



MAKING PROGRESS?

Examining the first year of the Irish Prison Service's
Three Year Strategic Plan 2012–2015

Jesuit Centre for Faith and Justice

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Three Year Strategic Plan 2012—2015

2013

Jesuit Centre for Faith and Justice

The author of this report is the Jesuit Centre for Faith and Justice.
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with the support of Eoin Carroll.

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A number of others contributed to the report through advice and comments for which the Centre is extremely grateful.

The Jesuit Centre for Faith and Justice

The Jesuit Centre for Faith and Justice was established in 1978 to promote social justice by fostering an understanding of public issues through social analysis, theological reflection and advocacy. A registered charity and an agency of the Irish Jesuit Province, it aims to influence government policy and practice and to raise awareness of difficult social issues. At the heart of the Centre's work is the belief that every human being deserves dignity and respect.

The Jesuit Centre for Faith and Justice conducts independent analysis and research in such areas as penal policy, housing and homelessness, health policy, and economic development. Its journal, *Working Notes*, published three times a year, contains analysis of social and economic issues and their impact on society. Other recent publications include *The Irish Housing System: Vision, Values and Reality* (2010) and *The Irish Prison System: Vision, Values and Reality* (2012). In September 2012 the Centre hosted the international conference 'Re-imagining Imprisonment in Europe: Common Challenges, Diverse Policies and Practice'.

For further information on the Centre and its work please go to www.jcfj.ie.



Introduction

With the election of the Fine Gael–Labour Government in 2011, a commitment was made to reduce the prison population and to alleviate overcrowding, primarily through non-custodial options for non-violent and less serious crimes (Department of the Taoiseach, 2011). A commitment was also given to provide in-cell sanitation and, resource permitting, upgrade prison facilities (*ibid.*). In April 2012 the Irish Prison Service (IPS) released its *Three Year Strategic Plan 2012–2015* that aimed to improve the Irish prisons system across six key strategic actions: prisoner numbers; prisoner progression; prisoner programmes; management and staffing; the prison estate, and legislative consolidation (2012a). In June 2012 the IPS published a *One Year Implementation Plan* that set out short-term objectives under the same six strategic actions (2012b). This report examines each of these objectives, covering the period from June 2012 to May 2013.

This report was compiled with the objective of monitoring progress on the Irish Prison Service's *Three Year Strategic Plan* and more specifically, its *One Year Implementation Plan*. The report addresses each of the strategic actions of year one, giving each objective a traffic light score, followed by an explanation of the score, related commentary and recommendations. Traffic light scores have been assigned on the basis of the IPS's success in meeting its own goals as they were set out in the *One Year Implementation Plan*. Traffic Light scores have not been assigned on the basis of the level of impact changes have had or with reference to the aspirations, scale or scope of adopted goals; such analysis is reserved for the commentary section. Traffic lights can be read as follows, Green: all or a large majority of the stated goals have been completely met. Amber: some goals have been met, but others remain partly unfulfilled. Red: all or most goals have not been met and significant action has not been taken in key areas.

Most of the information gathered during the compilation of this report was obtained using Parliamentary Questions addressed to the Minister for Justice and Equality, Alan Shatter TD. The Jesuit Centre for Faith and Justice (JCFJ) is aware of concerns expressed by commentators that the imprecise nature of answers provided, and the potential bias of the civil service limits the usefulness of parliamentary questions as a method of research (Martin, 2011; MacCarthaigh, 2005).

Strategic Action



Prisoner Numbers



1.1

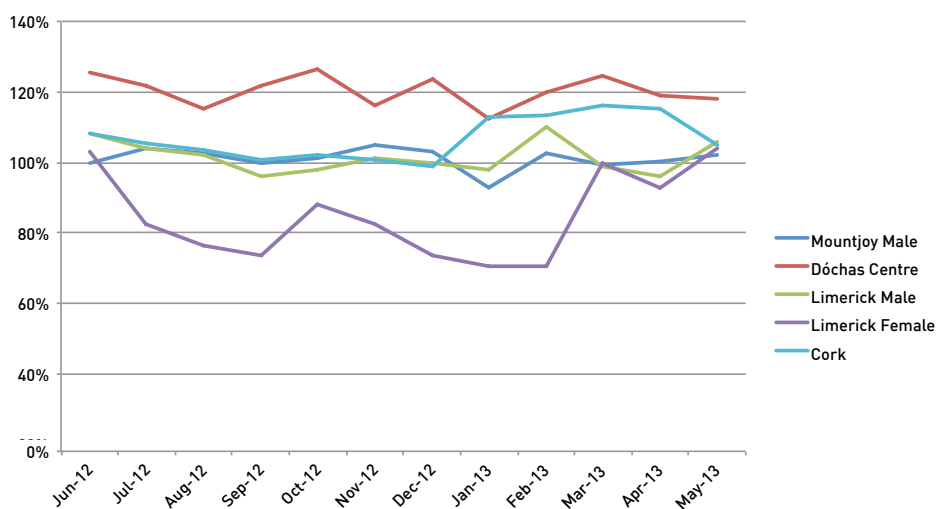
OBJECTIVE:

Reduction in chronic overcrowding in Mountjoy, Cork and Limerick Prisons, and the Dóchas Centre

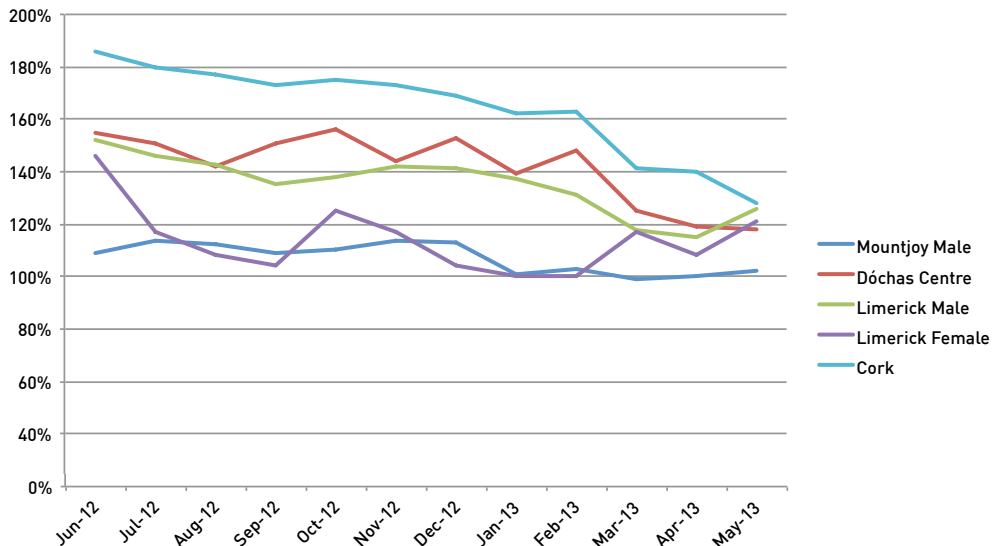
Why the Score?

While the daily prison population across the Irish prison estate fell from 4,415 in May 2012 to 4,272 in May 2013, a number of institutions remained overcrowded, or intermittently overcrowded, according to both the IPS's own standards and those of the Inspector of Prisons' (IPS, 2013a-d). Graph 1 illustrates the numbers in the five institutions as a percentage of the IPS maximum capacity during each of the twelve months from May 2012 to April 2013. Chronic overcrowding was reduced in Mountjoy Prison, but overcrowding in the Dóchas Centre in particular persisted throughout the year. Cork and Limerick Prisons maintained levels of occupancy at or close to full IPS capacity throughout the year. It is also important to highlight the extent of overcrowding in these institutions as assessed by the standards of the Inspector of Prisons, expressed in Graph 2.

Graph 1. Numbers in custody as a percentage of Irish Prison Service prison capacities. (Source: IPS, 2013a-d)



Graph 2. Numbers in custody as a percentage of the prison capacities of the Inspector of Prisons. (Source: IPS, 2013a-d)



Commentary

Overcrowding has serious implications for every aspect of prison life. As the JCFJ has previously argued: 'the concept of overcrowding in prisons is not just a matter of bunkbeds and mattresses being crammed into limited spaces on cell floors but has implications for services and activities to meet the needs of all those detained in prison, and for the safety of high numbers. Overcrowding means that regimes degenerate.' (JCFJ, 2012: 27).

Due to the steady rise in Irish prison populations seen since the 1980s, overcrowding has become an overriding characteristic of the Irish prison system (*Ibid.*). While overcrowding has been widespread, there is no consensus on how overcrowding should be assessed in the context of the Irish prison system. The Inspector of Prisons, the European Prison Rules, the IPS, and international best practice all set out different thresholds for what constitutes overcrowding.

In measuring overcrowding, the IPS sets a bed capacity for each institution. If occupancy levels rise above this capacity then the prison can be said to be overcrowded according to their standards. These standards for overcrowding refer only to the bed capacity of a prison, that is, the number of beds in the institution. IPS capacities, therefore, are a very limited measure of overcrowding, as they do not capture many of the symptoms of overcrowding such as limited access to education, work and training, and drug treatment facilities.

The Inspector of Prisons also sets standards for each institution. The calculations of these standards are outlined in the Inspector's reports (Inspector of Prisons, 2009; 2010). A prison can be termed overcrowded according to the standards of the Inspector of Prisons if numbers in the institution rise above his given capacity figure ('Inspector Capacity'). The capacities set by the Inspector of Prisons are frequently lower than those set out by the IPS, meaning that a prison can be at once overcrowded according to 'Inspector Capacity', but not overcrowded according to IPS capacities. The Inspector also points out that even if a prison does not exceed its maximum capacity figure, curtailment of education, work and training could amount to that prison being overcrowded.

The JCFJ has previously argued that a prison's capacity should be based on the availability of single cells and that prisoners, in the main, should have a cell to themselves, have access to at least twelve hours of out-of-cell time a day, and should be able to participate in a full day of structured activity including education, work and training (see: *The Irish Prison System: Vision, Values, Reality*, available at: www.jcfj.ie). The level of overcrowding fell in Mountjoy, Cork and Limerick Prisons, and the Dóchas Centre in the twelve months to April 2013. However, based on the Inspector Capacity, overcrowding remained chronic.

... 'the concept of overcrowding in prisons is not just a matter of bunkbeds and mattresses being crammed into limited spaces on cell floors ...

... even if a prison does not exceed its maximum capacity figure, curtailment of education, work and training could amount to that prison being overcrowded.

... prisoners ... should have a cell to themselves, have access to at least twelve hours of out-of-cell time a day, and should be able to participate in a full day of structured activity ...

According to IPS thresholds, as illustrated in Graph 1, numbers in Mountjoy Male Prison, Limerick Male and Female Prisons and Cork Prisons fluctuated over the 100 per cent capacity figures, with chronic overcrowding persisting in the Dóchas Centre for women prisoners. When IPS standards for overcrowding are applied, both Limerick Male Prison and Mountjoy Prison experienced only intermittent overcrowding in the period from April 2012 to April 2013, and overcrowding was rare in Limerick Female Prison. In the Dóchas Centre for female prisoners, occupancy levels never met or fell below full IPS capacity.

Overcrowding is a particularly pressing concern in Limerick, Mountjoy, and Cork Prisons, as some, or in the case of Cork Prison almost all, prisoners do not have access to in-cell sanitation and must therefore slop out.

Prior to the publication of the *Three Year Strategic Plan*, the Director General of the IPS, Michael Donnellan, stated his concerns regarding not only overcrowding, but also regarding the overall size of the prison population. He stated that the IPS's strategic plan would focus on reducing prisoner numbers, saying that the system is tipped toward too many people in prison and must be rebalanced. Mr Donnellan further stated that although more people are entering prisons, finances are no longer available to support the building of new prisons, and thus alternative strategies to reduce prison populations must be pursued (*RTÉ News*, 18/01/12).

Recent actions, however, show that rather than focusing on reducing prisoner numbers, the IPS is pursuing increases in cell numbers in Limerick Male (estimate 45) and Female Prisons (estimate 22) (Deegan, 2013), and in the plans for a replacement facility for Cork Prison (Deputy Lynch, *Dáil Debates*, 27/06/13, p. 30). The new prison in Cork will house a maximum of 310 prisoners in double occupancy cells, an increase of more than fifty on the capacity of the current institution (Deputy Lynch, *Dáil Debates*, 27/06/13, p. 30).

Numbers in custody have been falling, dipping below 4,000 in early September 2013, returning ... [to figures] close to those seen on average in 2009.

This expansion of the prison estate stands in conflict with the Director General's comments, the 2011 Programme for Government and a number of measures aimed at reducing the prison population. The introduction of the Fines (Payment & Recovery) Bill 2013, and the expansion of the Community Return Programme both set out to reduce prisoner numbers, the former by reducing the numbers committed to prison, and the latter by releasing prisoners earlier (Government of Ireland, 2013). Numbers in custody have been falling, dipping below 4,000 in early September 2013, returning the Irish prison system to levels of occupancy close to those seen on average in 2009. However, clarity is still needed as to whether the IPS is committed to reducing prisoner numbers.

Recommendation

In the short term the Irish Prison Service should meet the occupancy standards of the Inspector of Prisons for the five institutions. In the medium term they should look to best international standards and the principle of 'one person, one cell', which is currently being introduced in Mountjoy Prison.

At present, the objective of the Director General of the Irish Prison Service and the Government of reducing the prison population is being compromised by building projects in Cork Prison and Limerick Prison 'A Wing' and 'B Wing'. Both developments will increase available prison places while there has not been an indication of corresponding closures of prison spaces elsewhere.

Building prison places as a mechanism for reducing overcrowding was addressed by the Whitaker Committee in 1985. They made the following recommendation which is still valid today: 'As a guide to policy, a limit should be set from time to time to the acceptable prison population and any tendency for the limit to be exceeded should signal the need for revised policies and strategies.' (1985: 18). Reflecting on this Professor Ian O'Donnell argues for community alternatives, and identifies a solution to the conundrum of 'the desire to expand and the need to contract [prison spaces]', recommending that for every three new prison cells constructed, four old ones could be taken entirely of out commission (2010). Likewise, the Council of Europe have recommended that countries dealing with overcrowding should set a cap on numbers (1999).

More recently, Ian O'Donnell, former Director of the Irish Penal Reform Trust and current Professor of Criminology in UCD, noted in 2011 that the building of prison accommodation for more than one person per cell is institutionalising overcrowding in prison design, which is unacceptable and should be reversed (O'Donnell, 2011).

... for every three new prison cells constructed, four old ones could be taken entirely of out commission.

1.2

OBJECTIVE:

National roll out of the Community Return Programme

Why the Score?

The Community Return Programme has been introduced in all institutions except Cloverhill and Arbour Hill Prisons. Prisoners from all institutions except Cloverhill, Arbour Hill, and Limerick Female Prison had successfully completed the scheme (Deputy O'Sullivan asks Minister Shatter, 15/05/13, p. 87, q. 219, PQ 23341/13)¹.

Commentary

The Community Return Programme allows selected prisoners to be granted temporary release on condition that they perform community service for a designated period of time. The scheme is open to prisoners serving sentences of between one and eight years, who have already served at least 50 per cent of their sentence, who have behaved well in prison and who have used their time in prison productively (IPS and Probation Service, 2012). Prisoners participating in the Community Return Programme must adhere to strict conditions, and may be returned to prison if they fail to comply.

Rates of compliance with the scheme are high, with almost 90 per cent of participants successfully completing the programme (Department of Justice, 2013). From the beginning of the pilot programme in October 2011 to July 2013, sixty-six participants had breached the terms of the Community Return Programme and been returned to prison (Deputy O'Sullivan asks Minister Shatter, 11/07/13, p. 53, q. 178, PQ 34007/13).

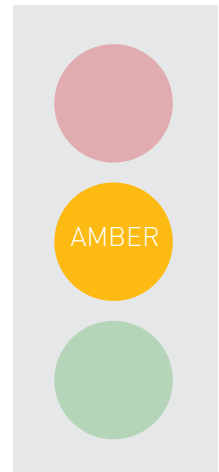
Prisoners may be returned to prison for breaching the conditions of the Programme, for example by missing work, failing to notify the Probation Service of a change of address, or failing to comply with the instructions of Community Service Site Supervisor (IPS and Probation Service, 2012). These prisoners are returned to committal prisons, regardless of which institution they were released onto the Community Return Programme from. A large proportion of those on Community Return have been released from open prisons; 265 of the 574 prisoners who had participated in the Community Return Programme by July 2013 had been released from the Training Unit, Loughan House, or Shelton Abbey (Deputy O'Sullivan asks Minister Shatter, 11/07/13, p. 53, q. 178, PQ 34007/13).

The Programme facilitates the person to 'pay back' or make good the wrong they committed by engaging in public service. In juxtaposition to this rehabilitative element the Minister for Justice, Alan Shatter TD, has guaranteed that the programme poses no risk to the public. He noted that someone not complying with his/her conditions would be immediately sent back to prison (Shatter, 2013).

While the Community Return Programme is a welcome addition to community reintegration, it contains a punitive element. To commit prisoners who had previously merited incarceration in open prisons to committal prisons such as Castlerea, Cork, Limerick, or Mountjoy for infractions such as failing to notify the Probation Service of a change of address or being late to work may amount to an excessively punitive response.

The Community Return Programme relies on community and voluntary sector organisations to monitor compliance. Community organisations that work with the Probation Service now have the responsibility to report infractions which may result in an ex-prisoner returned to custody for breaching the conditions of the scheme. This is an alteration to the dynamic between community and voluntary organisations, their service users, and the IPS and Probation Service. Organisations such as the Irish Association for Social Integration of Offenders (IASIO) which work in partnership with the Probation Service and have been involved in the Community Return Programme since October 2011 (IASIO, 2013: 2) need to be vigilant of the effects this requirement may have on the relationship with clients.

¹ Parliamentary Questions, all of which are from Dáil Éireann, were accessed electronically via www.oireachtas.ie. The referencing of these questions is as follows: Name of Deputy who posed the question, relevant minister, date on which the question was answered, page number, question number, Parliamentary Question (PQ) individual identification code.



Prisoners participating in the Community Return Programme must adhere to strict conditions, and may be returned to prison if they fail to comply.

The continued success of the Community Return Programme necessitates a multi-agency approach between social welfare, housing, the HSE ...

Recommendation

Prisoners recommitted for breaching the conditions of the Community Return Programme should be returned to the prisons from which they were released, after their initial return to a committal prison.

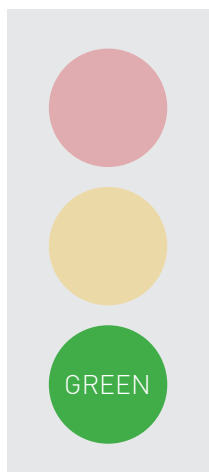
Community and voluntary sector organisations should be allowed to exercise discretion in reporting minor infractions.

The study by O'Donnell et al. highlighted the high levels of recidivism amongst people leaving prison (2008). Similarly, the Central Statistics Office's study of those having been on probation also demonstrated a high level of recidivism (CSO, 2013). Structured programmes of release have formed part of a response to this high level of recidivism, however, careful evaluation of the various schemes needs to take place to ensure that people exiting prison are not being excessively or unnecessarily monitored.

Poor support structures have been a regular complaint of unstructured temporary release. The continued success of the Community Return Programme necessitates a multi-agency approach between social welfare, housing, the HSE and so forth to ensure that participants in the Programme are adequately supported.

People released onto the Community Return Programme face a much higher level of supervision than they would have on unstructured Temporary Release. Careful monitoring is needed so as not to result in an increase in prison numbers, as greater supervision could result in more breaches of conditions and, consequently, more re-committals to prison.

Furthermore, despite the growth of structured temporary release programmes, people in prison should still have access to temporary release on humanitarian grounds to attend training, at Christmas time, to attend family events and so forth. Ian O'Donnell, in a presentation to the Oireachtas Sub-Committee on Penal Reform, stated that in the mid-1990s almost one in five prisoners were given temporary release, while in 2012 only twenty-five were granted this leave. O'Donnell notes that those granted occasional temporary release for vocational or family purposes were significantly less likely to be re-imprisoned (O'Donnell, 2013). The Irish Prison Service should endeavour to return to the levels of humanitarian temporary release seen in the mid-1990s (*Ibid.*).



1.3 OBJECTIVE:

Joint funding and staffing arrangements to maximise the availability of structured programmes in the community

Why the Score?

Cross-agency work between the IPS and the Probation Service increased in 2012. Joint funding and staffing arrangements, as well as the publication of a joint IPS-Probation Service Strategic Plan, signalled a move towards the two organisations working more closely together. The Community Return Programme has involved a large element of partnership between the IPS and the Probation Service. As part of the Programme an Assistant Principal Officer from the IPS has been co-located to the Probation Service Headquarters, to assist in ensuring an integrated approach in the management of people in prison.

The Irish Prison Service and the Probation Service are also working with community and voluntary sector organisations such as the Irish Association for Social Integration of Offenders (IASIO) and Care After Prison (CAP).

IASIO, in partnership with the Probation Service, provide a wide range of supports to adults in the criminal justice system, including access to training, education and employment (IASIO, 2012). IASIO is largely funded by the Probation Service and the Irish Prison Service, and works with several local rehabilitation, training and employment agencies nationwide which provide support within and outside the prison setting (*Ibid.*).

The IPS has also recently begun funding a new Community Support Scheme being run by Care After Prison (CAP). CAP is a not-for-profit organisation which provides information, referral, and a support service for ex-prisoners and their families in Dublin. CAP is supported by the Probation Service and the Prison Service. The scheme is for those serving shorter sentences. Those deemed suitable for the scheme are granted temporary release on condition they engage

... the publication of a joint IPS-Probation Service Strategic Plan, signalled a move towards the two organisations working more closely together.

with CAP's services. CAP has reported a 95 per cent compliance rate in its pilot phase (Care After Prison, 2013). CAP's Community Support Scheme is jointly funded by the Probation Service and the Prison Service (CAP, 2013).

Recommendation

The community and voluntary sector's relationship with Government and need for appropriate 'rules of engagement' should be examined with the possibility of a mutually agreed concord being produced. This is particularly relevant in the area of funding, as organisations should be allowed to maintain autonomy.

The community and voluntary sector's relationship with Government and need for appropriate 'rules of engagement' should be examined ...

Strategic Action

2

Prisoner Progression



2.1

OBJECTIVE:

Fundamental review of prison campus structures and individual prisons in terms of their function and internal prisoner progression programmes

Why the Score?

The IPS has reviewed campus structures since the publication of the *Three Year Strategic Plan*. Three campuses have been created, at West Dublin, Midlands, and Mountjoy. Open recruitment led to the appointment of campus governors at each of these locations (DPER, 2013). The creation of campuses is intended to increase efficiencies through the pooling of services and management at the affected institutions.

Prisoner progression programmes have also been reviewed, with the implementation of Incentivised Regimes and its constituent policies in each individual prison, and the expansion of Integrated Sentence Management to all institutions (ISM). ISM is to be organised on a campus basis from 2013 onwards.

Commentary

The Prison Officers Association has expressed concerns over staffing changes introduced as part of new campus structures. The Association believes that the pooling of prison officers between prisons has a negative impact on prison officers and prisoners, as prison officers must work in unfamiliar environments and have less opportunity to get to know prisoners. They note that each prison has different types of prisoners and customs, therefore, to expect a prison officer from one prison to cover intermittent staff shortages in another prison is unrealistic, counterproductive and may endanger the prison officer and others. Furthermore, they stated that incompatible systems, such as different keys and security systems, make the sharing of prison officers between prisons inefficient (Consultations, 2013).

2.2

OBJECTIVE:

Introduction of appropriate assessment procedures on committal

Why the Score?

Despite the introduction of dedicated committal areas and their associated committal procedures, a standardised cell sharing risk assessment tool has not yet been developed. Such a tool is needed to identify persons who present a high level of risk of being violent towards a cellmate, or a cellmate being violent towards them. Cell sharing risk assessment is an area of critical importance due to the level of doubling up seen across both the current Irish prison estate, in which more than 56 per cent of prisoners share cells, and in plans for its future developments in Cork and Limerick [Deputy Lynch asks Minister Shatter, 30/05/13, p. 72, q. 196, PQ 26320/13].

The Minister for Justice, Alan Shatter TD, in response to a recent parliamentary question, stated that a cell share risk assessment tool was being developed as part of a comprehensive Standard Operational Policy on Committal Procedures (Deputy O'Sullivan asks Minister Shatter, 15/05/13, p. 88, q. 221, PQ 23342/13). While the minister advised that it was hoped the policy would be finalised and implemented by the end of 2013, it is clear the IPS has not met the target set in its *One Year Implementation Plan* of developing and implementing such a policy. Without a comprehensive assessment procedure on committal in operation, Irish prisoners, particularly those sharing cells, remain at risk.

Commentary

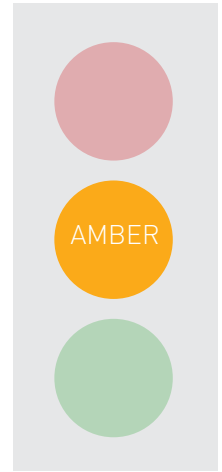
Lack of appropriate cell share risk assessment has already resulted in tragic outcomes in Irish prisons. The murder of Gary Douche, who was beaten to death by a mentally ill cellmate in Mountjoy Prison in 2006, illustrates the risks of cell sharing and the extremely dangerous implications of inadequate risk assessment and management of cell sharing (FLAC et al., 2008).

The Irish Prison System falls below international best practice in the area of cell share risk assessment when compared with some other countries. New Zealand, for example, has a very detailed cell sharing risk assessment. This assessment takes into account factors such as age, vulnerability, mental health, type of crime (Department of Corrections 14/8/13). There does not seem to be any standardised assessment tool currently in place in the Irish Prison Service, and there is no record of one being previously implemented. Scotland also has a detailed risk assessment upon committal and a readily detailed reception regime (The Scottish Government, 2012). Again such a detailed regime is not evident within the Irish Prison System

The development of a cell share risk assessment tool, while imperative in the context of the current Irish prison system, should not be used as a pretext to normalise cell sharing. Single cell occupancy should be the norm, negating the need for a cell share risk assessment tool. A cell share risk assessment tool should be a temporary measure rather than a permanent solution to the problems associated with cell sharing in the Irish prison system.

Recommendation

The IPS should introduce a standardised cell share risk assessment tool without delay.



Cell sharing risk assessment is an area of critical importance due to the level of doubling up seen across both the current Irish prison estate...

The murder of Gary Douche, who was beaten to death by a mentally ill cellmate illustrates the risks of cell sharing ...



2.3

OBJECTIVE:

Introduction of dedicated committal areas

Why the Score?

Dedicated committal areas are currently in all committal prisons with the exception of the Dóchas Centre and Portlaoise Prison. Work on establishing a dedicated committal area in the Dóchas Centre is underway, and it is expected that the area will be operational by the end of 2013. No dedicated committal area will be established in Portlaoise Prison due to the small number of committals it receives directly from the Special Criminal Court (Deputy Ferris asks Minster Shatter, 23/05/13, p. 61, q. 161, PQ 24900/13).

Commentary

In his 2013 assessment of the Irish prison system, the Inspector of Prisons commended the IPS for its work in introducing committal areas in committal institutions (Inspector of Prisons, 2013a). The committal areas across the prison estate follow the standard operating procedure introduced in Mountjoy Prison. On arrival, prisoners spend not more than twenty-four hours in the committal unit, where they will be assessed by the governor, the chief officer, and various service providers within the prison. These interviews allow for the needs of a prisoner to be identified and their risk of self-harm assessed. The prisoner will also be informed of the various programmes and facilities offered by the prison (Inspector of Prisons, 2013).

Strategic Action

3

Prisoner Programmes

3.1

OBJECTIVE:

Enhance sentence planning including Integrated Sentence Management

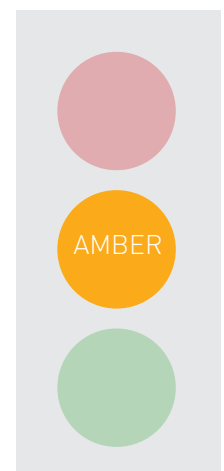
Why the Score?

The implementation of Integrated Sentence Management (ISM) accelerated in 2012, from a pilot programme to a nationwide scheme. According to IPS figures 1,100 new prisoners participated in ISM in 2012, with ISM coordinators operating in seven out of fourteen institutions by year end 2012 (IPS, 2013e: p. 32). The IPS goal of enhancing sentence planning using ISM has been met. According to Department of Justice figures, there are in excess of 2,300 current and active ISM cases and over a thousand prisoners have sentence plans in place (Deputy Ferris asks Minister Shatter, 23/05/13, p. 61, q. 162, PQ 24901/13).

Commentary

Integrated Sentence Management places an emphasis on prisoners taking greater responsibility for their own development through active engagement with services in prisons. The scheme aims to create a prisoner-centred, multidisciplinary approach to working with prisoners, through a process of assessment, goal setting and periodic review to measure progress (Deputy Ferris asks Minister Shatter, 23/05/13, p. 61, q. 162, PQ 24901/13).

ISM is open to newly committed prisoners who are serving a sentence of greater than one year (Deputy Flanagan asks Minister Shatter, 24/04/12, p. 328, q. 559, PQ 19910/12). On committal, new prisoners are given the option of participating in ISM. Those who choose to take part are given a First Contact Assessment interview, and a Personal Integration Plan (PIP). These outline the actions a prisoner is to complete and services he/she is to engage with. The PIP is to be regularly reviewed during the course of the prisoner's sentence, and a Community Integration plan is to be developed approximately nine months prior to the prisoner's release (Deputy Flanagan asks Minister Shatter, 24/04/12, vol.762, no. 3, q. 559, PQ 19910/12).



Integrated Sentence Management places an emphasis on prisoners taking greater responsibility for their own development through active engagement with services ...

With only sixteen ISM coordinators available across ten different institutions, there is one ISM coordinator available for every 143 active cases ...

With only sixteen ISM coordinators available across ten different institutions, there is one ISM coordinator available for every 143 active cases (Deputy Ferris asks Minister Shatter, 23/05/13, p. 61, q. 162, PQ 24901/13). The IPS has certainly increased participation in ISM, but its effectiveness may be constrained by lack of resources. In 2012 the Inspector of Prisons cautioned that ISM was operating 'in name only' in St Patrick's Institution. With sixteen ISM officers managing the progress of over 2,000 cases, there are concerns as to the level of impact the few ISM coordinators can have and whether the Inspector's criticism of the regime in St. Patrick's may also be relevant to the scheme in general.

Under-resourcing of Integrated Sentence Management undermines the effort which many prison officers have put into the scheme. Dedicated ISM coordinators have been effective in enhancing sentence planning and management.

The Jesuit Centre for Faith and Justice has previously expressed concerns regarding ISM, particularly that it must be implemented in a meaningful way, with prisoners involved in the creation of their own individual plans, and effective systems put in place to ensure plans are progressively implemented (JCFJ, 2012: 117).

The Prison Chaplains' *Annual Report 2009* welcomed the mainstreaming of ISM with the caveat that it requires 'careful planning and monitoring to ensure that it would move from paperwork to a lived reality for the men' (2010). In 2013 they note that while a lot of hard work has been put into progressing ISM a number of concerns remain. The initial contact meeting creates expectations in the person engaging. To maintain this enthusiasm and to ensure personal plans are realised, more resources are needed.

Resource constraints affect Personal Integration Plans (PIP), which in many cases are not being regularly reviewed nor are Community Integration Plans for each prisoner being adequately developed.

.. the Chaplains note that ISM is disconnected from the Parole Board process and sentence reviews by senior management.

Furthermore, the Chaplains note that ISM is disconnected from the Parole Board process and sentence reviews by senior management. There is little benefit in time and effort being put into planning a sentence if the plan is not supported by senior management or by the Parole Board. There have been occasions where the consensus view amongst service providers in the prison regarding the appropriate management of a sentence has been rejected by senior management or the Parole Board. This undermines the role of prison services in ISM. It also devalues the integrated sentence management approach and lessens its credibility in the prison.

The Chaplains also note that ISM places a significant emphasis on risk assessment. While this is obviously an important element in the process, the identification of needs should be equally important. More important still is an appropriate response to those needs. With limited resources there is a danger that an undue amount of time will be directed towards the gathering of information and assessment of risk, with an inadequate amount of time and resources left to respond to what may be acute needs (Consultations, 2013).

Recommendation

The concerns of the Inspector of Prisons in regard to ISM in St. Patrick's Institution may also be applicable to some of the other prisons. It is difficult to see how sixteen ISM officers can manage a caseload of more than 2,000. It is imperative that the Irish Prison Service ensures that ISM is adequately resourced and operating, not just in name, in all Irish prisons.

Greater autonomy at local level is required. In conjunction with service providers, a governor should be responsible for, and champion the case for, ISM.

ISM needs to be properly resourced and recommendations made within Personal Integration Plans should be accepted and acted upon by senior management.

It is difficult to see how sixteen ISM officers can manage a caseload of more than 2,000.

3.2

OBJECTIVE:

Roll out of national Incentivised Regimes Policy and introduction of individual incentivised regime policies in each prison

Why the Score?

The Incentivised Regimes Policy was introduced across all prisons in 2012. Critical success factors identified by the IPS, including the development of a software solution, and the availability of staff resources, have all been achieved (Minister Shatter, 2013).

Commentary

The Incentivised Regimes Policy aims to facilitate the progression of prisoners by incentivising co-operation with education, rehabilitation and other services (2012c). The policy provides for the differentiation of privileges between prisoners according to their level of engagement with services and quality of behaviour by establishing three levels of privilege: basic, standard, and enhanced. These levels of privilege entitle the prisoner to different levels of daily gratuity, access to family visits, and number of phone calls.

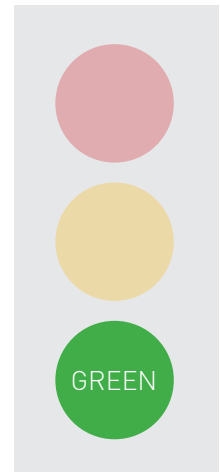
Weekly gratuity rates now range from €6.65 for prisoners on the 'Basic' regime, to €11.90 for prisoners on 'Standard' and €15.40 for prisoners on 'Enhanced' (Deputy Lynch asks Minister Shatter, 30/05/13, p. 73, q. 210 & 212, PQ 26434/13 & PQ 26436/13). Within each institution, additional privileges have also been linked with the Incentivised Regimes Policy, including access to facilities such as games consoles, improved accommodation and access to employment opportunities within the prison (Deputy Lynch asks Minister Shatter, 30/05/13, p. 73, q. 210 & 212, PQ 26434/13 & PQ 26436/13).

The introduction of the Incentivised Regimes Policy coincided with a reduction in existing gratuity rates. According to figures released by the Department of Justice, most prisoners are currently on the 'Enhanced' level of privilege, with less than 3 per cent on the lowest 'Basic' level (Deputy Lynch asks Minister Shatter, 30/05/13, PQ 26436/13). All prisoners now receive a lower rate of gratuity than the previously standard level. Prisoners on 'Enhanced' now receive €2.20 per day, lower than the previously standard rate of €2.35 per day (Warner, 2012). The IPS has stated that the reduction of gratuity rates that occurred alongside the introduction of the Incentivised Regimes Policy did not form part of the Policy, but were an inevitable element of necessary cost-saving measures which will save up to €500,000 per annum (*Ibid.*).

Concerns have been expressed that the Incentivised Regimes Policy could lead to double punishment for infractions (O'Dwyer and Butler, 2013). The Incentivised Regimes Policy gives prisoners incentives to engage with services, but also disincentivises bad behaviour by lowering badly behaved prisoners' access to facilities, visits, and gratuity rates. This system has been imposed alongside the pre-existing P-19 disciplinary system, under which prisoners can be punished for infractions by sanctions including loss of up to fourteen days remission. No clear boundaries have been put in place to ensure that a prisoner cannot be doubly punished for an offence, first through the pre-existing P-19 process, and now also by having his or her Incentivised Regimes status lowered. The possibility of double jeopardy under the Incentivised Regimes Policy is extremely high.

Concerns have also been expressed that the Incentivised Regimes approach does not address the fundamental problem of inadequate access to facilities that characterises parts of the Irish prison system. While the programme aims to encourage participation in education, work and training as well as engagement with drug treatment programmes, it does nothing to tackle the under-resourcing of these services. Access to and funding for third level education for people in prison, including Open University courses, have faced severe cutbacks in recent years (Warner, 2012). In addition to cuts in education, figures released by the Department of Justice in May 2013 show that there are over 100 vacant work and training officer posts (Deputy Lynch asks Minister Shatter, 30/05/13, p. 72, q. 200, PQ 26324/13). These vacancies, along with limited out-of-cell time, can limit prisoners' access to education, work and training, in turn hindering their progress through the Incentivised Regimes programme (Warner, 2012).

The Chaplains note that the Incentivised Regimes programme is a positive experience for those involved. Men and women on the enhanced regime know what is expected of them, have greater day-to-day responsibilities, feel they have more purpose and derive value from the experience (Consultations, 2013).



The introduction of the Incentivised Regimes Policy coincided with a reduction in existing gratuity rates.

... there are over 100 vacant work and training officer posts.

Incentivised Regimes is largely modelled on the UK's Incentives and Earned Privileges (IEP) scheme, which has been in operation across England and Wales since 1995 (Liebling, 2008: 25). In England and Wales, the scheme has been met with a mixed response. Research carried out by Alison Liebling at the University of Cambridge's Institute of Criminology found that the IEP scheme had mostly negative effects on prisoner behaviour and staff-prisoner relationships, with particularly negative implications for perceptions of fairness among prisoners (Liebling, 2008: 33).

UK Justice Secretary, Chris Grayling, recently announced major changes to the UK's Incentives and Earned Privileges scheme. In a move described by the UK government as aimed at 'toughening up' prisons, prisoners will now enter UK institutions at a new 'Entry' level of privilege. Male prisoners will be obliged to wear a prison uniform, will be excluded from access to television and will have the lowest gratuity rate for an initial period of two weeks, after which they will be reviewed and will either progress to Standard privileges or drop to Basic. The changes signal a major shift in prison policy as prisoners will now be required to earn previously standard privileges through active engagement with services, and absence of bad behaviour alone will not be enough to progress through the IEP scheme. Changes to the IEP also included measures such as a longer working day for prisoners, a ban on all 18 rated DVDs and a ban on satellite television channels (Howard League, 2013a).

Penal reform groups and a number of ex-prisoners criticised the changes, highlighting in particular the impact the changes would have on the risk of suicide and self-harm, already high, among vulnerable new prisoners. The Howard League strongly criticised the changes, stating that they amounted to no more than an increase in red tape that would ultimately cost the government more than the previous system. Francis Cook, the chief executive of the League stated that the changes amounted to the Justice Secretary and the Minister for Prisons 'pottering in the flowerbeds while ignoring the burning building before them' (Howard League, 2013b).

... access to families and children has become a privilege which can be given and taken away. . Access to family should not be a condition of a prisoners' behaviour.

Recommendation

The IPS should not follow the increasingly punitive example of the England and Wales Incentives and Earned Privileges scheme. Checks and balances should be put in place so as to ensure that the the Irish Incentivised Regime programme does not mirror further the scheme in England and Wales.

Furthermore, the Chaplains and the JCFJ point out that there needs to be greater access to meaningful work and training (Consultations, 2013).

Access to family visits and services should not be considered a privilege but a basic right. As stated in the UN Convention on the Rights of the Child, a child has the right to personal relations and direct contact on a regular basis with his or her parent (United Nations, 1989). The IPS should ensure that it does not breach this right in its curtailing of family visits as part of the Incentivised Regimes Programme. Worryingly, in a number of prisons, the new 'Basic Regime' has less visiting opportunities with family and access to telephone calls than before the introduction of incentivised regimes. If precedent had been set in a prison prior to the introduction of incentivised regimes, that two visits per week was the norm, then access to families and children has become a privilege which can be given and taken away. Access to family should not be a condition of a prisoners' behaviour. The Scottish Children's Rights organisation 'Together' in their submission to the UN Human Rights *Universal Periodic Review* said that prison 'visits are the right of the child rather than a privilege of the prisoner that can be withdrawn as a disciplinary measure.' (Together Scotland, 2012: 1).

'visits are the right of the child rather than a privilege of the prisoner that can be withdrawn as a disciplinary measure'

3.3

OBJECTIVE:

Specific strategies for young prisoners, women prisoners, older prisoners, sex offenders and prisoners requiring protection

**Why the Score?**

The Minister for Justice, in response to a parliamentary question submitted in May 2013, gave no details on the publication of any of the specific strategies mentioned in the IPS's *One Year Implementation Plan*, stating only that work on the strategies was underway and that the strategies would be implemented over the next three years (Deputy O'Sullivan asks Minister Shatter, 15/05/13, p. 88, q 223, PQ 23343/13).

Commentary Young prisoners (including children)

No strategy has been published in relation to young people in prison. The announcement in July 2013 of the closure of St Patrick's Institution constitutes a significant shift in the Irish prison system's treatment of young prisoners. St Patrick's Institution will be closed by the end of 2013, and the relocation of young prisoners to Wheatfield Prison is already under way. Seventeen-year-old prisoners will be housed temporarily in Wheatfield Prison, pending the completion of a new youth detention facility at Oberstown. A dedicated Project Board has been set up to manage the transfer of young people currently in St. Patrick's Institution. St. Patrick's is due to be closed within six months (Deputy Pringle asks Minister Shatter, 09/07/13, p. 79, q. 402, PQ33409/13). Minister Shatter has stated that staff at Wheatfield Prison will receive special training in dealing with young people in detention (*Ibid.*).

Funding for the development of the new detention centre at Oberstown, which will accommodate 17-year-olds currently being transferred to Wheatfield, has been secured, and the project has now gone to tender (Deputy Pringle asks Minister Fitzgerald, 09/07/13, p. 83, q. 459, PQ 33352/13).

While this strategy for young people in detention is still being composed, children and young adults are being transferred to Wheatfield Prison which is adult populated. Concern was expressed by the Children's Ombudsman, Emily Logan, who stated that an adult prison is no place for those under the age of eighteen and that the move of 17-year-olds to Wheatfield should be a temporary measure only (Emily Logan, 2013).

Recommendation Young prisoners (including children)

The new facility in Oberstown must proceed without delay so as to remove children from the adult prison population.

The delayed IPS strategy needs to take account of the specific needs of young adults in particular, those aged between eighteen and twenty-one and aged twenty-two to twenty-three. As the JCFJ has previously argued, those aged eighteen to twenty-one have particular developmental needs and should therefore not be accommodated in mainstream adult prisons. The closure of facilities for younger prisoners at Shanganagh Castle and Spike Island has created a need for purpose-built young adult facilities (JCFJ, 2012).

... those aged eighteen to twenty-one have particular developmental needs and should therefore not be accommodated in mainstream adult prisons.

Commentary Women prisoners

The IPS has not published a specific strategy for women in prison; however, it has been working with the Probation Service, the Health Service Executive, City of Dublin VEC and non-governmental bodies to formulate such a strategy. The Irish Prison Service Training and Development Centre has commenced the development of a staff programme in the Dóchas Centre and Limerick Female Prison (Deputy MacLochlainn asks Minister Shatter, 21/03/13, p. 66, q .208, PQ14620/13).

Recommendation Women prisoners

Recommendations made in the Corston Report (2007) on *Women with Particular Vulnerabilities in the Criminal Justice System*, should inform the IPS's strategy, in particular the need highlighted by Baroness Corston for small conveniently located places of detention for no more than twenty to thirty women, and residential women's centres as alternatives to prison. Current proposals for a new fifty-cell prison for women in Limerick are substantially contrary to Corston's recommendations.

Commentary Older prisoners

No strategy in relation to older prisoners has yet been published by the IPS, however a nursing care template for prisoners over the age of sixty has been agreed, and all such prisoners have been given an individual nursing care plan (IPS, 2013e: 33).

Commentary Sex offenders

The IPS has yet to publish a strategy in relation to those committed for sex offences, however, a joint IPS–Probation Service working group has been established to review risk and offence related issues (IPS 2013e: 33). When asked in a parliamentary question, Minister Shatter could give no details as to when a specific strategy for those committed for sex offences would be published, beyond stating that work on the strategy was underway and would be completed by 2015 (Deputy O'Sullivan asks Minister Shatter, p. 88, q. 223, PQ 23344/13).

Commentary Prisoners requiring protection

The IPS has not developed a specific strategy for prisoners requiring protection. While the IPS in its *Annual Report 2012* described work on the specific strategy as 'ongoing' (IPS, 2013e: 33), Minister Shatter in response to a parliamentary question in July 2013 could give no details on the strategy (Deputy Daly asks Minister Shatter, 10/07/13, p. 119, q. 214, PQ33909/13).

The IPS now advises that the specific strategy for prisoners on protection will not be completed until 2015, despite prisoners requiring protection being raised as an issue of special concern by the Inspector of Prisons in his *Annual Report 2012* (Deputy Daly asks Minister Shatter, 10/07/13, p. 119, q. 214, PQ33909/13; Inspector of Prisons, 2013b). In his report, the Inspector highlighted high levels of prisoners requiring protection in the Irish prison system, the prevalence of gangs in Irish prisons, and the very long periods of time prisoners requiring protection spend locked in their cells as areas of particular concern (Inspector of Prisons, 2013b).

... of 662 prisoners on protection 24 per cent spend twenty-three hours a day in their cells.

Dr Sharon Shalev notes that 23-hour lock-up amounts to solitary confinement

...

Recommendation Prisoners requiring protection

Figures for May 2013 show that of 662 prisoners on protection 24 per cent spend twenty-three hours a day in their cells. One hundred and six are locked in their cells for between eighteen and twenty-two hours a day, while 396 have free association with others on protection (Deputy Lynch asks Minister Shatter, 30/05/13, p. 72, q. 198, PQ26322/13, answered 29/07/13). In answering a parliamentary question in March, Minister Shatter noted that just over half of prisoners on protection had been on protection for a period greater than six months (Deputy Daly asks Minister Shatter, 26/03/13, p. 77, q. 418, PQ 14703/13).

Dr Sharon Shalev notes that 23-hour lock-up amounts to solitary confinement (2008). The United Nations Special Rapporteur on Torture, Juan Méndez, has called for the restriction of solitary confinement to exceptional circumstances and an absolute prohibition on solitary confinement for more than fifteen days duration (Juan Méndez, 2011). At a recent lecture Dr Shalev stated that 23-hour lock-up in a shared cell could be as bad, if not worse, than solitary confinement (Shalev, 2013). The Irish Prison Service needs to adhere to these standards by limiting the use of, and time spent in, solidarity confinement.

3.4 OBJECTIVE: Social Impact Investment**Why the Score?**

Social Impact Investment, in which private funds are invested in community organisations in outcomes-based contracts, may not now be pursued due to budget constraints. In response to a parliamentary question asked in May 2013, Minister Shatter stated that following a feasibility study carried out by an interdepartmental steering group, lack of commensurate savings within the departmental votes of the IPS and Probation Service left no funding available for the repayment of Social Impact Investment (Deputy Daly asks Minister Shatter, p. 59, q. 153, PQ 24883/13). Social Impact Investment was a part of a commitment made in the Programme for Government, which committed to following the UK social impact bond model introduced in 2010 (Department of the Taoiseach, 2011).

**3.5** OBJECTIVE: Pilot Restorative Justice Practices**Why the Score**

Pilot restorative justice programmes have been developed since the publication of the IPS *Three Year Strategic Plan* and its *One Year Implementation Plan*. The pilot projects aim to embed restorative justice practices in areas of prison life such as the disciplinary P-19 process (Stack, 2011).

A multidisciplinary steering group was set up and, following its findings, pilot restorative justice programmes are being implemented in Wheatfield Prison and the Dóchas Centre. Training in restorative practices in secure settings, facilitation skills, and restorative adjudication has been provided to staff and managers at both sites, facilitated by the International Institute of Restorative Practices. Further training in restorative practices for heads of function, senior managers, supervisors and class officers will be carried out with a view to embedding restorative practices at both sites (Deputy Daly asks Minister Shatter, 23/05/13, p. 59, q. 152, PQ 24882/13).

**Recommendation**

Pilot programmes run the risk of being just that. It is important that, should they be proven to be successful, they become mainstreamed without delay. The IPS must continue with the two pilot programmes currently underway, but should actively look to expand access to restorative justice practices across the prison estate.

3.6 OBJECTIVE: Continued development and enhancement of drug services including review of the Irish Prison Service Clinical Drug Treatment Policy**Why the Score?**

The Irish Prison Service Clinical Drug Treatment policy was reviewed in 2012 by a multidisciplinary group that included representatives from community, voluntary and statutory stakeholders and the IPS (Deputy Lynch asks Minister Shatter, p. 73, q. 213, PQ 26437/13). This review resulted in the policy being amended to reflect changes in legislation and best practice. These changes include the statutory requirements in relation to HIV testing and notification, and the development of In Reach services for the treatment of Hepatitis C (Deputy Lynch asks Minister Shatter, p.73, q. 213, PQ 26437/13).

Despite this review, and developments such as the expansion of services provided by Merchants Quay Ireland and the Red Cross in Mountjoy Prison, inadequate planning for the continuation of drug treatment on release continues to hamper the effectiveness of drug treatment services in the Irish prison system.



Commentary

The newly reviewed IPS Drug Treatment Clinical Policy and its Clinical Interdisciplinary Care Planning do not extend to the planning of clinical care on release.

The JCFJ in its report *The Irish Prison System: Vision, Values, Reality* identified a lack of integrated thinking in relation to detoxification and release as a key area of concern (JCFJ, 2012). The IPS in its *Three Year Strategic Plan* committed to implementing the recommendations of the National Drugs Strategy (IPS, 2012a) in relation to the development of an agreed protocol for the seamless provision of treatment services for prisoners on release (Department of Community, Rural and Gaeltacht Affairs, 2009). There is a very high rate of preventable drug-related deaths upon release from prison, a symptom of this disconnection (JCFJ, 2012).

While the introduction of Drug Free Units is to be welcomed, little has been accomplished in the area of establishing continuity of care and treatment for prisoners on release. The newly reviewed IPS Drug Treatment Clinical Policy and its Clinical Interdisciplinary Care Planning do not extend to the planning of clinical care on release (Deputy Lynch asks Minister Shatter, 30/05/13, p. 73, q. 213, PQ26437/13). Merchants Quay Ireland, providers of drug rehabilitation counselling services within the Irish Prison System, have expressed concerns that the services they provide to prisoners do not go beyond the gate of the prison, and that prisoners face a collapse of support upon release as neither the clinical nor the psychological care offered in the prison system are adequately linked with services in the community.

... prisoners face a collapse of support upon release as neither the clinical nor the psychological care offered in the prison system are adequately linked with services in the community.

Greater responsibility for the needs of people with a drug dependency exiting prison should be borne on the Department of Community, Rural and Gaeltacht Affairs under its national drug strategy. Andrew Ashworth in his report *What if imprisonment were abolished for property offences?* argues that the criminal justice system should not be expected to solve the drug problem; that this is a social and medical issue. More emphatically, he says '... prison is neither the right nor fair way of responding to the problem. A re-appraisal of official responses to drug abuse, including medical and social approaches, is long overdue.' (Andrew Ashworth, 2013: 12). While Ashworth's analysis is of the situation in England and Wales his argument resonates in the Irish situation.

Recommendation

The JCFJ has previously argued that custodial drug treatment, which is provided for under section 28 of the Misuse of Drugs Act 1977, would be an invaluable addition to drug treatment services (JCFJ, 2012). Custodial drug treatment, as set out in the act, allows the court to order that a person convicted of certain drug offences be detained in a custodial drug treatment centre for up to one year, and that on successful completion of such a programme, a period of probation or suspended sentence would be imposed in lieu of imprisonment. A custodial drug treatment facility should be developed as a matter of urgency, and the existing provisions in legislation should be considered by the courts in the sentencing of drug-related offences.

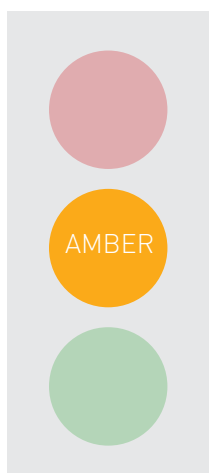
3.7

OBJECTIVE:

Introduction of Drug-Free Units

Why the Score?

Drug-free units are currently in operation in seven closed prisons. There are 417 spaces available throughout these units. Drug-free units have not yet been established in Limerick Female, Portlaoise or Midlands Prisons (Deputy O'Sullivan asks Minister Shatter, 18/07/13, p. 84, q. 544, PQ 36292/13). No drug-free unit is to be established in Arbour Hill Prison or any of the open prisons, as they operate as drug-free institutions. The IPS states that drug-free units will be in operation in all closed prisons, except in Arbour Hill Prison, by the end of 2013.



Commentary

Drug-free units are still not available to approximately a quarter of the prisoner population. With no drug-free unit in operation in either prison of the Midlands complex, which includes Ireland's largest prison, more than 1,000 prisoners do not have access to drug-free accommodation.

Occupancy levels in drug-free units are high. The drug free-units in Mountjoy Male Prison and Cloverhill Prison are full, and the drug free unit in Limerick Male Prison is over capacity, with forty-seven prisoners occupying forty-five spaces (*Ibid.*). According to figures published in 2013 by the Department of Justice, 91 per cent of national drug-free accommodation is filled (Deputy O'Sullivan asks Minister Shatter, p.84, q.544, PQ 36292/13). Drug-free units range in size from fourteen spaces in Cork Prison, to 175 spaces available in Wheatfield Prison.

To enter a drug-free unit a prisoner must sign a contract agreeing not to use any illegal drug, non-prescribed medication, alcohol, or any other substance which might have an intoxicating effect. This does not exclude the taking of prescription medication, including methadone. Whilst being segregated into drug-free cells, prisoners, in most cases, still mix with prisoners in non-drug-free general population when engaging in work, training and education.

While prisoners in drug-free units must remain drug-free, the contract also demands good behaviour in areas not directly related to drugs. Prisoners can be immediately removed from drug-free units for infractions not directly linked to their drug-free status, including the possession of any contraband, such a mobile phone, SIM card, or charger (Irish Prison Service, 2013f).

... no drug free unit
in operation in ...
Ireland's largest
prison ...

3.8

OBJECTIVE:

Standard audit tools to measure healthcare equivalence

RED

Why the Score?

The IPS is currently undertaking a pilot audit of healthcare with a view to informing a review of current standards. In response to a parliamentary question, Minister Shatter could give no details on this audit, beyond stating that the IPS had commenced discussions with the Irish College of General Practitioners, with the aim of identifying and implementing primary care standards for prison medical services and devising a suitable audit methodology (Deputy O'Sullivan asks Minister Shatter, 11/07/13, p.75, q. 179, PQ 34008/13). It is now intended that an audit of prison healthcare will begin in the autumn of 2013 (*Ibid.*).

Commentary

The IPS has not yet developed a standard audit tool to measure healthcare equivalence; work towards developing such a tool is still in its infancy (Inspector of Prisons, 2011). The Inspector of Prisons has reported that the level of healthcare in each prison varies throughout the prison estate. Echoing the concerns of the Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT,2011a;2011b), the Inspector has stated that access to healthcare in prison does not conform to international best practices.

A recommendation for an independent healthcare audit was made by the Inspector of Prisons in his latest report. He would not, however, make comment on conditions of mental health facilities until the completion of the report into the death of Gary Douche (Inspector of Prisons, 2013a).

The IPS has stated that it intends to benchmark healthcare in the prison system against the healthcare entitlements of those eligible for the Medical Card.

Strategic Action

4

Management and Staffing



4.1

OBJECTIVE:

Implementation of Public Service Agreement

Why the Score?

The Public Service Agreement continues to be implemented by the IPS. Seven Joint Task reviews had been carried out and implemented by year end 2012 (IPS, 2013e). These reviews have resulted in savings of circa €6m. Three more joint task reviews have been completed and are in the process of being implemented. Field work has been completed on a further four. National service reviews have been carried out for the Prison Service Escort Corps (PSEC), the Criminal Courts of Justice, and the Operational Support Group (drug screening and detection) (Implementation Body, 2013).

Cross-agency co-operation has increased, and the IPS has been working with a number of agencies to achieve greater savings. The IPS has facilitated changes in the workings of the Criminal Courts of Justice. The restructuring of the District Courts has resulted in a reduction in the number of IPS staff needed in the courts. The IPS has agreed with the Director of Public Prosecutions and the Gardaí to allow governors to review all requests for prisoners to attend court where the prisoner is already serving a sentence of greater than five years and the charge facing him/her is a summary offence. The Irish Court Service and the IPS have identified opportunities to increase the use of video conferencing between prisons and the courts to significantly reduce travel and security costs.

The IPS has been working closely with the Gardaí to achieve savings. A working group on efficiency measures has been established and its recommendations are being implemented. The Gardaí and the IPS have identified scope to increase information sharing between the organisations (DPER, 2013; Implementation Body, 2013).

4.2

OBJECTIVE:

Management and staffing restructuring

Why the Score?

A new grade of Prison Administration and Support Officer (PASO) has been created. These officers will replace 142 clerks who will be transferred to front line prison officer duties. By late 2012, three classes of PASOs had begun work following a confined Civil Service competition and training. Campus structures have been restructured resulting in the establishment of three prison campuses. Open recruitment was introduced in 2012 and three Campus Governors were appointed (Implementation Body, 2013: 21).

Commentary

The introduction of the new grade of PASO will deliver savings of €3.5m. Fifty-seven Prison Administrative Support Officers have now been deployed throughout the prison service (DPER, 2013: 88). Restructuring resulted in a reduction of 18.5 per cent in numbers at middle and senior management grades across the IPS (Implementation Body, 2013: 20). According to Public Service Agreement Implementation Body reports, an efficiency review has resulted in more efficient staffing models and levels in the Dóchas Centre, Midlands Prison and Mountjoy Prison. Joint task reviews involving management and staffing associations in the Prison Service produced efficiencies in rostering, facilitating lower staffing levels and generating savings of €15m. (Implementation Body, 2013).

The POA have expressed concerns regarding the limited number of prison officer working hours afforded by the IPS each four-week roster. Limited availability of hours has led to many prisons being forced to curtail services in the last week of each roster, leaving prisoners with limited access to services and less out-of-cell time (Consultations, 2013). Limited staffing hours also provoke concerns regarding security, as staffing can be left at skeleton levels approaching the end of a rostering period, particularly at night (*Ibid.*).

Changes to staffing levels have affected services unequally, with work and training suffering particularly severe cutbacks. Vacancies in work and training posts increased from eighty in November 2011, to over 110 in May 2013 (Deputy Lynch asks Minister Shatter, 24/11/11, p. 146, q. 167, PQ. 36797/11; Deputy Lynch asks Minister Shatter, 30/05/13, p. 72, q. 200, PQ 26324/13).

Warning

Further research is needed on the impact of the reduction in staffing levels, in light of Alison Liebling's thesis on 'good relations' versus 'right relations'. Liebling argues that while providing prisoners with greater self-management results in a less confrontational prisoner-staff relationship, the disengagement of staff may be counterproductive in addressing the prisoners' offending behaviour. A 'right' relationship, according to Liebling, would involve positive and constructive engagement between the prison officer and prisoner (Liebling, 2012).

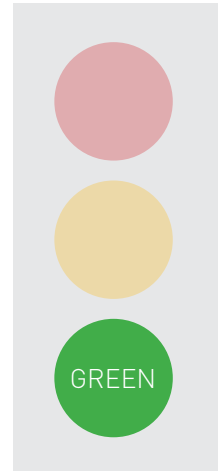
4.3

OBJECTIVE:

Establishment of professional standards and legal unit

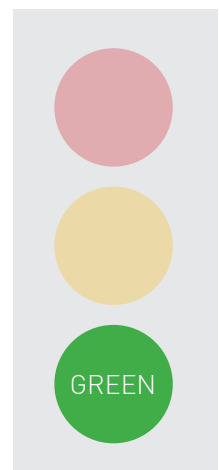
Why the Score?

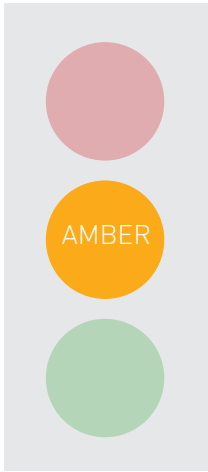
A Professional Standards and Legal Unit was established in 2012. Representatives from the Unit have been involved in work to develop a Dignity at Work Charter (Deputy Daly asks Minister Shatter, p. 118, q. 211, PQ 33906/13).



Limited availability of hours has led to many prisons being forced to curtail services in the last week of each roster, leaving prisoners with limited access to services and less out-of-cell time.

Changes to staffing levels have affected services unequally, with work and training suffering particularly severe cutbacks. Vacancies in work and training posts increased from eighty in November 2011, to over 110 in May 2013.





4.4

OBJECTIVE:

Dignity at Work Charter and launch of prison-wide Dignity and Respect Campaign

Why the Score?

A working group has been established to develop a Dignity at Work Charter, comprising of representatives from Human Resources and Corporate Affairs Directorates, the Prison Officers' Association, the Legal and Professional Standards Unit, the Employee Assistance Service and the Psychology Service (Deputy Daly asks Minister Shatter, 10/07/13, p. 118, q. 211, PQ 33906/13). Staff consultations have taken place and subgroups have been established to identify common issues raised. The IPS intends to carry out a prison-wide Dignity and Respect Campaign with the aim of creating a positive and caring environment for staff and prisoners.

Strategic Action

5

Prison Estate and Capital Expenditure Plan

5.1

OBJECTIVE:

Completion of appraisal stage for project to replace Cork Prison

Why the Score?

The Irish Prison Service met its target of completing the appraisal stage for plans to replace the existing Cork Prison with a new prison. It is expected that construction will begin in late 2013 and the new prison will be fully operational by December 2015 (IPS, 2013e: 37). The Dáil in June passed the Prison Development (Confirmation of Resolutions) Bill, which allows for the building of the new 170-cell prison (Deputy Lynch, Dáil Debates, 27/06/13, p. 30).

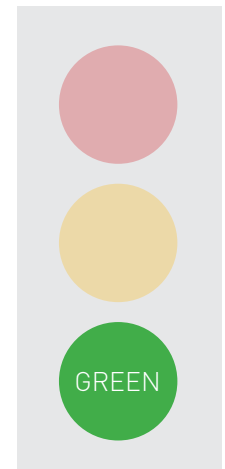
The new prison will house up to 310 prisoners in double occupancy cells of 12m² (Deputy Lynch, Dáil Debates, 27/06/13, p. 30). Thirty cells will be allocated for single occupancy. All cells will have in-cell sanitation and showering facilities.

Commentary

The new prison planned to replace the existing structure in Cork will not meet international best practice and may not meet the standards set by the Inspector of Prisons.

The European Prison rules state that prisoners should be accommodated singly at night. Under current plans, the new prison will house the vast majority of prisoners in double occupancy cells, with only thirty cells reserved for single occupancy. The doubling up of prisoners in the plans for the new Cork Prison puts the IPS directly in contravention of international best practice and the European Prison Rules (Council of Europe, 2006).

The Inspector of Prisons has noted that doubling up alone does not amount to overcrowding. However, in his recent report *Assessment of the Irish Prison System* he deems that long-term prisoners must be given single cells (2013a: 9). This standard may necessitate changes to the number of singles cells in the proposed new prison in Cork. Currently, Cork Prison has thirty-nine prisoners on long-term sentences (Deputy Daly asks Minister Shatter, 11/07/13, p. 75, q. 173, PQ 33943/13).



The doubling up of prisoners in the plans for the new Cork Prison puts the IPS directly in contravention of international best practice ...

... at a minimum single cells should be provided for those on protection and for prisoners serving long-term sentences.

If the Department of Justice and the IPS hope to reduce national prison numbers, the new prison in Cork should not exceed its predecessor in size.

The new prison will only have thirty single occupancy cells, therefore, if there is no change in incarceration rates, long-term prisoners will be doubled up from day one in the new prison in Cork, leaving the standards of the Irish prison system below international best practice and the recommendations of the Inspector of Prisons.

Recommendation

The present Cork Prison should be closed as soon as possible. As recommended in the Environmental Impact Statement of the new development, the current prison should be 'mothballed' (IPS, 2012b). The IPS should prioritise the construction of a new prison with sufficient work, training and education facilities, and avoid any further delays. While single cell occupancy throughout the new prison would meet international best practice, at a minimum single cells should be provided for those on protection and for prisoners serving long-term sentences. In those cells that are doubled up, appropriate, wall divided and independently ventilated sanitation and showering facilities should be provided.

In the intervening period before the opening of the new prison, toilet patrols should be introduced. When toilet patrols are operating, guards are on duty to allow prisoners out of their cells to access sanitation facilities as needed, eliminating the need for slopping out. According to recent figures, 222 out of 225 prisoners in Cork prison must slop out under the present regime (Deputy Lynch asks Minister Shatter, 30/05/13, p. 72, q. 197, PQ 26321/13).

The proposed new facility in Cork represents an expansion of prison estate capacity. Cork prison currently detains between 200 and 220 prisoners, but in the past has seen overcrowding up to 240 (IPS, 2013g). If the Department of Justice and the IPS hope to reduce national prison numbers, the new prison in Cork should not exceed its predecessor in size.

5.2

OBJECTIVE:

Completion of appraisal stage for Limerick Prison, A & B Wings

Why the Score?

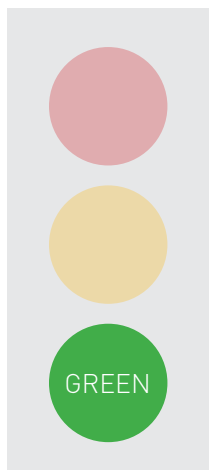
The Irish Prison Service plans to demolish the antiquated A and B wings of Limerick Prison and replace them with modern accommodation, including full in-cell sanitation, by 2015. A feasibility study was conducted in mid-2012 to explore and refine the options into an agreed design proposal. The IPS has completed an appraisal as part of a planned tender process. Construction is expected to commence in autumn 2013, and be completed in summer 2015 (Department of Justice, 2013). The opening of the new block at Midlands Prison in 2012 facilitated the reduction of capacity in Limerick Prison and the closure of B wing, and overcrowding has been reduced by 13 per cent at Limerick Prison (Deputy Lynch asks Minister Shatter, p. 72, q. 197, 30/05/13, PQ 26321/13; DPER, 2013).

Commentary

With the closure of B wing, capacity in Limerick Male Prison has been reduced from 260 to 220 (IPS, 2013h). On 4 June 2013 Limerick Male Prison housed 227 prisoners (IPS, 2013g). With occupancy at 103 per cent of the bed capacity, and despite the opening of the new block at Midlands Prison, overcrowding persists in Limerick Prison. Recent figures from the Department of Justice show that cell sharing is the norm in Limerick Prison. As of 28 May 2013, 159 prisoners were doubling up in Limerick Prison while only seventy-eight prisoners were accommodated in single cells (Deputy Lynch asks Minister Shatter, 30/05/13, p. 72, q. 196, PQ 26320/13).

Sanitation conditions in Limerick Prison continue to fall well below international best practice. Only 38 per cent of prisoners in Limerick Prison have access to screened in-cell sanitation or have access at all times to normal toilet facilities (Deputy Lynch asks Minister Shatter, 30/05/13, p. 72, q. 197, PQ 23621/13). Just under 20 per cent of prisoners in Limerick Prison continue to slop out (*Ibid.*).

The re-developed Limerick Prison, A & B wings, has gone to tender and applications are being sought. The specifications indicate that 100 cells will be provided for men and fifty cells for women (Deegan, 2013). This represents a further expansion of the prison estate, contrary to Ian O'Donnell's recommendations regarding the reduction of prison estate capacity to tackle



overcrowding (O'Donnell, 2010), and may also be contrary to Programme for Government commitments in relation to the reduction of the prison population.

Recommendation

In the intervening period before the opening of the new prison wings, toilet patrols should be introduced to eliminate slopping out.

The redevelopment of Limerick prison should not be used as a pretext for a further expansion of the prison estate.

The redevelopment of Limerick prison should not be used as a pretext for a further expansion of the prison estate.

5.3

OBJECTIVE:

Completion of Midlands cell block

Why the Score?

The new block at Midlands Prison was opened on a phased basis in December 2012 (Deputy O'Sullivan asks Minister Shatter, 15/05/13, p. 88, q. 224, PQ 23345/13). On 21 May 2013, there were 726 prisoners in custody in the Midlands Prison, with 197 prisoners accommodated across four of the six wings of the new block. Plans to open the remaining wings are progressing and are dependent on the finalisation of the joint Task Review reports for the Mountjoy campus and the recruitment of Prison Administrative and Support Officers.

Commentary

While cells in the new block contain in-cell sanitation throughout, the block has been designed and built with doubling up in mind. The new block features 179 cells, providing up to 354 spaces for prisoners. This level of occupancy would mean doubling up in all but four of the new cells. With 197 prisoners currently occupying just four of the six wings of the block, a high level of doubling up has already begun in the new block of Midlands Prison.

Doubling up is now the norm in Midlands Prison, with recent figures showing that more than 56 per cent of prisoners currently housed in Midlands Prison share a cell with one or more other prisoners (Deputy Lynch asks Minister Shatter, 30/05/13, p.72, q. 196, PQ 26320/13).

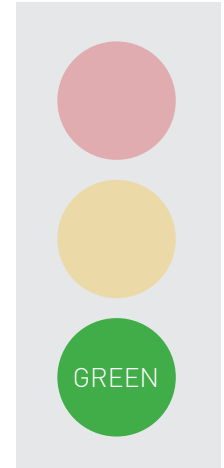
Recommendation

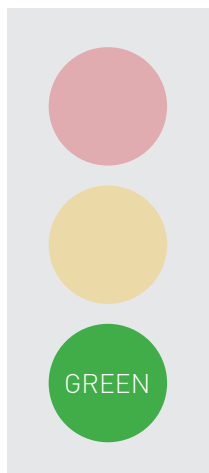
Single cell occupancy should be the aspiration of the prison service. At a minimum, those serving long sentences should be accommodated in single cells.

While the Inspector of Prisons does not subscribe to the principle that single cell occupancy must be the norm, he may deem the Midlands Prison to be overcrowded. The Inspector's report *An Assessment of the Irish Prison System* infers that prisoners sharing cells who do not have access to structured activity may amount to overcrowding due to the extended period of time they have to spend in their cells (Inspector of Prisons, 2013a). As the building of the new accommodation block was not accompanied by a corresponding provision of education and work and training facilities, the Midlands Prison may not meet the Inspector's standards.

The Midlands Prison is by far the largest prison in Ireland, with a capacity of 870. The prison is almost ten times the size of the 100-space prison advocated by the Whitaker Report in 1985 (JCFJ, 2012: 37).

The Midlands Prison ... is almost ten times the size of the 100-space prison advocated by the Whitaker Report in 1985.





Fr Peter McVerry SJ has recently stated that the re-introduction of single cell occupancy in Mountjoy Prison has made it a much safer place for both prison officer and prisoner ...

5.4
5.6

OBJECTIVES:

Completion of Mountjoy B Wing refurbishment project, commencement of Mountjoy A Wing refurbishment project

Why the Score?

The IPS has completed its target objectives on the specified refurbishments mapped out for Mountjoy Prison within the implementation plan (IPS, 2013e).

Completion of refurbishment works on B wing provided ninety-five cells with in-cell sanitation. The refurbishment of C wing was also completed in 2012 (Deputy Ferris asks Minister Shatter, 23/05/13, p. 61, q. 160, PQ. 24899/13). C wing now includes a refurbished 28-cell dedicated committal area for new prisoners, in line with the commitment made in the IPS *Three Year Strategic Plan* to bring dedicated committal units to all institutions (Speech by Minister Shatter, 6 March 2012). C wing now also includes a dedicated drug-free area (Speech by Minister Shatter, 6 March 2012).

In line with the Prison Service's objectives, refurbishment has been completed on A wing. This has provided in-cell sanitation and eliminated slopping out on the wing.

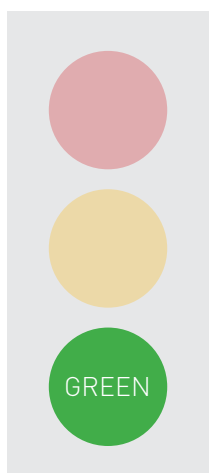
Commentary

The Department of Justice and Equality has estimated that Mountjoy Prison will eliminate the practice of slopping out following the completion of all scheduled internal refurbishments by 2014 (Deputy Ferris asks Minister Shatter, 23/05/13, p. 61, q. 160, PQ 24899/13).

Fr Peter McVerry SJ has recently stated that the re-introduction of single cell occupancy in Mountjoy Prison has made it a much safer place for both prison officer and prisoner due to a dramatic reduction in incidences of violence.

Recommendation

In principle, single cell occupancy, as has been introduced to Mountjoy Prison, should be the norm across the prison estate.



5.5

OBJECTIVE:

Commencement of Harristown House development at Castlerea Prison

Why the Score?

The IPS has met its goals with regard to the redevelopment of Harristown House. The facility has been refitted and reopened, and is operating as a step-down facility for prisoners who are coming to the end of their sentence. Harristown House, located on the grounds of Castlerea Prison, is a low security facility for up to fifteen prisoners, who are engaged in a temporary release programme (Deputy Flanagan asks Minister Shatter, 14/03/13, p. 50, q. 84, PQ13443/13).

5.7

OBJECTIVE:

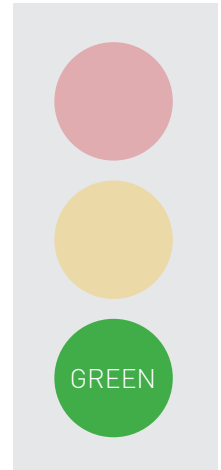
Commencement of Cloverhill/Loughan House multi-project tender

Why the Score?

While no significant development works are either underway or planned at Cloverhill Prison or Loughan House Open Centre during 2013, the IPS has carried out a range of smaller projects aimed at achieving efficiencies (Deputy Ferris asks Minister Shatter, 23/05/13, p. 60, q. 159, PQ 24898/13).

The projects undertaken at Loughan House involve the relocation of the medical surgery from an upper floor to the ground floor area, refurbishment of two shower rooms, roof repairs, replacement of some floor coverings and replacement of a number of doors that were damaged beyond repair. The works commenced on 15 April 2013 and were scheduled to be completed in July (*Ibid.*).

A similar range of smaller projects at Cloverhill have been completed. Most of these projects were in response to recommendations by the Irish Prison Service Transformation Team as part of the Joint Task Review reports with a view to achieving staffing efficiencies. The Irish Prison Service plans to begin a further project later in 2013 to build observation hubs in the exercise yards, a development which will achieve considerable staffing efficiencies (*Ibid.*).



Strategic Action

6

Legislative Consolidation

6.1

OBJECTIVE:

Identify areas that require to be regulated in light of international developments

It is unclear whether or not progress has been made on identifying areas that require to be regulated in light of international developments.

6.2

OBJECTIVE:

Identify legislative amendments necessary to give effect to Programme for Government commitments in relation to remission

Why the Score?

Legislative amendments are the responsibility of the Department of Justice and the Oireachtas. It is not clear how the IPS intends to work with the Criminal Law Reform Division of the Department of Justice and Equality as mentioned in the IPS *Three Year Strategic Plan*.

Commentary

The Programme for Government, *Government for National Recovery 2011-2016*, states that 'violent and sexual offenders should only earn remission based on good behaviour, participation in education and training, and completion of addiction treatment programmes and where appropriate, sex offender programmes.' (Department of the Taoiseach, 2011:48). This policy commitment could either result in the removal of automatic one-quarter remission of a prisoner's sentence or the greater use of enhanced remission which would be linked to violent and sexual offenders' engagement with services.

The *Prison Rules 2007* set out the terms of remission in the Irish criminal justice system. Standard remission automatically grants a prisoner (excluding life prisoners, debtors and those imprisoned for contempt of court) one-quarter of his or her prisoner sentence (Department of Justice, 2007). There is also a Ministerial discretion to grant 'greater remission' of up to one-third of the sentence 'where a prisoner has shown further good conduct by engaging in authorised structured activity and the Minister is satisfied that, as a result, the prisoner is less

N/A

likely to re-offend and will be better able to reintegrate into the community' (*Ibid.*, 2007: 59).

Enhanced remission has, however, not widely been put into practice, and each application for enhanced remission must be individually considered by the Minister for Justice. Information released by Minister Shatter in response to a recent parliamentary question shows that only one prisoner has so far been granted enhanced remission (Deputy O'Sullivan asks Minister Shatter, 11/07/13, p. 75, q. 177, PQ 34006/13). The minister could give no figures for how many prisoners have applied for enhanced remission and been refused (Deputy O'Sullivan asks Minister Shatter, 11/07/13, p. 75, q. 177, PQ 34006/13).

Secondly, the Programme also notes the government's intentions to review the *Prison Act 2007* in relation to 'incentivising engagement with rehabilitation services in prison'. (Department of the Taoiseach, 2011: 48). It is not clear whether this would mean prisoners would receive enhanced remission if they engaged with rehabilitative services or whether another mechanism such as increased Temporary Release (e.g. under the Community Return Programme) may be used.

Recommendation

It is not credible that the Minister could not provide detailed figures as to how many prisoners have applied for 'greater remission', as requested by Deputy O'Sullivan. Greater transparency is needed regarding what is required of prisoners to be eligible for 'greater remission' as well as explanations as to why their requests are not being granted.

In the recent judgment by Mr Justice Hardiman (18 July 2013) in *Callan v. Ireland*, Hardiman notes that the plaintiff should have the possibility to apply, and be considered, for enhanced remission. This judgment, it would seem, adds weight to the need for transparency in the decision-making process, as well as clear instructions as to the eligibility requirements to be granted up to one-third remission.

Furthermore, the Minister needs to clarify and outline how he intends to progress the objectives of the Programme for Government in regards to remission and incentivising engagement with rehabilitative services. One possibility is that enhanced remission could be directly linked to the Incentivised Regimes Policy.

Lastly, the Government should give serious consideration to the Irish Penal Reform Trust's recommendation of consolidating legislation in the areas of remission, temporary release and parole. With just one single piece of legislation on early release there would be greater coherence, transparency and fairness on the decision-making process (IPRT, 2012).

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Greater transparency is needed regarding what is required of prisoners to be eligible for 'greater remission' as well as explanations as to why their requests are not being granted.

... the Minister needs to clarify and outline how he intends to progress the objectives of the Programme for Government in regards to remission ...

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Consultations

- (2013) Several meetings took place with various stakeholders, including: the Irish Prison Service, Chaplains, the Prison Officers' Association, and people who have served time in prison.

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