

The Mountjoy Visiting Committee is pleased to submit the 2008 Annual Report to the Minister for Justice.

It is essential that members of V.C's are, and remain, an independent monitoring body. For general information we set out a draft of the main points of the 1925 legislation under which V.C's are appointed. This was compiled by ourselves and we have sought clarification from the Department of Justice on the accuracy of this. We are still awaiting a response.

- > Each visiting committee shall appoint a Chairperson
- > V.C's should meet once a month, but no less than 6 times a year.
- > 3 members shall constitute a quorum.
- > Minutes must be kept of all meetings.
- > V.C members are entitled to visit the prison at any time and have free access to all areas.
- > They are empowered to inspect the books of the prison.
- > V.C's shall hear and investigate any complaints by prisoners and if requested listen to these in private.
- > May hear appeals from a prisoner to a decision of a Governor or Officer to impose a penalty on a prisoner.
- > Frequently inspect the diets/menus of prisoners.
- < Liaise with the Governor and general management of the prison.

- >Enquire into the conditions of labour/work, and ensure they are suitable, and appropriate for preparation of prisoners for earning a living on release.
- >Satisfy themselves with the operation of the Prisoners' Aid Societies and any other such agencies. Liaise with any agencies internally or externally that could be beneficial to the welfare of prisoners.
- >Devote special attention to prisoners about to be discharged.
- >May organise lectures in the prison for prisoners.
- >Must report any abuses in the prison to the Minister and the Board.
- >Make an Annual Report in December of each year and may also make reports from time to time as they deem suitable, to the Minister or the Board.

We had 12 full meetings of the V.C., apart from regular attendances each month by 2 members. Also we attend the prison on an AD HOC basis. On all of these meetings and visits, prisoners and staff are met, and issues of concern are discussed and dealt with.

A sample of issues discussed are as follows:

Problems with visits

Disciplinary issues

Dental surgery and treatment

Contact with solicitors

Duration of phone calls

Alleged assaults by other prisoners and prison officers

Slopping out

Overcrowding

Pressure by other prisoners to take drugs
Temporary releases
Clothing and other items of property going missing
Requests for transfers to other prisons.
Delays in going to hospital for check ups or treatment.
Tuck shop issues
Delays in basic maintenance.

Mice, rats and cockroach infestation.

Central heating 'on' when not needed.

Insufficient number of phones.

Apart from meeting with prisoners we also discuss areas of welfare, training, food, general treatment and education, with governors, chiefs, staff, outside agencies and interested groups or persons on a regular basis.

In 2009 we will meet with the Irish Prison Service, in an effort to enhance not only our communications with each other but hopefully, encourage and participate in enhanced regimes within the prison, and to make prison time more humane and beneficial to prisoners and society.

P19 Hearings:

On a number of occasions we have seen as many as 10 or 11 prisoners in a holding cell in the base, awaiting hearing of their case by a Governor. It is a degrading spectacle.

Prisoner's cases would probably be better heard on an individual basis, in an office on their respective wings.

If this is not feasible, then a reduction in the number held at any one time should be considered.

We are writing to the Governor on the subject of phone availability on each wing, which is totally unacceptable.

We understand that phones are being damaged on a regular basis. However they are still essential. Maybe a better location, with easy visibility, in a phone box situation might be better.

Also we have expressed our concerns about the length of time it often takes to get through to the switchboard. This we are told is due to too few lines.

We also from time to time visit outside work parties to check on progress and encourage participation. We welcome this and are always encouraged by the commendations from recipients of the work. Again we request the expansion of this important programme. We would urge greater FAS participation and certification for this work.

A significant amount of time is devoted to researching areas of benefit for the welfare of prisoners, both inside and outside the Prison.

If the amount of time spent by V.C members was limited to a meeting and a further visit by two members once monthly, the volume of work we conduct would not be possible.

In 2007 and again in 2008 the committee requested information and meetings from the Ministers office and

the Prisons Policy Division. No information or meeting has been organised.

The management and staff of Mountjoy are very professional and cooperative in their dealings with the committee and are also very progressive in their approach to prisoner welfare.

This is evidenced by their improvements to workshops and in particular, the workshops destroyed during the well publicised disturbances on 12th July 2008.

These were the "D" recreation/workshops, which had to close due to the destruction of the area and equipment. Due to the strict tendering processes which Mountjoy must adhere to, the delay in carrying out refurbishment and restocking was unavoidably delayed. Cleaning up and initial works were started immediately on completion of the Garda Investigation.

Lists were prepared by each Industrial Supervisor on an area basis and submitted on 24th July 2008.

All restoration work comprising electrical, plumbing, plastering, painting and decorating was undertaken by Industrial and Trades staff and up to 24 prisoners. New secure gates have been fitted along with new flooring where possible.

The workshops re-opened are:

"D".Fabric, Computer/Print, Advanced I.T. and Carpentry.

The T.V. recreation area was permanently closed, by order of senior management. However this provided space for extending the carpentry and computer/print workshops.

It was also decided by Management on 12th July to discontinue the "A" Division Metal workshop. This was

done because of the close proximity of the workshop to the recreation area and exercise yard, as there can be up to 200 Prisoners using these areas at times.

This decision removed the possibility of Prisoners having access to metal objects, gas cutting equipment, grinders, and welding equipment. Obviously a high risk situation in Mountjoy. Prime consideration was given to security and good order in the decision to close it.

We hope that in a new Prison, in a more secure situation it would be possible to introduce this training as it was both useful and popular.

The Management and staff, mindful of the objective to provide work and training activities, and to alleviate idleness and boredom, held group discussions on alternatives to the metal workshops and decided on two options:

1. A computer workshop
2. A concrete workshop

The concrete workshop will operate under the supervision of an industrial supervisor and an assistant industrial supervisor, while the computer workshop will operate with an assistant industrial supervisor.

We must compliment the staff who dealt with this disturbance, in a quick and efficient manner. Our best wishes go to the injured officers and we commend their bravery. We commend all the staff involved, and include those staff and prisoners who have worked non stop to get all of the workshops operational, sometimes with limited resources. We earnestly request these people to be recognised in a suitable manner. Thanks also to IPS for approval of funding.

We enjoy an excellent relationship with Governors and staff on general issues, which are prisoner based. This does not always extend to changes in policy or regimes.

Contact on prison issues is ongoing with the Irish prison service through our chairperson. This is a fairly recent innovation from both sides, as in the past we have criticised lack of information to visiting committees. Unfortunately we still await the same courtesy from other quarters. The committee still have to depend on media coverage for information, which is often supplied to the media, when called in by the Dept. for a press briefing. Recently this referred to Visiting Committee's make up, and reports to the Minister, which were referred to as short. It should be noted that it was the policy of our committee for many years to keep the reports short, to the point, and on issues not reported elsewhere. Reports could be very long indeed, if all issues dealt with by the committee were to be consigned to paper. Many of these are of a personal and often sensitive nature, and are told and discussed in confidence.

Modifications and upgrading to toilet areas needs to continue and repairs in some are badly needed. Missing tiles harbour bacteria, dampness and cockroaches, apart from the consequent smell.

Cleaning regimes are not adequate. Staff and prisoners are trained and have cleaning schedules. However these are affected by the high prison population, which also means an increase in the numbers 'slopping out'. Impacted also are workshops, painting, general

repairs, education and visits. During December a number of areas including toilets were less than satisfactory. Some Sluice Rooms were filthy. Generally hygiene is not up to scratch. Further training in the use and suitability of cleaning materials is needed.

We have suggested to Governors that internal work parties be set up, with the possibility of prisoners being trained and FAS accredited. These work parties could repair some or all of the damage to the prison fabric caused by individuals and groups who are intent on disrupting the prison system.

The prison, no more than the 2007 report highlighted, is not suitable for detaining prisoners. Our comments in that report still stand. The stated core value of the Irish Prison Service, that it is committed to making available to each person in custody the conditions and services that are appropriate to their well being and personal development, falls far short of reality. This core value benefits far too few in Mountjoy. The facilities, space or staff are simply not there if many more prisoners were to request training, recreation, education or any meaningful uptake of most services.

We would like to resubmit our request for more temporary workshops, gyms and class/hobby rooms, as we now understand from word of mouth, that Thornton Hall has been deferred for a number of years.

Overcrowding is still a major problem, and we still believe that sentencing for some of the minor issues could be dealt with under community type orders. We would urge the Minister or his officials to discuss this

with Judges, particularly those at District Court level. Can regard be had for prison populations when sentencing for minor offences, particularly non payment of fines and bad debts? An assessment of these bad debts should be carried out, by the Dept.of Justice, with particular reference to the real value of loss e.g., were some of these debts covered by insurances.

Could some of the cases involving minor altercations either with Gardai or other members of the public be dealt with by an Inspector or Chief Inspector, subsequent to the problem, in the sobriety of the Garda station? Visits to district courts would indicate there is a tendency on the part of some Judges to have custodial sentences at the top of their preferred remedy, for offences that could be dealt with on a more local basis, which might be more beneficial to the injured parties, the offender and the community at large. Offenders should only be sent to prison, if there is room to accommodate them, in a safe and secure manner, and certainly not to prisons already overcrowded, totally unsuitable for habitation and devoid of meaningful volumes of rehabilitation.

Is it possible in many cases to delay the commencement of the committal, until proper space is available? The Whittaker report advocated restricting the penalty of imprisonment and use it, only as a last resort. Of course this suggestion needs alternatives. We mention here the relevant section of the report:

Normally a sentence of imprisonment should be imposed (or confirmed) only after a full personal report on the offender from the Probation or Welfare Service,

supplemented, where appropriate, by a psychological and medical/psychiatric report.

There is no requirement at present for this.

The introduction, late in the year of the improvements in dental dept procedures, is welcome, but more needs to be done. Due to the large reduction in drug availability in prison, "toothache" has become a common complaint. We still urge an increase in dental staff, and dental opening times. Discussions are ongoing with dental staff and Governors on this issue. We appreciate the improvements made by the Governor and the Health Care Manager to date in reducing the numbers on the waiting list.

Also we would ask that all prisoners be entitled to dental treatment, from start of detention in prison, i.e. on committal.

The main library continues to be an excellent service. The service in the C base, observed on several occasions needs attention. We will hold talks with the library service in early 2009.

The food served and quality of same remains at a high standard. Our only concern is maintenance of the kitchen, particularly broken floor tiles. We are of the opinion that trade staff should be reintroduced, to past numbers, not only to effect repairs but to train prisoners in useful skills.

Rehabilitation is still a long way from satisfactory. Again we would point to our report of 2007.

Management at Mountjoy tell us there are ongoing efforts to improve the situation.

In discussions on overcrowding, and our request for

information on numbers detained, in Mountjoy and other prisons, we are told that the prison population in recent times stands between 100% and 103%. Inspection of these figures shows that the lowest of these is less than 60%, while Mountjoy on the same day was 113%. Some other prisons could be 96%, 101% etc. If nationally all prisons shared equally, the figures for all could be much closer to 100% per prison.

The committee's stance on "Special Cells" is unchanged and many visits to these find them to be degrading, and often not as clean as they should be. We have heard there is to be an increase in the number of spaces available in the Central Mental Hospital, and this would alleviate a major problem in Mountjoy. It would not however, do anything for the unsuitability of these units. Again our observations in 2007 and in prior reports still stand.

Last year we welcomed the introduction of the new security measures and our recommendations in 2006 and 2007 are now incorporated in these measures. We still believe that there are serious loopholes in the implementation of the measures and have expressed these to management. All entrants to the Prison should be subject to these rules, with NO exceptions. Otherwise it becomes of little benefit, as is evidenced by the continued supply, although reduced, of drugs and phones into the Prison.

In the overall picture of new measures, these serious issues represent a small percentage of the largely successful introduction. There are still far too much drugs in Mountjoy, and still too much pressure on some prisoners to partake in drug supply and use.

Anyone caught under the influence of drugs in Mountjoy

should not have normal visits, or enjoy remission. Treatment for all, in reducing drug dependence should be available. Drug treatment in prison should be on a phased reduction basis. We would again remind authorities of their obligations to provide care and rehabilitation. Rehabilitation is the keyword here.

Due to the high numbers in Mountjoy, prisoners are sleeping on mattresses, on cell floors. The mattresses are not the most comfortable, especially when the base for the mattress is the floor. Cells are overcrowded and as already mentioned, unsuitable for habitation. Also prisoners on 23 hour lock up, do not get proper recreation, exercise or fresh air and all too often are locked up for 24 hours per day. How could this be considered healthy. All this in semi dark, depressing conditions with scant toilet facilities, with the main toilet being at the end of a wing, requiring slopping out. The news that the segregation unit is to be refurbished and utilised is welcome, but needs to be done with the utmost haste.

Mountjoy has no facilities to deal with sex offenders. We have made many requests for a transfer. The management have been urged to make a decision on this in the near future.

Violent behaviour between prisoners is being dealt with by prison management and measures are being constantly updated. We fully support efforts to control this problem, and appreciate the difficulties in segregating gangs from each other to avoid serious harm.

We are no less disturbed and incensed by media coverage of prisoners. Photos and information is passed on to journalists who care nothing about the harm and hurt they inflict on people. It might be more beneficial if they reported the shortcomings in rehabilitation.

As we said previously prisoners are deprived of their freedom as punishment for their crimes. While some prisoners welcome the attention, others, more vulnerable, are often deeply upset by it. Coverage is not that of a caring society, interested in and pursuing a rehabilitative policy. It is at best, gutter journalism, designed only to sell the maximum number of copies. It certainly is not to improve the future of anyone. There should be less respect for those who pass it on.

In our view vans used for the transportation of prisoners are not safe. They are not equipped with safety belts, and are cramped. Seats made of plastic would be particularly unsafe should there be an accident, as prisoners are handcuffed during transportation. Imagine the discomfort during long journeys. In the event of an accident, access to prisoners would be very difficult. In discussions with Management, we are assured that staff is trained to gain access quickly. This has obvious limitations. Also visits to district courts to observe prisoners transported in these vans, reveals that they can be locked up in them, sometimes for most of the day.

The reason we requested more temporary rooms and workshops is to provide expanded education, counselling and workshop training modules. The committee would welcome the opportunity to discuss expansion of these services, e.g. business set up course, interview skills,

positive outlook and options in society for better living, handyman skills and many more.

We would once again request the commissioning of a video for new entrants to the prison system coupled with an explanatory booklet. The video would be ideal for people who cannot read.

Discussions on training for V.C. members are at a stalled stage, awaiting feedback from the Prisons policy division on the legislation Governing visiting co

Attached is a list of the committee members who served in 2008:

Betty Minihan (Vice Chairperson) *Betty Minihane*

Carmel Bolger *Time expired*

Noel Cloak *Noel Cloak P.C.*

Paul Mackay

Liam Hogan *Liam Hogan P.C.*

Niall Tempany *Time expired*

Eoin Hardiman *Time ~~exp~~ expired*

Thomas Kennedy *Tom Kennedy*

Michael Goode *Michael Goode*

J.J. Murphy *J.J. Murphy*

Stephen Langton (Chairperson) *Stephen Langton*

Our sincere thanks to those whose who have served on the committee, for all their efforts and commitment. Continued appreciation to those still serving. Our thanks to all those people who through the year gave their time and expertise in the work of prisoner welfare. They are too numerous to mention.

Our condolences to the families,relatives and friends of those who died in the prison during the year. May they rest in peace.

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