on one of the days of our visit and the Inspector dropped into their meeting for a short while. They were talking about the importance of the new integrated sentencing plan. This is a brilliant idea and hopefully it will be properly implemented so that a prisoner will know his progress or regression throughout the various stages of his sentence and as to which services he will need to access to achieve his eventual planned release.

The Inspectorate also met Dr. Lonergan, the head psychologist. The Inspector stated that the sex offenders' programme that she runs is an extremely good one. However the Inspector pointed out that there were sex offenders in practically every prison, there were only 8 on the course in Arbour Hill and it is the only course available to sex offenders. The course runs for approximately 12 months. Dr. Lonergan agreed re the need for more programmes. However, she stated that it is voluntary for prisoners to attend, there are no extra benefits for doing the course and she is not sure if the demand is there for extra courses. The Inspector said he felt that psychological counselling was necessary on a one-to-one basis particularly for those who do not participate in the programme. Dr. Lonergan outlined the increase in psychology staff at Arbour Hill prison and the one-to-one counselling taking place. She is delighted with the increase in staffing but if more were available she would love to have them. They provide 2 hours

individual counselling in the a.m and 2 hours in the p.m and each patient has a one-hour session.

The Inspector said that the Minister assured the Oireachtas that there are enough psychologists for each of the prisons and that they are to be found in all of the prisons. There has been an increase in the number of psychologists attached to the Prison Service but there is no psychologist attached to Portlaoise, Castlerea, Loughan House or Shelton Abbey. A Department of Justice, Equality and Law Reform official stated that they are available and that the Minister wasn't telling an untruth. I am afraid I do not follow the thinking process that enables the Minister to make such a statement on the grounds that 4 institutions have not got a psychologist.

It is a matter of grave concern for the Inspector that there is only one sex offenders' course available for all of the prisons and that is in Arbour Hill Prison. So if you want to do it and if you are considered suitable you will have to go there. There seems to be no problem in getting into Arbour Hill to do the course. However there are over 200 offenders throughout the system and there is literally nothing in the way of psychological assistance/programme for them in any other prison. The Minister and the Chairman of the Parole Board announced that there would be incentives for people to undergo courses. This had been recommended by the Inspector and naturally he was pleased that, without attribution, it was being adopted. However, while it was a lovely photo opportunity it has not happened. There is absolutely no incentive for anyone to undergo a course. In fairness, it is

not within the remit of the yet unstatutory Parole Board but it is entirely within the remit of the Minister.

Of the eight doing this only course only one is imprisoned in Arbourhill the balance have come from other prisons.

The newly acquired area and buildings which were taken over from the Department of Defence by the Department of Justice, Equality and Law Reform were shown to the Inspectorate. Work is in progress in preparing a new staff car park and the bulldozers and lorries were busy on site. The other sections of the buildings have been secured by blocking up the doors and windows. The entrances and exits have been reinforced to prevent unauthorised entry and a general clean-up of the area has taken place. It was suggested to the Inspectorate that one of the buildings may be used for staff training while the others may be used as workshops. It is good that this area has been taken over by the Prison Service as it is adjacent to the prison. It has good potential for further development and a possible link-up with one of the wings of the prison.

The environmental waste management project is to be commended and the Inspector is delighted that the prison has achieved the awards in this area as already outlined. The horticultural work is another good project and hopefully the gardens in front of the prison will merit an award. They are looking very well despite the fact that it is winter/early spring season.

The visitors' waiting room has been improved for the comfort of visitors with tea/ coffee facilities available. There is a small playing facility for children which consists of a Wendy house and a few toys. The toys appear sparse but management informed us that very few children accompany adult visitors and the children's needs are not so much in demand as in other prisons.

It is good that at least three-quarters of the recommendations made arising from the full inspection in 2003 have been implemented. The 2006 prison's business plans have also achieved almost all of their targets. The staff training should improve with the appointment of a Training Liaison Officer. Some aspects of training have fallen behind.

The new annualised hours appear to be working quite well and the staff are working approx 50% of their allocated overtime. The maintenance aspect of the agreement needs to be finalised for the prison.

The entire prisoner population are assigned a job/work or education and nobody is walking around idle in the exercise yard. It is a very settled population with little turnover and all of the prisoners to whom we spoke emphasised how good and relaxed the prison is. They all praised the management and staff.

The prison is spotlessly clean and there are plants in large wooden boxes along the corridors. The prisoners take great pride in the plants and tend to them and ensure they get water, etc. There are 2 canaries in a cage on a

corridor leading to the church which again are looked after by the prisoners.
The joke is that the canaries sing with the choir!!

The staff/prisoner relationship is very good. There is a relaxed and homely atmosphere about the place. Most of the prisoners are serving long sentences and consequently the staff and prisoners know each other very well. This also helps to identify at an early stage any problems a prisoner may be having. All in all it appears to be a well run prison.

The Inspectorate are grateful for the welcome, assistance and facilities afforded the team while on the visit. The meals sampled were top quality. So thanks again to the Governor and his staff for the hospitality shown to us throughout our stay.

Appendix F

Conclusions and Findings on Portlaoise Prison

The prison has had many improvements carried out since the last full inspection by the Inspectorate in 2002. The new entrance, gate lock, visitors' waiting room facilities, control room, etc plus the refurbishment of the old gate area is a wonderful improvement. New facilities have been provided for the army personnel and a new cell block to replace the existing cellular accommodation is being erected. The small stand-alone cellular buildings at the rear of the prison which was under the control of the Governor of the Midlands is now coming under the jurisdiction of the Governor of Portlaoise Prison. It was built at the same time as the Midlands Prison and its intended use was to hold disruptive prisoners. There are still a considerable amount of buildings in use which are sub-standard. The visiting facilities and the tuck shop building are of Portakabin type, leaking and with flooring problems. The "D" block was condemned as being unsuitable to accommodate prisoners a few years ago and is still in use. The last inspector's report highlighted this fact as did the various visiting committees'. The "E" block while in better condition than "D" is also over 100 years old. In view of the poor cellular accommodation, the new cell block with its modern sanitary facilities within is most welcome. The prison lacks open space around it and despite the fact that it is located on the outskirts of the town there are no green fields or greenery to be seen anywhere with every bit of open space being built upon.

The prison is operated as a high security prison and therefore the emphasis is on security and containment with very little in the line of rehabilitation programmes. There is a good education system in place. The “E” block prisoners practically do no prison work or any work/training programmes. Their time is spent at education, gym or exercise yard, a few at craft shop work or just remaining in bed watching TV. Their time out of cell is not very structured and they very much do their “own thing”. Prisoners on each landing have their own spokesperson and all communications and interactions with prison management are done through their representatives. Many “agreements” or “understandings” cannot be changed or altered without full consultation and a new agreement. These “arrangements” were agreed with the “subversive” prisoners but the “ordinary” prisoners held on E1 landing are also enjoying the same status/regime. The present management has inherited most of these agreements but one wonders at their retention in view of the peace agreement when such subversive prisoners are supposed to be no longer in existence. There are elements within the subversive group who do not agree with the present peace process but for them to be given such prison status and regimes is questionable. That the “ordinary”, mostly high-security, prisoners detained on E1 landing who do not belong to any subversive organisation but are well organised within the criminal underworld should receive the same status/regimes as the others on the wing is also highly questionable. These are issues for the Prison Service H.Q and the Minister.

Some of the “subversive” prisoners on “E” wing expressed a wish to get involved in work/training type workshops such as carpentry, tiling, plumbing, construction work, etc. If such were to be introduced it should be linked into the Fetac certification standard and training programme. However, there appear to be no facilities within the prison at present for such training and the new cell block being erected does not appear to have any plans for such type of workshops. Some of these types of training workshops were in operation previously but had to be discontinued for security reasons as the incoming raw material was used to smuggle illegal substances into the prison. So all of these factors would have to be considered if the workshops were to be re-introduced, but something to occupy and train prisoners would be better than what’s happening at present where they spend a considerable amount of time doing nothing.

The “ordinary” prisoners on “E1” landing have practically no structure to their day time out of cell. Some may go to the education or gym or to the exercise yard while others spend their time lying in bed or remaining around their cells. They keep the landing, toilets, shower area clean but otherwise do not perform any prison work. The ordinary convicted prisoners throughout the other prisons have to perform prison work (if available) but these prisoners are exempt from same. The lack of workshops and of work/training programmes contributes to their idleness but boredom must be a problem for them.

The prisoners detained on “D” wing are described as “work party” prisoners who perform cleaning, cooking, recycling, painting, etc throughout the prison.

Those involved in the kitchen work follow the required accreditation cooking standards and it is hoped that the prisoners involved in the recycling waste management work will also be brought up to certificate standard.

The medical services are provided by a doctor who attends the prison for 3 hours daily and at weekends in emergencies. There were great praises for her work. The dentist attends once every 2 weeks for three and a half hours per visit. The psychiatrist from the C.M.H attends once per week for 3 hours as well as a community psychiatric nurse who visits two hours per week. There is no psychologist attached to the prison. There is no one attached to the prison and one is urgently needed. There are no addiction counsellors and there is a great need for both of these services.

There is only one Probation and Welfare Officer who works a three-day week. A new Senior (supervisor) Officer has been appointed to be Portlaoise District Office which also includes the prison. It is impossible for one officer to make any impact on prisoner programmes etc if they are only there for a 3-day week working with a population of 115 - 120 prisoners. "Fire Brigade" service is all that can be provided in such circumstances.

The chaplaincy is provided by a full-time R.C priest and outside clerics are invited into the prison for those prisoners who request same and are of different persuasion to R.C. The prisoners and staff both commented on the good work the chaplain was doing even way beyond the chaplaincy role.

The relationship between prisoners and staff is very good and a lot of staff are on first-name terms with the prisoners. The staff training welfare programme is very welcome and appears to be quite effective from our observations of the interactions between staff and prisoners. The new annualised hours agreement has removed a lot of staff off static posts such as opening and closing internal gates which is welcomed. The management are operating the new agreement within their allocated budget, however they are experiencing difficulties operating the visits with their present allocation of staff. The escorting of prisoners which is operated by the escort corps from the Midlands Prison does not always have sufficient staff required so Portlaoise staff have to augment it when again it is not allowed for in staffing levels. A number of staff expressed their dissatisfaction with the new working arrangements but especially the trades officers whose workforce was reduced from 18 staff to 6. The trades section and some of the clerical work (stores) are “pooled” with the nearby Midlands staff and this arrangement does not appear to be acceptable to staff as there appear to be demarcation lines drawn. There are human resources/union issues here which need to be resolved by Headquarters in order to have happy working relations on the ground. Very little refresher staff training took place in C & R B.A., fire-fighting, equipment, etc but with the appointment of a new Training Liaison Officer hopefully this training will be brought up to date as well as the other developmental training. Fire-drill evacuation exercises have taken place which is welcomed. The average number of staff on daily sick leave is 10 -15 while the number of days’ absence due to sickness from January to May 2006 was 720 - 750 days per month. These figures rose to 817 days for

June, 1053 days for July, 1130 days for August and 984 days for September. So the sick leave was highest during the peak summer period. Eight staff have applied for transfer and management state that these are for geographical reasons to get nearer their home. There were two staff disciplinary hearings before the Governor in the past year, one of whom received a punishment arising from the hearing. There were no escapes from the prison or from escorts outside of the prison in the past year. Three staff are involved in further education in the areas of counselling, occupational health, safety and public administration. There are four staff involved in personal development courses such as staff services, library, administration, etc while a senior member is involved in a waste management degree course. The overall morale among the staff appeared fairly good.

The prisoners' hygiene facilities and overall facilities are quite good. They all have their own personal clothing. Laundry facilities are on each landing so they can wash and dry their clothing as often as they wish. The same applies with the showers; they are on each landing and inmates can use them as frequently as they wish. There are no restrictions on the number of letters they can receive and the telephones are available to them on request. The letters are censored and their telephone calls are monitored. The tuck shop supplies practically everything that is ordered and there is a good library service. The gyms are open for use from 9.15am - 7.30pm daily including weekends and there is a P.E teacher attached to the prison. Each cell is fitted with a television set and they have a wide range of TV channels. They also have an electric kettle. They are allowed a radio, a Play Station

and some have a computer in their cells. They can receive two visits per week and the “E” block prisoners’ visits takes place in a room, sitting around a table without any barriers between prisoners and visitors. The “D” block prisoners’ area has a counter with a 9” barrier divide down the centre of the counter between the visitors and the prisoners. The general conditions of the visiting facilities are poor. There are new visiting boxes provided for “E1” prisoners but they have refused to take their visits therein. They are modern, comfortable, warm rooms with toilet facilities and are lying idle because the prisoners refuse to use them. This in the Inspector’s opinion is a disgrace.

The prisoners’ discipline appears very good with only 24 disciplinary reports (P.19’s) in the past 6 months. This is extremely low number of reports compared to other prisons. Arising from those reports one prisoner forfeited loss of remission while 3 forfeited evening recreation for longer than 3 weeks. There were no reports of smuggling or attempting to smuggle illegal substances or articles into or out of the prison. There were no reports either of assault on staff but there were six reports of assault on fellow prisoners. Part of the reason that there were few misconduct reports (P.19’s) was that some prisoners were transferred immediately after the disciplinary hearing before the Governor to another prison and the record of whatever punishment was imposed was transferred with the prisoner’s file. So there was no record locally of such report or of punishment having been imposed.

There was a death in custody 18 months previous to the inspection dates and apparently there still has been no inquest into his death. This is a

worrying fact which required an explanation. There are no recordings of any attempted suicide at the prison in the past six months.

The educational needs of the prisoners are very well catered for with 11 full-time and 15 part-time teachers who are attached to Laois V.E.C and co-ordinated by the Prison Service's co-ordinator of education. There are new (Portakabins) classrooms outside of the main cell blocks as well as a considerable number of classrooms within the landings, so the classrooms are fragmented. The teachers are looking forward to the education facilities within the one area in the new cell block being erected at present. The full range of curriculum subjects is available to the prisoners as well as the Open University and a large range of other subjects/courses such as those Fetac based, in horticulture, health-related fitness, music appreciation, food and nutrition, French communication, computer applications, computer literacy, E.S.O.I personal and interpersonal development, personal effectiveness and information technology. Several pre-release programmes are also run which at times entail outside speakers. These courses include anger management, thinking out, goal setting, confidence/self esteem, alcohol awareness, job preparation, health and medical issues, road haulage, environmental food hygiene, Safepass, Fetac work experience, driver theory test and European Computer Driving Licence. The following is an outline of the number of prisoners who completed accredited examination in 2005. Junior Cert 10, Leaving Cert 7, Fetac 30, Open University 14, Open College for the Arts 1, Other correspondence (Oscail ACCA) 2, Trinity Guildhall 3, ESOL and Teft 7, Scrudu Ceol Tire Comhaltas 22, Royal Irish Academy of Music 3, First

Adir/CPR 8. So one can see there is a broad range of subjects available to those who wish to participate. It was also good to note that there was an increase in the number of prisoners attending classes for more than 10 hours per week from an average of 18 in 2004 to 38 in 2005. The average participation in education in 2005 was 75.5% of the prison population. The Inspectorate were very pleased with the interest and enthusiasm shown by the teachers we met during our inspection and of the broad range of subjects/courses available to the prisoners.

So to summarise, it appears to be a well run prison in relation to security and containment. There has been a lot of building work done and there is more to do. The hygiene levels are reasonably satisfactory but could be improved. The work/training for prisoners is very limited. Staff training needs to be brought up to an acceptable level. Records of those detained in special cells should be maintained. The appointment of a psychologist, additional Welfare Officer and an addiction counsellor are urgently needed.

The Inspectorate are grateful to the Governor and staff for the welcome and assistance given throughout the inspection. We are grateful for the facilities that were put at our disposal and the co-operation received during our tour of inspection. Thanks also to the "outside" consultants who gave of their time to assist the Inspector which is much appreciated.

Acknowledgements

The present Inspector sincerely hopes that his office will be statutory by the time he leaves it on 24th April 2007. However he feels strongly that a great deal of his work is incomplete and would like to be re-appointed for a further three years on the same terms as he presently enjoys. He has asked the Minister to re-appoint him. The Inspector has not minced his words and has been critical on certain aspects of our legal and penal systems. He knows that many of his recommendations have been accepted and acted upon. Others are under consideration and possibly will be implemented. The Inspector would like to express his deep appreciation for the support and help he has received from his special advisor former Governor Jim Woods, his personal assistant Martin McCarthy and his wonderful secretary Pauline Kearney. He would also like to thank Dr Jim Ledwith who is unfortunately, "definitely retiring" in July 2007". He has made very incisive contributions to the deliberation of the Inspectorate and all wish him a long happy healthy real retirement. The Inspector would also like to express his sincere gratitude to Professor William Binchy of Trinity College, Dublin, Paul Ward University College Dublin Prof. Paul McCutcheon Dean of the Law Faculty Limerick University, Prof. Caroline Fennel, Dean of the Law Faculty University College Cork, Mark Kelly now Director of the Civil Liberties Council, Dr. Maurice Manning, Director of the Human Rights Commission Patrick Keane S.C wonderful Governors and other management figures and also Probation officers, Prison Officers and prisoners as well as medical experts, educational experts, chaplains and the other people who help to make life bearable and hopefully will help prisoners not to re-offend.

As the current Inspector is the first since the 1830's the methodology of his inspections is evolving and is hopefully improving with every visitation. He hopes shortly to finalise his template.