



OIFIG AN CHIGIRE PRÍOSÚN
OFFICE OF THE INSPECTOR OF PRISONS

COVID-19 Thematic Inspection of Wheatfield Prison

6 - 7 April 2021

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EXECUTIVE SUMMARY

The Office of the Inspector of Prisons carried out the third of twelve COVID-19 Thematic Inspections in Wheatfield Prison on 6 - 7 of April 2021. This inspection examined twelve assessment areas across the Five Inspectorate Focus Areas: Respect & Dignity; Safety & Security; Health & Wellbeing; Rehabilitation & Development; and Resettlement.

Over the course of inspection, the prison staff were fully co-operative and proved very forthcoming with their concerns and ideas for how the prison might better respond to COVID-19 related restrictive measures. In the aftermath of the on-site inspection, senior management proved proactive in addressing many of the issues raised by the Inspectorate.

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

- The prison has been successful in managing and responding to COVID-19 outbreaks in the prison.
- There is a common effort amongst prisoners and staff in the prison to prevent transmission of COVID-19.
- Measures have been taken to mitigate the impact of COVID-19 related restrictions, including video calls and the addition of 'in-cell' activities, such as distribution of learning materials.

The Inspection Team also noted negative outcomes for prisoners, which include:

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

Overall, the Office of the Inspector of Prisons is concerned that COVID-19 has significantly impacted on the ability of prisoners in Wheatfield Prison to engage with rehabilitation services. Many prisoners in Wheatfield Prison expressed feelings of being disheartened at the curtailment of services. The Inspectorate urges Wheatfield Prison to consider, in consultation with prisoners and staff, new proactive initiatives to address the concerns raised in this report.

As part of its COVID-19 Thematic Inspections the Inspectorate examines three over-arching questions:

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

1 INTRODUCTION

1.1 Inspection Function of the Office of the Inspector of Prisons

The Office of the Inspector of Prisons was established pursuant to Section 30 of the Prisons Act 2007 (“the Act”) in January 2007. The Inspector of Prisons is appointed by the Minister for Justice to perform the functions conferred on her by Part 5 of the Act. Patricia Gilheaney is the current Inspector and was appointed on 7 May 2018 for a five year term in office subject to the provisions of Section 30 of the Act. The Inspector of Prisons is independent in the performance of her functions.

The Inspector of Prisons does not have statutory authority to publish inspection reports, investigation reports or annual reports. In accordance with Section 31 or 32 of the Act as applicable, as soon as practicable after receiving a report from the Inspector of Prisons, the Minister must, subject to the following caveats, lay it before both Houses of the Oireachtas and publish the report.

The Minister may omit any matter from any report laid before the Houses of the Oireachtas if she is of the opinion that:

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

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

1.2 COVID-19 Thematic Inspections

The Irish Prison Service has adopted a number of practices in response to the need to prevent transmission of COVID-19 in Irish prisons, and to subsequently uphold Ireland’s commitment to the right to life under Article 40 of the Irish Constitution and the protection of life under Article 2 of the European Convention on Human Rights (ECHR). These measures include, amongst others, restrictions on family contact (Section 4.2), quarantine and isolation (Section 4.3), restrictions on access to exercise and activities (Sections 5.2 and 5.3) and changes to the prison regime (Section 5.1). In response to these restrictive measures, and the need to assess their impact on people living and working in prison, the Office of the Inspector of Prisons prepared a programme of COVID-19 Thematic Inspections to be carried out in all Irish prisons in 2021. The objective of these visits is to provide a human rights informed assessment of the treatment and care of prisoners across the Irish Prison Service. COVID-19 Thematic Inspections are carried out in line with the process provided in the 2020 Framework for the Inspection of Prisons in Ireland (Figure 1), and are designed to examine the five Focus Areas detailed in the Framework, with a particular focus on the impact of COVID-19 on the prison.

Figure 1: Framework Inspection Process

COVID-19 Thematic Inspections: Process



COVID-19 Thematic Inspection visits are announced short visits of between two and three days in duration, whereby the focus of the visit is on how people in prison experience and are impacted by COVID-19 related restrictions in the prison. The information obtained through inspections visits is complemented by calls to prisons,¹ continuous communications with the Irish Prison Service (IPS), which includes daily or weekly updates on the situation of COVID-19 and the dissemination of an online staff survey in April/May 2021.²

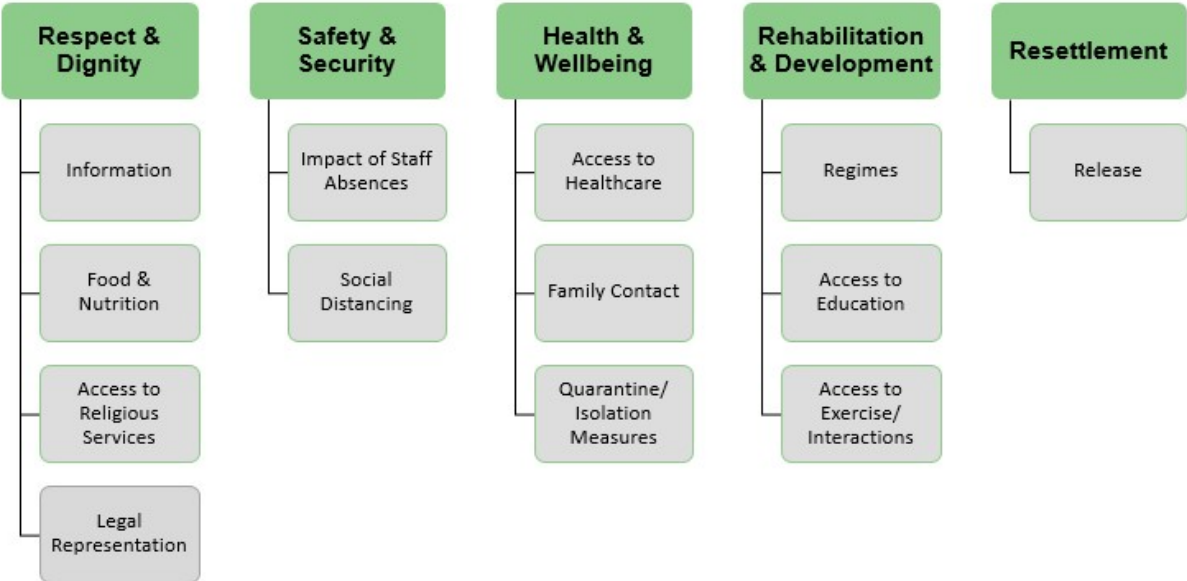
COVID-19 Thematic Inspections are carried out in a systematic and risk-informed basis, in line with the Office of the Inspector of Prisons Infection Control Protocol.³ Based on internal information and information received from the IPS, the Inspectorate determines if a visit to a prison is (i) warranted given the risk, and (ii) in line with the principle of “do-no-harm” (ensure that risk is offset by preventive action). COVID-19 Thematic Inspections are announced, with prisons provided with at least a 24-hour notice in advance of the inspection. The Inspection Team is reduced in size, with only two or three Inspectors carrying out the inspection of the prison over a two to three day time span. Upon completion of an inspection, Inspection Team members should wait 14 days before entering another prison.

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

¹ OIP. COVID-19 Call Template, available at: <https://www.oip.ie/wp-content/uploads/2021/05/COVID-Call-Template.pdf>
² OIP. COVID-19 Staff Survey, available at: <https://www.oip.ie/wp-content/uploads/2021/05/COVID-19-Survey-for-IPS-Staff-2021.pdf>
³ OIP. COVID-18 Infection Control Protocol, available at: <https://www.oip.ie/wp-content/uploads/2021/05/OIP-Infection-Control-Protocol.pdf>

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

Wheatfield Prison Assessment Themes



The COVID-19 Thematic Inspection process involves the following:

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

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

The on-site inspection visit to the prison is complemented by ongoing telephone communications with the prison Governor. These calls are designed to: (i) identify COVID-19 related practices in the prison across the Focus Areas; (ii) highlight areas of concern that may require further attention as part of an inspection visit; (iii) monitor implementation status of IPS Action Plans developed to respond to Inspectorate Recommendations; and (iv) provide prison management with an opportunity to indicate positive advancements and challenges related to COVID-19 related restrictions in the prison. Three calls were made to Wheatfield Prison in advance of the inspection. These calls were made on 19 February, 5 March and 29 March 2021.

Over the duration of the inspection process, the Inspectorate endeavours to raise awareness of the ongoing inspection and of the role of the Office of the Inspector of Prisons more generally. To this end, the Inspectorate has developed prisoner information booklets and a video. At the time of inspection, Wheatfield Prison did not have a functional in-cell TV channel, but the information booklets, which are available in Irish, English (NALA Plain English Mark), Cantonese, French, Polish, Romanian, Russian and Spanish, were distributed on the first day of the on-site Inspection.⁴ The information booklet is available on the Inspectorate website and has been provided to the IPS for ongoing dissemination.

⁴ OIP Information Booklets, available: <https://www.oip.ie/information-booklet/>, available in Irish, English, Cantonese, French, Polish, Romanian, Russian and Spanish.

This Report on the Inspection of Wheatfield Prison provides a human rights-based assessment of the Irish Prison Service response to the COVID-19 pandemic. The report examines the Focus Area themes to assess the following:

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

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

The on-site inspection of Wheatfield Prison was carried out over two days. The Inspection Team had full access to all required information in a timely manner. There were no delays in accessing the Prisoner Information Management System (PIMS) database.

The degree of co-operation received in the prison throughout the inspection was very good. The Inspection Team had immediate and open access to Wheatfield Prison, and all local requests for information were answered promptly. The Inspection Team would like to express appreciation to the designated Liaison Officer for the support provided to the Team during the inspection. The Inspector of Prisons (Inspectorate) presented preliminary observations to the management staff of Wheatfield Prison at a virtual Closeout Meeting on 9 April 2021. The commentary received during this meeting was taken into account in the drafting of the report. The Inspectorate appreciates the timely and comprehensive information provided by the Prison Management team, and looks forward to ongoing dialogue and engagement.

1.3 Composition of the Inspection Team

The Inspection Team for the COVID-19 Thematic Inspection in Wheatfield Prison comprised of Senior Inspector Ciara O'Connell and Inspector Robert Bradley. The Inspection Team was supported by the Inspectorate Administrative Staff.

1.4 Overview of Wheatfield Prison

Wheatfield Prison is a closed, medium security prison that primarily caters for prisoners transferred from the counties of Louth, Meath, Monaghan, Wexford and Wicklow. Wheatfield Prison has a combination of single and double occupancy cells; a double-occupancy cell on 10G landing measured approximately 3.9L x 2.5W x 2.7H (meters), inclusive of sanitary facility (9.7 m²). There are five Close Supervision Cells and two Special Observation Cells, all equipped with a television and a sanitary facility.

Wheatfield Prison is comprised of two parts; the main part of the prison and the East Wing. The Main prison caters for remand prisoners and protection and non-protection sentenced prisoners. At the time

of inspection, all prisoners accommodated in the East wing were Enhanced prisoners under the Incentivised Regime programme, meaning they were afforded certain benefits as a result of good behaviour and engagement in the prison. The regimes in the Main prison and East wing differ significantly; for instance, during the time of inspection only those prisoners living in East wing were permitted to attend certain activities, such as the construction workshop (See Section 5.1).

The design of the main part of Wheatfield Prison is unique in Ireland that prisoners are accommodated in units, rather than on large landings. As a result, for purposes of COVID-19 prevention, prisoners in the Main prison are only allowed interact with prisoners who live in the same unit. In East wing, also as a result of COVID-19, prisoners were only allowed to interact with prisoners on the same landing, whereas previously prisoners could interact across the three landings in East wing.

At the time of inspection, all prisoners in quarantine were accommodated in the 5F unit in the main part of the prison (Section 4.3). In early January 2021, the prison experienced an outbreak of COVID-19 which resulted in mass testing over a two to three week period and 60 staff absences. However, the prison was successful in keeping the prisoner population COVID-free.

On 6 April 2021, Wheatfield Prison accommodated 510 prisoners (71 people on remand), and 512 prisoners (75 people on remand) on 7 April; comprising 84% of IPS bed capacity on both days. On the first day of inspection there were six prisoners in quarantine under Rule 103; two prisoners on Rule 62 (removal of prisoner from structured activity or association on grounds of order) and 73 prisoners on Rule 63 (protection of vulnerable prisoners).

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

Date	Quarantine	Isolation	Cocooning
6 April 2021	6	0	0
7 April 2021	3	0	0

Of the six people in quarantine on the first day of the inspection, two were awaiting planned release to a centre and one was awaiting extradition. On the morning of the second day of the inspection, the Inspection Team was informed the planned releases had been cancelled and that those prisoners had been removed from quarantine. The extradition had also taken place. Three prisoners remained in quarantine. However, by the afternoon the remainder of prisoners had exited quarantine and returned to their respective units (Section 4.3).

1.5 Immediate Action Notifications (IANs)

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

2 RESPECT & DIGNITY

2.1 Information

Central to the Respect & Dignity Focus Area is the provision of information within the prison. As part of the inspection of Wheatfield Prison, the Inspection Team assessed how prisoners were provided with information and to what extent the prisoners felt well-informed about the ongoing situation with COVID-19.

2.1.1 Compliance

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

Section 42 of the Irish Human Rights and Equality Commission Act 2014 (the Public Sector Equality and Human Rights Duty) also requires the Irish Prison Service to eliminate discrimination, promote equality, and protect human rights of both prisoners and staff. This law is important in the context of the Irish Prison Service providing information to certain cohorts, such as Foreign National Prisoners.

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

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

With specific regard to COVID-19, the European Committee for the Prevention of Torture (CPT) Statement of Principles Relating to the Treatment of Persons Deprived of their Liberty in the Context of the Coronavirus Disease (COVID-19) Pandemic⁵ (Principle 4) requires that any restrictive measures taken to prevent the spread of COVID-19 should have a legal basis and be necessary, proportionate, respectful of human dignity and restricted in time. All persons deprived of liberty should receive comprehensive information, in a language they understand, about any such measures.

⁵ CPT Statement of Principles relating to the Treatment of Persons Deprived of their Liberty in the Context of the Coronavirus Disease (Covid-19) Pandemic (20 March 2020) CPT/Inf(2020)13, <https://rm.coe.int/16809cfa4b>.

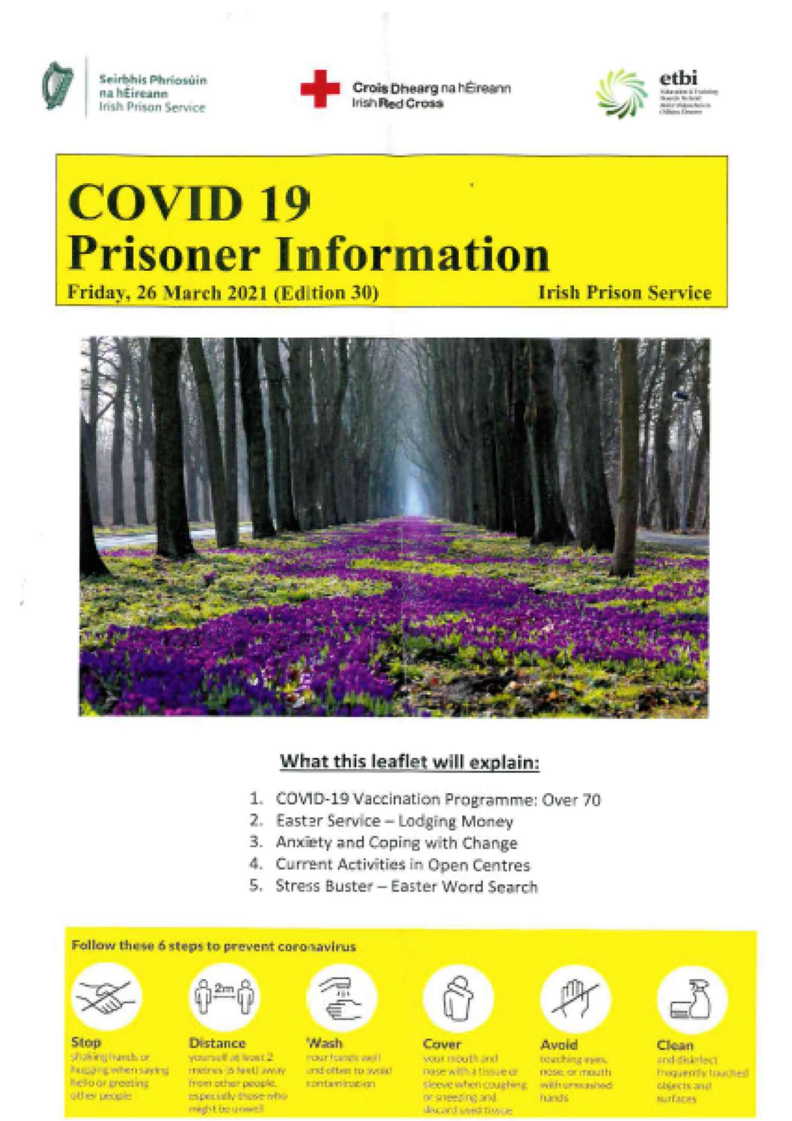
The caveats provided for in the Irish Prison Rules 2007-2020 (“all reasonable efforts” and “in so far as is practicable”) allow for a situation in which the national legislation’s provisions in relation to information may be curtailed or denied. Further, the Irish Prison Rules place no responsibility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

2.1.2 Environment

Across Wheatfield Prison, the Inspection Team observed complaint submission boxes accompanied by complaint forms, and also Rule 44 post boxes.

Since the emergence of COVID-19, the Irish Prison Service has recognised the need for regular information to be shared with prisoners and staff. This is particularly evident following the introduction of a fortnightly newsletter. The Inspectorate was provided with these booklets, with 26 newsletters developed between 20 March 2020 and 31 January 2021. Similarly, the Prison Service developed 13 staff newsletters between 20 March 2020 and 13 January 2021. The Inspection Team observed COVID-19 prisoner booklets in the main part of the prison dated Friday, 26 March 2021 (Figure 3).

Figure 3: COVID-19 Prison Information Booklet (26 March 2021)



The information contained in the booklet included: measures to avoid the spread of COVID-19; the vaccination programme for over 70s; lodging money over Easter; coping with mental health (and support services); activities in open centres and an Easter word search. It is important to note that at the time of inspection, there were 440 primary and 131 secondary English speaking prisoners in Wheatfield; however, this information booklet was only readily available in English upon observation.

The Red Cross has played a key role in the delivery of information to prisoners in Wheatfield Prison. As part of the pre-inspection call, the Governor of Wheatfield confirmed that distribution of relevant information is ongoing and is a means to ensure prisoners are kept adequately informed of developments with regards to COVID-19.

2.1.3 Outcomes

Prisoners welcomed the effort to provide them with up-to-date COVID-19 information, but raised concerns about the frequency and accessibility of these materials. One prisoner stated the booklets were only “good enough for people who can read.” Another prisoner stated, in reference to the January outbreak, “they wouldn’t tell you what’s going on.”

The Inspection Team was informed that the prison has its own TV information channel, which was not functional at the time of the inspection. The Team was advised that the prison received a recording kit from the Prison Service two weeks ago but that this was not fully operational at the time of inspection. As a result, the TV channel was not being utilised to disseminate information about COVID-19, and it was also not in use to display religious and educational services (Section 2.3 and 5.2) or healthcare information (Section 4.1).

2.1.4 Recommendations

Recommendation 1: In line with Rule 54 of the Nelson Mandela Rules, the Irish Prison Service should ensure that written and oral information is provided to prisoners upon entering quarantine and on an ongoing basis over the course of quarantine. This information should be designed to assist prisoners in adapting to quarantine, and should clearly outline what they can expect while in quarantine. The information should be provided in a language and form that can be understood by the prisoner; this may require the assistance of interpreters. Prisoners should be provided with ongoing opportunities to raise questions and to be informed of all matters necessary to adapt to quarantine and prison life in general.

Recommendation 2: In order to ensure effective information provision to all prisoners, in line with Section 42 of the Irish Human Rights and Equality Commission Act, the Inspectorate urges Wheatfield Prison to promptly introduce information dissemination by way of TV channel. The information provided on the channel should be in a language and form that can be understood by prisoners, and may require complementary modes of information dissemination.

2.2 Food & Nutrition

One of the measures implemented by the Irish Prison Service to prevent transmission of COVID-19 in prisons has been to change how food is delivered in the prison. At the outset of the pandemic, beginning in March 2020, the Prison Service provided food to people in custody who were cocooning by distributing boxed meals to cells. The Inspectorate noted in the July 2020 report, “Ameliorating the Impact of Cocooning on People in Custody – A Briefing,” that it is “important that people (...) are brought

meals (and) informed about what is on offer and asked which portions they do and do not want.”⁶ Further, the Inspectorate urged the Prison Service to commit to better consultation with people subjected to public health measures or restricted regimes about their food and to consider models used in hospitals for food selection. Given the recommendations made by the Inspectorate in regards to food provision for prisoners who are cocooning, the Inspection Team considered as part of the COVID-19 Thematic Inspection how food is provided in Wheatfield Prison.

2.2.1 Compliance

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

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

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

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

2.2.2 Environment

The main kitchen is located on the first floor of the main part of the prison. Due to time constraints, the Inspectorate did not visit the kitchen.

Across the prison landings, prisoners collected their meals from the serveries, unless they were in quarantine or isolation. The Inspectorate was informed that breakfast packs were provided to prisoners the afternoon before at 16:00, with milk then being available from 08:00 the next day. Dinner was served at midday (12:00) and was the main meal of the day. The last meal of the day was served at 16:00 across the prison.

For people in quarantine or isolation, meals were delivered to the cell doors by staff in full Personal Protective Equipment (PPE). The food was served in Kraft boxes prepared by staff in the main kitchen. The Inspection Team heard mixed feedback about the delivery of food, with some prisoners reporting that the food was cold and “slapped together” in these boxes.

The Inspection Team was provided with a copy of a list from the Tuck Shop. The Tuck Shop list provided to the Team was not dated. However, two prisoners informed the Inspection Team that the list was correct at the time of inspection. The order form provided a list of items and prices and contained mostly minerals, biscuits and confectionary items within the €0.31 cent to €3 bracket. Toiletries and health products ranged between €1.45 and €10.00. Similar to other prisons, the most expensive items on the

⁶ Office of the Inspector of Prisons and Maynooth University, “Ameliorating the Impact of Cocooning on People in Custody – A Briefing” (July 2020) <https://www.oip.ie/wp-content/uploads/2020/07/Ameliorating-the-impact-of-cocooning-on-people-in-custody-a-briefing.pdf>, 2.

list were cigarettes and tobacco, which ranged from between €12.50 to €19.80. In pre-inspection calls with the Governor, it was confirmed that the prisoners had access to the Tuck Shop during COVID-19.

2.2.3 Outcomes

Throughout the course of the inspection, views were obtained from prisoners regarding the standard and quality of the food. Prisoners expressed different opinions as regards the quantity and quality of meals provided to them. On a positive note, a prisoner confirmed that “the food is okay.” While, one prisoner reported, “food is terrible and not enough is given.” Another prisoner said “the food was cold at times.” Prisoners also expressed being hungry overnight, which was of particular concern for people with medical needs. The Inspection Team also received reports that in some instances food may be thrown in the bin rather than distributed to prisoners.

In follow-up correspondence received from the Governor, it was confirmed that tight budgetary controls and ordering protocols ensured prison staff were able to efficiently manage food quantities for each prisoner with no food wastage. Regarding, the issue of food being cold, the management also confirmed that this related to a small number of prisoners who were typically last to be served from trollies on their units. In further correspondence received, management confirmed this issue was addressed with a change in practice to allow nearly all prisoners to attend the serveries rather than be served from trollies.

The Inspection Team observed that meals were served at very close intervals early in the day. This means prisoners were not provided with meals after the evening meal was served at 16:00/16:30, which left a break between meals until 08:00 the following day; a period of approximately 16 hours without a meal. This may result in prisoners eating their breakfast the night before, leaving them without a meal until noon the following day.

In addressing the above, prison management confirmed that individual portions remain the same, but in an effort to bridge the extended period between tea at 16:30 and breakfast the next morning, the prison is currently considering a number of measures. These include additional portions of bread with toasters on each unit and bagging of individual portions of biscuits for each prisoner after tea. Breakfast packs are also to be supplied the following morning to ensure prisoners are eating their meals at the correct time of the day.

The Inspection Team met prisoners who practiced various religions and faiths in Wheatfield Prison. The Inspection Team was notified of a concern from a prisoner regarding the provision and preparation of Halal food. He stated the food was “not really Halal, just not pork.”

With respect to Halal food, the Inspectorate received confirmation from prison management that delivery, storage and serving of all Halal food is in line with Hazard Analysis & Critical Control Point (HACCP) standards and cultural practices to ensure integrity for religious observance. To reinforce this further, documentation was provided to the Inspectorate which fully validates the provision and procurement of Halal food within Wheatfield Prison. The documentation confirms the origin of the meat along with a record of the food temperature while in storage.

Many prisoners reported dissatisfaction with the pricing of items offered and the variety of items in the Tuck Shop. One prisoner said “[the] tuck shop is a disgrace – nothing healthy, and I don’t want to be snacking on crap.” Some prisoners reported that the Tuck Shop options were adequate, but expensive. One prisoner in particular raised concerns regarding the price of toiletries and tobacco, by stating “[I] work all day but can’t afford anything, (there are) different work allowances for laundry, cleaner and kitchen staff.”

2.2.4 Recommendation

Recommendation 3: In line with the Nelson Mandela Rules, (Rule 22.1) and European Prison Rules, (Rule 22.4), the Inspectorate recommends that the scheduling around meal times be amended to ensure meals are served at reasonable intervals and at times reflected in the community: breakfast (morning), lunch (midday) and dinner (evening).

OIP Comment: The Inspectorate has recommended in both the Mountjoy Prison and Cloverhill Prison COVID-19 Thematic Inspection reports that the scheduling around meal times be amended. This recommendation has been accepted by the Prison Service on both occasions. The Inspectorate welcomes the Prison Service's intention to roll out an amended meal schedule, following a successful pilot scheme in Castlerea and Mountjoy Prison Progression Unit, but that this was curtailed due to industrial relations issues. The Inspectorate encourages an early resolution to these issues, keeping in mind that such issues should not undermine adherence to human rights standards, as outlines in Rule 22.1 of the Nelson Mandela Rules and Rule 22.4 of the European Prison Rules.

2.2.5 IPS Review

The Report notes comments made by prisoners that "in some instances food may be thrown in a bin rather than redistributed to prisoners". The Governor has advised that every effort is made by kitchen staff to manage food resources in Wheatfield Prison efficiently to avoid any food wastage. Any food surplus, should it occur from time to time, is redistributed to prisoners and not discarded in bins as suggested.

The Irish Prison Service has conducted audits on prison kitchens in 2018 and 2019 and there were no reports of excess food wastage in any of the audit reports.

The Governor is strongly of the view that this is not accurate and has asked that this be amended.

The Report notes comments made by prisoners with regard to prices of tobacco and toiletries in the prison tuck shop. In February 2021, the Irish Prison Service introduce a revised pricing structure for prison tuck shops reducing all prices to slightly above cost price for all products with the exception of tobacco. This has significantly increased the spending power of prisoners on non-tobacco products.

There are minimum legal requirements on the pricing of tobacco preventing the selling of tobacco beneath a recommended retail price (RRP).

OIP Comment: *The Inspectorate notes the Governor's request outlined above. However, the information made in relation to disposal of food (Section 2.2.3) was received by the Inspection Team during the course of inspection. Both the IPS response and prisoner statement are included in this report.*

2.3 Access to Religious Services

A Chaplaincy Service is provided in Wheatfield Prison. This is instrumental in ensuring that prisoners have access to pastoral care, dissemination of information and maintenance of familial contact. As such, the Chaplaincy is uniquely positioned to support prisoners as they experience COVID-19 related restrictions.

2.3.1 Compliance

The Irish Prison Rules 2007-2020 provide that each prisoner shall, in so far as is practicable and subject to the maintenance of good order and safe and secure custody, be permitted to practice and comply

with the rules, observances and norms of behaviour of the religious denomination of which he or she is a follower or member (Rule 34(1)) and shall not be refused access to a chaplain of any religious denomination (including a chaplain of a religious denomination of which the prisoner is not a member) (Rule 34(6)).

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

2.3.2 Environment

On the first day of the inspection, the Inspection Team was informed that the staff quota for Chaplains at Wheatfield is two full-time Chaplains and one Chaplain who works three days a week. The Inspection Team was notified that on any given day there were two Chaplains present on the landings. Chaplains meet with prisoners to provide support and guidance. To comply with current health guidelines and restrict the level of contacts, each of the three members of the Chaplaincy were designated particular landings for which they were responsible, with all face-to-face engagements in Wheatfield continuing throughout the pandemic. Chaplains visited each landing between 09:30 and 12:00 and 14:30 to 16:30 every day.

The Inspection Team noted that all religious services had been suspended, and it was intended that the forthcoming TV channel would allow mass to be aired across the prison. However, this provision was not due to be implemented for another month. Prior to COVID-19, mass was held every Sunday in the prison.

The Chaplain confirmed that the Service was exploring the possibility of having other religious services available in the prison, however this was in a stage of infancy. The Inspection Team was provided with information that 23 people either declined to confirm their religion or preferred not to state it to the Chaplain. The Chaplain confirmed in cases where a prisoner expressed a desire to engage with their preferred Faith Leader, requests would be accommodated. Such requests may take place by phone or video call. A breakdown of declared religions as of 5 April 2021 is provided in Table 2.

Table 2: Breakdown of Declared Religions

Religion	Total
Augtican	1
Atheist	4
Christian	21
Church of England	2
Church of Ireland	2
Jehovah Witness	2
Jewish	1
Muslim	4
Presbyterian	1
Protestant	1
Russian Orthodox	2
Other	10

The Inspection Team was informed of the measures undertaken by each Chaplain when visiting a prisoner in isolation or quarantine. Prisoners in isolation and quarantine were required to wear a mask inside the cell while being visited by the Chaplain. The Chaplain was also required to wear a mask and shield while conversing with the prisoner through the door hatch. For prisoners who were cocooning, a Tele Chaplaincy Service was made available to prisoners across the prison estate. This information would then be relayed to the Chaplain on site at Wheatfield Prison.

Throughout the pandemic, family bereavements have become quite challenging for prisoners, especially with regards to the lack of physical attendance at funerals and the grieving process that follows. Prisoners were able to view funeral mass of a family member online while sitting in the Chaplain's office; the success of this initiative was felt by prisoners and staff.

The Chaplain Service expressed a deep sense of worry and concern for the mental health of the men in custody in Wheatfield Prison, particularly following release from quarantine. A Chaplain was of the view that there had been a noticeable deterioration in prisoner mental wellbeing generally, and specifically noted the impact on life-sentenced prisoners who, because of COVID-19 related restrictions on access to services and education, are unable to fulfil Parole Board Requirements (see Section 5.4).

2.3.3 Outcomes

The Inspectorate received positive feedback from prisoners regarding the Chaplaincy Service. In particular, the Chaplains' consistent and regular presence on the landings was welcomed. One prisoner stated, "The Chaplain attends the wing and offers great guidance and support."

Contrary to this, the Inspection Team received notification from a number of prisoners on East Wing that the Chaplain skips their landing, seemingly because the Chaplains "don't want the hassle of the problems." This matter was brought to the attention of the Governor at the Closeout Meeting. Through ongoing dialogue between the Inspectorate, the Governor and the Chaplaincy Service, a response was received from the Chaplain, who stated "(w)e appreciate the feedback and will seek to be more visible and available to those on E2 whenever needed." The Inspectorate welcomes and appreciates this effort.

One prisoner raised a concern that the prison does not cater for specific religious faiths. For example, there is no Imam or small prayer room for Muslim prisoners. In response to this issue, the Chaplain informed the Inspectorate that Level 5 restrictions have impacted on the ability to bring additional faith services into the prison. The Chaplaincy indicated that attendance of an Imam and Jehovah's Witness minister will resume when it is deemed safe to do so. In the interim, prisoners have access to, and engagement with a faith leader through letters, telephone or video links.

2.3.4 IPS Review

It is reported in Section 2.3.3 that a number of prisoners advised the Inspection Team that the "chaplain skips their landing" because the Chaplains "don't want the hassle of the problems". I am advised by the Governor that she has raised this issue with the Chaplaincy Team who have advised that this is not correct.

Since the emergence of Covid-19 the demands on Chaplains has increased significantly. The Chaplains engage with prisoners through different referral processes including self-referrals, staff referrals, family emergencies and landing visits. The Chaplains have advised that regular landing visits have been made by the Chaplaincy team in Wheatfield, including to the E2 landing.

2.4 Other Issues

In the process of inspecting Wheatfield Prison the Inspection Team made a number of observations that warrant inclusion in this inspection report.

Bedding

Prisoners alerted the Inspectorate to issues regarding mattresses being old, torn or, uncomfortable. Upon inspection, it was apparent that some mattresses were quite old and labels indicated mattresses dating back to 2016. Other mattresses were torn and concerns were raised by prisoners regarding the thickness of the mattress and its suitability for sleeping on. The Inspection Team also noted that many prisoners were availing of additional pillows and mattresses to compensate for their lack of comfort. These additional bedding materials were acquired when a cellmate left the prison.

In the Closeout Meeting on 9 April, the Inspectorate brought to the attention of Wheatfield Prison management the issues surrounding mattresses and was informed by the Governor that the policy on mattress expiration dates allows for a lifespan of between two and four years from the point of distribution. On 12 April, the Governor confirmed by email that a full audit of mattresses had taken place and that all mattresses identified as torn or damaged were to be replaced, and replacement mattresses had been ordered.

Conditions

Overall, the condition of the cells and landings throughout the prison was satisfactory. On the first day of inspection, the Team visited a unit in the main prison where it was observed that birds had set up nests in each of three vents at the end of the unit. This matter was raised in the Closeout Meeting, and the Inspectorate was provided by the Governor on 15 April with service report documentation indicating that the necessary works were completed. The Inspectorate welcomes the speediness of the corrective action taken.

In addition, not all sanitation facilities in the prison were functional. In the main prison, for example, only one of three showers were operational in the 9G unit, which accommodated approximately 30 prisoners.

On the East wing of the prison, prisoners notified the Inspection Team of an ongoing sanitation issue that had been reported to maintenance nearly a week prior to the inspection. There were two cells that had no water supply in the sink or toilet. To compensate for this, it was necessary for the prisoners to use a bucket to flush the toilet. The lack of clean and fresh water in the cell was a concern for the Inspection Team, as this is not in line with Rule 18(1) of the Nelson Mandela Rules - Prisoners shall be provided with water and with such toilet articles as are necessary for health and cleanliness.

These sanitation issues were raised with the management team at the Inspection Closeout Meeting on 9 April. Later that day, the Inspectorate was informed by the management team that the men in the two cells without water had been moved to other cells, and that the showers on 9G had been repaired and were operational.

In the main part of the prison, men were confined to their units and were not provided opportunities to partake in workshops (See Section 5.3). Given the design of the main prison, in which the small units allow prisoners out-of-cell time equivalent with pre-COVID-19 restrictions, prisoners in these units were limited in their opportunities to leave the unit. The only available activity in the units were pool tables. However, all of the pool tables observed by the Inspection Team were in a poor state with ripped felt. At the Closeout Meeting, the prison management team informed the Inspectorate of the intention to repair the pool tables. The Inspectorate was provided with documentation illustrating how the prison had been working to replace the pool table cloths across the prison since November 2020, but that this

effort had been put on hold until the repair service was permitted entry to the prison in line with COVID-19 essential work restriction levels.

Also of note was an observation by the Inspection Team that the telephone in Yard 8 had a cut cord and was therefore not operational. Prisoners reported that this phone had not been working for at least five months. Following the Closeout Meeting, prison management notified the Inspectorate of an existing request with IT in relation to the repair of the phones in Yards 6, 7 and 8.

Privacy

The prisoner population in Wheatfield has steadily increased over the last number of years; resulting in a “doubling up” in a number of single-occupancy cells in the East wing. The issue of overcrowding in prisons is one that has been raised by the CPT in 2019 and by the Office of the Inspector of Prisons in 2010.⁷ In situations where prisoners are accommodated in multiple-occupancy cells there is an increased need to ensure their privacy and dignity is upheld. In Wheatfield Prison, multiple-occupancy cells in the East wing were not fitted with modesty screens. This situation does not meet the minimum standard CPT requirements as regards living conditions,⁸ and also runs counter to Rule 19.3 of the European Prison Rules: Prisoners shall have ready access to sanitary facilities that are hygienic and respect privacy.” Furthermore, the European Court of Human Rights has determined that the state has a positive obligation to ensure a minimum level of privacy for people deprived of liberty and that a failure to discharge this duty (forcing prisoners to use the toilet in the presence of other prisoners) is a violation of the Right to Privacy (European Convention on Human Rights, Article 8).⁹

Upon discussion of this matter with prison management at the Closeout Meeting, the Inspectorate was informed of the intention to install modesty screens in the East wing, but that this action was delayed due to COVID-19 restrictions. The modesty screens were to be 900mm in height and constructed of stainless steel. The CPT standard requires that “in any cell accommodating more than one prisoner, the sanitary annexe should be fully partitioned.”

2.5.1 Recommendations

Recommendation 4: In line with the CPT standards on living conditions, and with respect to the European Convention on Human Rights Article 8, all cells in Wheatfield Prison should meet minimum CPT requirements with access to a fully partitioned toilet facility.

Recommendation 5: With concern for the increase in the prison population in recent months, the Inspectorate recommends that the Irish Prison Service engages with the Department of Justice to maximise all opportunities available for reducing the prison population. The reduction in prison numbers would reduce the number of people cell-sharing, minimise the risk of COVID-19 transmission, and enable prisoners to practice social distancing.

OIP Comment: Recommendation 5 was accepted by the IPS in the Mountjoy Prison COVID-19 Thematic Inspection Report, and partly accepted in the Cloverhill Prison COVID-19 Thematic Inspection Report.

⁷ CPT Report to the Government of Ireland on the visit to Ireland carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 23 September to 4 October 2019. Available at: <https://rm.coe.int/1680a078cxfdata>, 20; and <https://www.oip.ie/wp-content/uploads/2020/04/Prison-Population-an-examination-of-duties-and-obligations-owed-to-prisoners.pdf>

⁸ European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) *Living space per prisoner in prison establishments: CPT standards*, <https://rm.coe.int/16806cc449>

⁹ *Szafranski v. Poland* (2016) European Court of Human Rights, 17249/12 (§§ 39-41).

3 SAFETY & SECURITY

3.1 Impact of Staff Absences

In January 2021, Wheatfield Prison experienced an outbreak¹⁰ of COVID-19 that resulted in a mass testing programme. This resulted in three rounds of testing. In a pre-inspection call with the Governor, it was noted that during a two to three week period in January 2021, 60 staff were on COVID-19- related leave, some who had tested positive, while others were close contacts of confirmed cases. On 6 April 2021, the Inspectorate was informed that five or six staff continued to be absent from work due to the long-term effects of COVID.

3.1.1 Compliance

The European Prison Rules, Rule 83 (a), requires that prison authorities ensure prisons are adequately staffed at all times in order to maintain a safe and secure environment and to meet requirements of national and international law. Rule 83 (b) of the European Prison Rules states “the prison authorities shall introduce systems of organisation and management that are capable of withstanding operational emergencies and returning to ordinary standards at the earliest opportunity.” With specific reference to the situation of COVID-19, the March 2020 CPT *Statement of Principles relating to the treatment of persons deprived of their liberty in the context of the coronavirus disease (Covid-19) pandemic*, provide that staff availability be reinforced and that staff should receive professional support in order to be able to continue to fulfil their tasks (Principle 3).

3.1.2 Environment

Management of staff absences is directly aligned with the prison’s Regime Management Plan (RMP). Each prison’s Regime Management Plan is tailored specifically to the prison with the input of the Irish Prison Service and the Prison Officers’ Association. The RMP is designed to ensure the security of the prison and to optimise the delivery of structured prisoner activities when staffing levels are reduced. The RMP provides a priority list of posts, and is the basis on which posts are cut due to insufficient staffing levels. The determination of the number of officers required for each post is made by the Workforce Planning section of the Irish Prison Service Human Resources Directorate.

The Inspectorate was informed over the course of the inspection that staff shortages were experienced in the prison due to annual and sick leave. Furthermore, there were 18 extra posts required to be filled in the areas of maintenance, training and escorts; these did not include the cover required for 13 officers on COVID-19 related leave and the 12 to 13 staff on uncertified sick leave. During the inspection, the Inspection Team observed how cuts to the RMP directly impacted on delivery of activities and services within the prison, such as work training (Section 5.1), access to the library (Section 5.2) and access to the gym (Section 5.3). For example, the Inspection Team was informed by management that prison officers had been redeployed from their posts in the prison to the Prison Service Escort Corp (PSEC). Further, because officers who are redeployed to PSEC are provided with additional “overtime” compensation, situations arise where officers may welcome redeployment.

¹⁰ As per the HPSC website, the current COVID-19 outbreak case definition is: A cluster/outbreak, with two or more cases of laboratory confirmed COVID-19 infection regardless of symptom status. This includes cases with symptoms and cases who are asymptomatic. OR A cluster/outbreak, with one laboratory confirmed case of COVID-19, and at least one additional case of illness with symptoms consistent with COVID-19 infection (as per the COVID-19 case definition).

3.1.3 Outcomes

Over the course of the inspection, the Inspection Team took account of how the RMP operates in practice, with the conclusion being captured quite succinctly by a member of staff: “The institution is dealing with today, not the long term.” This was particularly evident given the number of redeployments that took place in various parts of the prison during the inspection. The Inspectorate was provided with the RMP on the first and second day of the inspection, with management confirming that cuts to the RMP had taken place on both days. The bottom 18% of the posts had been cut on the first day, while 20% were cut on the second day. In terms of implications for prisoners, the services impacted by these cuts included closures and limitation of access to workshops, in-reach services, the censor’s office and Integrated Sentence Management (ISM).

Of particular concern to the Inspectorate is that many new prison staff recruits have no experience of what a prison environment and regime is like outside of COVID-19 restrictions. This issue was reported to the Inspectorate as a concern for management in Wheatfield Prison that may require retraining as the prison unwinds from restrictions.

3.1.4 Recommendations

Recommendation 6: The Irish Prison Service should review and address the impact of the current prisoner escort model on the operation of prisons, specifically as this model undermines prisoners’ access to rehabilitation services in the prison.

OIP Comment: In its review of the Cloverhill COVID-19 Thematic Inspection Report (Section 2.4.5), the IPS indicated a move towards increased video link court visits which would reduce the need for PSEC escorts to courts. The Inspectorate will monitor this initiative, with particular focus on the impact of virtual court proceedings on the rights of prisoners.¹¹

Request for Information 1: The Inspectorate requests to be provided with the review of the Prison Service Escort Corps.

3.1.5 IPS Review

The Report notes the impact that redeployment of staff to support Court escorts has on the operation of rehabilitative services.

The Proposal for Organisational Change (“PFOC”) provides that where PSEC staff are fully deployed, and there are no PSEC staff available to perform any remaining escorts, then the prison in question will be required to cover those escorts. Where Court demands may exceed PSEC capacity the individual institutions will be required to facilitate such demands. It remains the responsibility of the prison Governor to produce a prisoner before the Courts as set out in the relevant warrant.

Each prison is also required to facilitate escorts at short notice to Courts and Hospitals. Given increased Courts activity and given the reduced resources at both PSEC and prisons, due to COVID-19 absences, the demand / resource balance can be challenging and in such instances the prisons may be required to apply their Regime Management Plan. In addition to each prison supporting PSEC, it should be noted that where a prison has an outbreak those Officers cannot attend escort duty and this places an additional demands on other prisons within that PSEC region.

¹¹ See, N. Byrom (2020). What We Know about the Impact of Remote Hearings on Access to Justice: A Rapid Evidence Review. London: Nuffield Family Justice Observatory/The Legal Education Foundation. Available at: https://www.nuffieldfjo.org.uk/app/nuffield/files-module/local/documents/nfjo_remote_hearings_vulnerable%20groups_rapid%20review_20200506.pdf

A Regime Management Plan (“RMP”) is a management tool to ensure the delivery of Irish Prison Service policies and structured activities against the backdrop of reduced staffing levels, while ensuring a safe working environment for staff. The RMP outlines the level of activities/services which can be provided on any given day, given staffing levels, bringing a level of predictability and stability to the operation of the prison.

The Irish Prison Service intends to appoint an external consultant to complete a review of prisoner escorts and consider the increases in escort demands by the Courts Service and the use of video link for Courts attendance. A copy of the review will be provided to the Inspector of Prisons when completed.

It is reported in section 3.1.2 that officers “who are redeployed to PSEC are provided with additional “overtime” compensation, situations arise where officers may welcome redeployment”. There would appear to be a misunderstanding in the above in respect of the redeployment of staff.

By way of background, escorts, by their nature, being outside of the Prison can extend over lunch break periods thereby incurring one hour Annualised Hours (“AH”) payment. If a redeployed Officer is required to go on an escort and incurs Additional Hours payments, this comes from their own Quarter AH Liability, so there is no monetary gain to be got from being sent on an escort.

OIP Comment: *Upon receiving the following IPS response (Section 3.1.5), “If a redeployed Officer is required to go on an escort and incurs Additional Hours payments, this comes from their own Quarter AH Liability, so there is no monetary gain to be got from being sent on an escort,” the Inspectorate notes that in circumstances where 14 days-notice of Additional Hours is not provided an officer may choose to have the additional time spent on escort deducted from their Quarter Annualised Hours Liability, or may opt to receive additional payment. This payment is deducted from “pooled hours.”*

3.2 Social Distancing

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

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

Despite the Irish Prison Service efforts to implement social distancing in prisons, prisons are a difficult environment to physically distance. Prisons are often overcrowded, poorly ventilated, and with limited space and resources, prisoners must share phones, showers and common areas.¹² Similarly, staff may share small offices and locker rooms, and eat in common areas. While social distancing is recognised as the most effective way to prevent transmission of COVID-19, it is not practicable at all times in the prison context; additional measures such as proper use of PPE, improved sanitation and good hygiene practices are needed.

¹² S. A., Kinner, et al. “Prisons and Custodial Settings are Part of a Comprehensive Response to COVID-19” (2020) 5 *Lancet Public Health*, e188-189.

3.2.1 Compliance

Given that it is not always possible to social distance in prison settings, the World Health Organization recommends the continuous use of a medical mask for prison staff when making contact with detainees at distances of less than one metre, during security and health checks, and during transfer of COVID-19 cases to other prisons or hospitals. WHO guidance on management of masks¹³ includes the following:

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

In terms of hand hygiene and the need to prevent the spread of COVID-19, the Health Service Executive in conjunction with the WHO and the Centers for Disease Control and Prevention¹⁴ recommends the following etiquette to be observed:

1. Wet your hands with warm water and apply soap.
2. Rub your hands together palm to palm until the soap forms a lather.
3. Rub the back of one hand with your palm and fingers spread so you wash between fingers. Repeat with the other hand.
4. Interlock the top of your hands and rub your fingertips - this cleans your fingertips and knuckles.
5. Then finally grasp your thumb tightly and twist to make sure your thumbs are cleaned. Repeat with the other hand.
6. This should take at least 20 seconds.
7. Rinse your hands under running water.
8. Dry your hands with a clean towel or paper towel.

3.2.2 Environment

Social distancing cannot be adequately practiced in many parts of the prison, especially in the main prison where prisoners accommodated in some units are required to share a small area with up to 30 other prisoners. COVID-19 signage and distance markings were visible in the prison, but not to the

¹³ World Health Organization, "Preparedness, Prevention and Control of COVID-19 in Prisons and Other Places of Detention Interim Guidance" (8 February 2021) 25-27.

¹⁴ Center for Disease Control and Prevention, "Show Me the Science - How to Wash Your Hands" (9 December 2020) and can be accessed here (<https://www.cdc.gov/handwashing/show-me-the-science-handwashing.html>)

same extent as observed in other prisons previously inspected. On observation, the majority of COVID-19 signage was detected in workshops and in the exercise yards.

The Inspection Team received several requests from prisoners seeking to obtain masks for use when going to the servery or crossing landings to engage with services.

When entering the main prison the Inspection Team observed prison officers on chairs in the main prison corridor, just outside the “hub” or control area for each of the units where the prisoners are accommodated. This means that officer supervision was limited on the units because they were stationed on the main prison corridor. This issue was brought to the attention of management, who explained that “chairs were not in place prior to COVID,” but that they were introduced because the hub area for each unit was too small to allow for two people to safely socially distance. This meant that the second officer for each hub would sit in the corridor. The Inspection Team was informed that this practice was established as an infection control measure upon agreement with the Prison Officers' Association.

In relation to the above, the Inspection Team was also informed that as a result of COVID-19, prison officers did not enter the units to engage with prisoners as often as they did prior to COVID-19. On observation in many of the units in the main prison, the Inspection Team learned that prisoners led unstructured days and were left to their own devices when unlocked from their cells. On one occasion, the Inspection Team was informed by a prisoner of an alleged incident of violence behind a cell door and was told that the “officers couldn’t hear” because they were in the hub.

In relation to sanitation and prevention of COVID-19 transmission in the prison, there is a need to ensure that all people in prison are able to practice good sanitation practices and hand washing hygiene. In Wheatfield Prison, the Inspection Team noted issues with showers and toilets (see Section 2.4), but also observed how water is rationed in the sinks in the cells. The situation with the water was explained by a prisoner: “the water is being rationed, so only three squirts of about 15 seconds from the sink, then the water goes dry for a period (and you) can’t use (the) shower or toilet when water is used up after three squirts.” The Inspection Team observed this, and was informed that the water would not return for about 15 to 20 minutes. During this waiting period it was also not possible to flush the toilet or use the shower. It is worth noting that in double-occupancy cells the water supply is used by two people to maintain hygiene, use the toilet and shower.

Given the WHO guidelines on handwashing provided in Section 3.2.1, the current practice of reduced supply is not sufficient.

Prisoners rely on adequately stocked cleaning products to ensure they can maintain good sanitary standards in their cells and landing areas. Where stocks run low for a long period of time, this may result in poor hygiene issues for prisoners. The Inspection Team noted reports from prisoners of insufficient supplies of cleaning products for use in their cells. Across the prison, the Inspection Team observed empty bottles of cleaning products in supply rooms. For example, the supply room on 10G, a unit in the main prison, did not have any available cleaning products. The European Prison Rules (19.6) require that the relevant authority make available general cleaning implements and materials. Ensuring high standards in prison hygiene is of high importance during the COVID-19 pandemic.¹⁵ For example, a recent WHO publication advocates that “(p)eople in prisons and other places of detention should be supported to have the same access to safe water, sanitation and hygiene, and IPC measures that are available to the general population.”

¹⁵ WHO (n 12).

These issues were brought to the attention of the Governor, who informed the Inspectorate that stocks would be increased going forward.

3.2.3 Recommendations

Recommendation 7: All prisoners should be able to request and be provided with masks to protect themselves from COVID-19.

Recommendation 8: In line with guidance issued by the WHO (2021) *Preparedness, prevention and control of COVID-19 in prisons and other places of detention*, all prisoners should have availability of sufficient quantities of safe water and handwashing supplies, both of which should be ensured throughout the outbreak response and in its aftermath.

3.2.4 IPS Review

The Report refers to an allegation of assault by a prisoner in Section 3.2.2. This issue was brought to the attention of management and was investigated thoroughly. The Governor has advised that there is no evidence to confirm that this incident occurred and is satisfied that no incident did occur.

The Governor has requested that reference to this alleged incident be clarified.

Section 3.2.2 also references a comment from an unnamed prisoner that “the water (in cells) is being rationed, so only three squirts of about 15 seconds from the sink”. The Governor has advised that for safety reasons and to prevent the deliberate flooding of cells, a safety mechanism is in place that prevents the continuous flow of water from the sink in certain cells. Wheatfield prison does not ration water and prisoners have sufficient supply of fresh water. The reference to rationing water is not accurate and we would request that it be clarified or amended.

3.3 Other Issues

As noted above, the Inspection Team was informed by a prisoner of an alleged violent incident that had occurred in the weeks leading up to the inspection. The details of this alleged incident are not being shared in this report in order to ensure the prisoners involved are not identified. Upon receipt of this information, the Inspection Team notified the Governor of the incident, who advised that a review of the matter would be undertaken without delay.

In the Closeout Meeting, management confirmed that the Assistant Class Officer and Class Officer were made aware of the issue, and that management were actively working on practical solutions to address this matter.

In the IPS response to the draft report, the Inspectorate was informed that an investigation into the alleged incident had been carried out following the inspection. Prison management reported that the investigation found no evidence that such an incident took place. The Inspectorate was informed that preventive actions were taken by prison management to prevent such an incident from occurring.

The Inspectorate appreciates and welcomes that an investigation of this alleged incident was conducted.

3.3.1 Recommendation

Recommendation 9: In line with Rule 1 of the Nelson Mandela Rules and Rule 52.2 of the European Prison Rules, the safety of prisoners should be ensured for at all times and adequate procedures must be in place to reduce to a minimum the risk of violence.

4 HEALTH & WELLBEING

4.1 Access to Healthcare

Access to healthcare in Wheatfield Prison over the course of the pandemic has largely mirrored the situation in the general community, with medical appointments and procedures being significantly delayed or cancelled. In assessing access to healthcare, the Inspection Team examined the impact of COVID-19 and related compensatory measures.

In follow-up correspondence received from the Chief Nurse Officer (CNO), documentation was provided to the Inspectorate consisting of guidance and Standard Operating Procedures (SOP) for dealing with operational matters in light of COVID-19.

Escort and PPE Guidance

The Escort and PPE guidance document sets out the measures required by staff for prison and Garda escorts. The guidance provides for different PPE approaches for prison escorts as compared to Garda escorts. For example, in terms of prison escorts typically arise as a result of inter-prison transfers, court appearance and hospital attendance. Full PPE is to be worn by staff where a prisoner is a suspected case. For non-suspected cases (quarantine, Rule 63 and general population), partial PPE is to be worn i.e. mask and gloves. For Garda escorts that include Section 42s, PPE will be applied by members and prisoners based on public health guidelines. The guidance stipulates at a minimum a prisoner shall don mask and gloves.

Regarding prisoners in isolation, the guidance requires that in instances where video links are not available in the prison a single escort is to be utilised, with the vehicle being cleaned after each escort. Similar protocols apply to quarantine prisoners, however, the notable difference is that prisoners may travel in the same quarantine group if a single escort is not an option. In terms of prisoners who are cocooning (Rule 63), they can travel with other cocooned prisoners or alone on escort. This is provided that they can return to own cell to continue cocooning, if social distance can be maintained and no breach of PPE occurs on escort. This is also similar to the general prisoner population in that they can go back to general population, if social distancing can be maintained and there is no breach in PPE.

Healthcare Swabbing

The Healthcare Swabbing SOP outlines procedures for COVID-19 testing for early diagnosis and for medical intervention of prisoners suspected of having COVID-19. The procedure outlines the referral process for testing, which requires all referrals to be submitted via “Health Link.” This then generates Swift Queue ID numbers for each referral, and the prisoner is assigned an appointment for a COVID-19 swab. On the day before the swab is to be taken, a notification is sent to “Eurofins,” which allows for arrangement of test collections. The CNO, or nurse in charge in the absence of the CNO, is responsible for ensuring that staff carrying out the COVID-19 swabs are appropriately trained and practicing in accordance with their scope of practice under the Nursing Standards Guidance. Laboratory results are available on Health Link.

Screening at Point of Entry

The Screening at Point of Entry SOP provides guidance to staff on how to identify persons who may pose a risk of transmitting COVID-19 across the prison estate. This SOP pertains to Prison Service staff, contractors, external service providers and visitors. The SOP enforces the requirement to conduct a temperature check on every person that enters the prison, even if it is more than once in the same day. Further, staff, contractors and auxiliary services are required on entry to complete a standardised

question-based self-declaration assessment (Table 3 below). This is also applicable to visitors prior to entry to the prison; if visitors answer yes to questions 2, 3, 4, 5 or 6 they will be refused entry to the prison. However, if Prison Service staff, contractors, external service providers answer yes to 2, 3, 4, 5 or 6, they will be refused entry and advised to contact their own GP. The individual must also contact their HR Governor and notify them that they have failed the screening. Further, if an officer answers yes to 3, 4, or 5, they must seek certification that their symptoms are not COVID-19 related. For prison officers to gain entry to their place of work they must be symptom free for a period of 48 hours.

Table 3: Standardised question-based assessment.

1. Have you been diagnosed with COVID-19?	Yes		No	
If "Yes", have you completed your prescribed period of isolation and have you been symptom free for > 5 days?	Yes		No	
2. Have you been identified as a close contact of anyone who has been diagnosed or is awaiting a test for COVID-19 in the last 10 days?	Yes		No	
3. Have you developed a cough in the past 10 days?	Yes		No	
4. Are you or have you been short of breath had a runny nose, sore throat, loss of sense of smell or taste; in the past 10 days?	Yes		No	
5. Have you had an unexplained change in your base line health care condition which has caused you to feel unwell in the past 10 days?	Yes		No	
6. Have you travelled outside the island of Ireland in the last 14 days?	Yes		No	

In addition to the above, the Inspectorate was provided with a staff PPE risk matrix. For staff attending to a person who tested positive for COVID-19, the following PPE is required, FFP 3 or FFP 2 mask, goggles, gloves, shoe covers and apron.

The risk matrix for prisoners who are suspected of being COVID-10 positive or who are COVID-19 positive requires that active clinical treatment be deployed in both cases. However, a person who is COVID-19 positive case may be transferred to a hospital following medical advice. A person who is COVID-19 positive will remain in isolation for 10 days, and for the last five days the person must be asymptomatic. Any identified close contacts should also be isolated in a single cell. If a suspected case becomes positive, the prisoner will follow the path outlined above, but if the person tests negative they will remain in isolation until 48 hours after symptoms have subsided. Any identified close contacts of a suspected case are to be isolated in a single cell. If the suspected case is negative any identified close contacts would no longer need to isolate if they are asymptomatic. If a prisoner remains symptomatic, the GP must determine if they require a second test.

4.1.1 Compliance

Underpinning healthcare provision in the prison setting is the Principle of Equivalence. The CPT Standard on Health Care Services in Prisons mandates that "a prison health care service should be able to provide medical treatment and nursing care, as well as appropriate diets, physiotherapy, rehabilitation or any other necessary special facility, in conditions comparable to those enjoyed by patients in the outside community."¹⁶ The Principle of Equivalence operationalises the principle of non-discrimination, as enshrined in the Mandela Rules, Rule 2:

¹⁶ CPT Standard on Health Care Services in Prisons (1993) CPT/Inf(93)12-part <https://www.refworld.org/pdfid/4d7882092.pdf>

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

The provision of prisoner healthcare is a state responsibility, and therefore prisoners should receive the same standards of healthcare that are available in the general community. This would include an obligation to inform individuals of their infectious disease test results. This ethical obligation to give all relevant information to patients is enshrined in the Medical Council Guidance on Professional Conduct and Ethics.¹⁷

Article 12 (1) of the International Covenant on Economic, Social and Cultural Rights states: “The States Parties to the present Covenant recognize the right of everyone to the enjoyment of the highest attainable standard of physical and mental health.”

4.1.2 Environment

On the dates of inspection, the Irish Prison Service was operating based on its 28th version¹⁸ of the “IPS Risk Assessment for People Presenting to and in Prisons - Clinical Criteria for Prisoner(s) to be Tested.” The algorithm outlines the criteria as follows:

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

In order to comply with these measures, Wheatfield Prison accommodates prisoners required to quarantine or in either 5F or 5G unit (no longer in use). The 5F unit has a ventilation feature that prevents cross contamination by pushing the air into the cells, as opposed to the air circulating throughout the unit.

¹⁷ Medical Council, “Professional Conduct and Ethics” (<https://www.medicalcouncil.ie/existing-registrants/-professional-conduct-and-ethics>, and <https://www.medicalcouncil.ie/news-and-publications/reports/guide-to-professional-conduct-and-ethics-for-registered-medical-practitioners-amended-.pdf>, 33.5.

¹⁸ The Inspectorate learned in the days following this inspection that amendment had been made to the 28th version. The 29th version had an error and was subsequently updated to the 30th version, as of 12 April 2021.

The Inspection Team met with representatives from the various healthcare services in the prison, and below is a high-level overview with respect to each service and the initiatives they expect to introduce once Level 5 COVID-19 restrictions are lifted.

General Healthcare

The Inspectorate commends the healthcare staff for their continued provision of general healthcare to all prisoners in Wheatfield. On the day of inspection, the Inspectorate learned from the nursing team that there was not adequate administrative staffing to support the work related to COVID-19 swabbing, screening and contact tracing. The impact of COVID-19 has added significant pressure for nurses.

More generally, staffing of nurse positions can be an issue. On the day of the inspection, there were four nursing staff available, when ideally there should be seven nurses on duty in the prison on any given day. The Inspectorate was advised that COVID-19 has been cause for an increase in workload. For example, on day one of the inspection, alongside their normal tasks, the nurses took COVID-19 swabs from three prisoners, attended to prisoners in isolation and prepared testing documentation for an extradition.

Both before and during COVID-19, a nurse is assigned to each landing in the prison, of which there are five, and two additional nurses are tasked with dispensation of methadone. Difficulties arise when only four nurses are in the prison; and in some cases, as was the case on the day of inspection, nurses must rely on additional assistance from prison officers to carry out their duties. At the time of inspection, the prison had one nurse on night duty.

Table 4: Overview of Healthcare Staffing

Personnel type	Availability
1 General Practitioner	(each landing GP twice a week)
1 Dentist/Dental Nurse	Monday afternoon, Tuesday all day, Thursday all day and Friday mornings
1 Psychiatric Nurse	4-5 times per week
1 Consultant Psychiatrist	Every Wednesday
Hepatology	Tuesday (once a week)
1 Consultant (HIV / Hep C)	Once every two weeks - month
1 Optician	Not regular (once every one or two months)
16 Nurses	15 full time, 1 part-time (one nurse on at night); 7 staff on days
1 Chief Nurse Officer	

Merchants Quay Ireland Addiction Counselling

In 2020, Merchants Quay Ireland (MQI) service saw 455 individuals in Wheatfield Prison through brief interventions and the Christmas self-care programme. There was an average of 118 counselling interventions and 25 brief interventions per month. Wheatfield Prison also has an average monthly waiting list of 89 clients; this is up from 79 in 2019. The waiting list at the end of December 2020 was 95, which demonstrates the continued demand for the service. At the time of Inspection the Team was notified that there were 75 prisoners currently on the MQI waiting list.

MQI, in conjunction with the Red Cross, developed a new initiative known as, “A Peer-to-Peer Relapse Prevention Programme.” Unfortunately the programme was not rolled out due to COVID-19. Two facilitators had been trained to deliver the programme with the intention being that MQI counsellors would monitor the programme and its efficacy throughout the year until the initiative was well established. Other initiatives include the “Relapse Prevention Programme,” “Rolling Therapy Groups” and “Exploring Family Dynamics.” All of these initiatives are designed to focus prisoners’ thoughts on dealing with life challenges in a meaningful and harmonious way. The Inspectorate was notified that as

a result of COVID-19 some of these programmes have been altered from group programmes to one-to-one or over the phone programmes.

Psychology

The Psychology Team informed the Inspection team that the number of unique referrals had gone down from 340 between 1 April 2019 to 31 March 2020 to 311 between 1 April 2020 and 31 March 2021. This includes all direct initial referrals into psychology. Once triaged, prisoners may be referred internally to various intervention pathways such as a group or one-to-one programmes, which are outlined below. At the time of inspection, there were significant delays and long waiting times for all intervention pathways due to COVID-19. Currently, the Psychology Team is staffed by a senior psychologist and three staff grade psychologists. The Psychology Team intends to prioritise group work when it is reinstated. This includes Mentalisation Based Therapy (MBT) groups and the Pathways to Change Group that explores the inner feelings that empower prisoners to delve deep into their thought process and to channel them in a positive and holistic way. In the interim, the Psychology Team has prioritised 18-24 year old prisoners. This initiative is to identify factors that led the young person to custody, while offering practical rehabilitation solutions to support their needs and address their offending behaviour which may prevent reoffending in the future.

4.1.3 Outcomes

While it is important to note that the general healthcare team within Wheatfield are working under immense pressure and challenging situations, the consensus among the prisoner population in relation to health care varied substantially. Concerns were raised by two prisoners who stated they were not being adequately supported to come off methadone. The Inspection Team was also made aware of concerns among the prisoner population with regard to GP waiting times. One prisoner reported experiencing wait times of four weeks, while another prisoner explained that the task of filling in request forms to see the GP has a prohibitive effect. On the other hand, it was reported that the wait times for the dentist were generally prompt.

Addiction counsellors within Wheatfield Prison offer a number of support programmes to prisoners in terms of the coping with life in prison and on release, which have continued as best as possible during COVID-19. The Inspection Team heard mixed views with regard to accessing addiction services. One prisoner who had been in Wheatfield Prison for two years stated he had only been able to see an addiction counsellor in the last three weeks; this was as a result of receiving a P19 (disciplinary measure).

Noticeable in conversations the Inspection Team had with prisoners and staff were concerns about the impact of COVID-19-related restrictions on the mental health of people in prison. The lack of family contact has had a strong effect on prisoners in Wheatfield Prison, and with little opportunity to engage with mental health services this has been particularly challenging. Prisoners reported wait times of several months to speak with a psychologist. In the absence of timely psychology services prison staff have a role to play in supporting the mental health of people in prison, as noted by the CPT: “detained persons should receive additional psychological support from staff at this time.”¹⁹ Phone access to Samaritans was available at the time of inspection, but as outlined below (Section 5.3) limited out-of-cell time and low numbers of functional and available phones make it very difficult for prisoners to avail of this service.

In relation to COVID-19 testing, prisoners expressed dissatisfaction with how they were provided their COVID-19 test results. This information was only provided verbally to people who tested positive for

¹⁹ CPT Principles (n 4) Principle 6.

COVID-19. Prisoners expressed feelings of anxiety concerning test result information and questioned how long they would remain away from “normal civilisation”:

“They will come back to tell you if you’re positive, but won’t if you’re not.”

“They wouldn’t tell you if you had it or not.”

“You’re worrying, Jesus we were worried.”

“You should have a right to get your own results.”

In line with the Principle of Equivalence, people in prison should, at the minimum, be provided with equal provision of healthcare, without discrimination based on grounds of their legal status. The Inspectorate welcomes the Irish Prison Service’s ongoing efforts to lobby the National Public Health Emergency Team (NPHE) for the prioritisation of COVID-19 vaccinations for people living and working in prisons.

In the days prior to submission of this report, the Inspectorate was informed by Prison Management that 468 prisoners had received the first does of the Pfizer COVID-19 vaccine on 9 June 2021. There were 550 people in custody in Wheatfield Prison on 9 June 2021; 82 people declined the vaccination.

4.1.4 Recommendations

Recommendation 10: In line with practice in the general community, and with the Principle of Equivalence, the IPS should ensure that people in prison are provided with written information about their test results.

OIP Comment: The Inspectorate has recommended in both the Mountjoy Prison and Cloverhill Prison COVID-19 Thematic Inspection reports that prisoners should be provided with their COVID-19 test results both verbally and in writing. On both occasions the recommendation was not been accepted by the Irish Prison Service, with the justification being that “(t)he implementation of this recommendation would require the manual provision of individualised letters which is not currently feasible from IT and resource perspective.” The Inspectorate is of the view that all prisoners should be provided with their test results both verbally and in writing.

Recommendation 11: The Inspectorate recommends that the Irish Prison Service continues its ongoing efforts to lobby for the prioritisation of COVID-19 vaccinations for people living and working in prisons.

4.2 Family Contact

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

4.2.1 Compliance

In response to the need to prevent transmission of COVID-19 in prisons the Irish Prison Rules 2007-2017 were amended in 2020 to include Rule 36A. Rule 36A places a restriction on implementation of Rules 35 and 36 as a means to prevent the transmission of infectious disease in prisons. Rule 35 includes provisions for ordinary visits whereby convicted adult prisoners are entitled to receive not less

than one visit from relatives or friends each week of not less than 30 minutes duration. For unconvicted prisoners, the visit entitlement under Rule 35 is one visit per day from relatives or friends of not less than 15 minutes in duration on each of six days of the week, where practicable, but in any event, on not less than on each of three days of the week. Rule 36 provides for the regulation of visits, including provisions on the designation and searching of visitors, visits from legal representatives and visits for foreign nationals. The 2020 Amendment to the Rules, under 36A, permit the Director General (36A(1)) or the Governor (36A(2)) to suspend the entitlement to visits or restrict or modify the entitlement to visits under Rule 35, as regards frequency, duration and arrangements, particularly in relation to the number and age of visitors permitted to make visits, for a specified period or periods. The lack of a sunset clause for the newly added Rule 36A is of concern to the Inspectorate.

Article 8.1 of the European Convention on Human Rights provides that “Everyone has the right to respect for his private and family life, his home and his correspondence.”

Children who have a parent in prison are also independent rights holders. Under Article 9.3 of the UN Convention on the Rights of the Child, it states:

States Parties shall respect the right of the child who is separated from one or both parents to maintain personal relations and direct contact with both parents on a regular basis, except if it is contrary to the child’s best interests.

Rule 58.1 of the Nelson Mandela Rules states that prisoners shall be allowed, under necessary supervision, to communicate with their family and friends at regular intervals by corresponding in writing and using, where available, telecommunication, electronic, digital and other means.

The European Prison Rules 2020, Rule 24.1, provide that prisoners shall be allowed to communicate as often as possible by letter, telephone or other forms of communication with their families, other persons and representatives of outside organisations and to receive visits from these persons. Rule 24.5 states that prison authorities shall assist prisoners in maintaining adequate contact with the outside world and provide them with the appropriate welfare support to do so.

Rule 43 of the Irish Prison Rules 2007-2017 entitles a prisoner to send letters to his or her family or friends, and to receive as many letters as are sent to him or her by his or her family or friends.

Rule 46.4 of the Irish Prison Rules states that unconvicted prisoners are entitled to no less than five telephone calls per week to a friend or family member. Remand prisoners can also avail of the Irish Prison Service Incentivised Scheme. Prisoners on the Enhanced Level of this Scheme are allocated more phone calls than that which is set out in rule 46.4 of the Irish Prison Rules. Given the restrictions imposed by Rule 36A of the 2020 Amendment to the Prison Rules, there exists an obligation for the Irish Government and the Irish Prison Service to ensure that COVID-19 related restrictions have a legal basis, are necessary, proportionate, respectful and restricted in time (CPT Principle 4).

4.2.2 Environment

At the time of the COVID-19 Thematic Inspection in Wheatfield Prison, the country was under Level 5 restrictions. In order to comply with public health guidelines, the IPS ceased all in-person visits throughout the prison estate. As a substitute, phones for the purpose of family video calls were installed for the general prisoner population. These calls were being facilitated using phones with a small built-in video screen measuring approximately 7.5cm x 12.5cm. The Inspection Team noted there were 20 booths in total, each having a Perspex screen. To ensure adequate spacing, ten video link phones were installed for the main prison which were cleaned between each use. The East Wing of the prison had a video link booth at the top of each landing.

As noted by prison staff, and confirmed by prisoners, the launch of the video link calls in Wheatfield Prison had a number of challenges with calls not connecting or dropping out in the early stages of the initiative. The Inspection Team was also informed that the uptake of video calls did not meet the same numbers of in-person family visits. For instance, in the main prison 29 video calls were scheduled to take place on the first day of the inspection; prior to COVID-19 staff informed the Inspection Team that they “would normally be facilitating 90 plus visits.”

Those in isolation and quarantine were provided with access to an analogue phone in their cell to make contact with family members. In the early stages of the pandemic, prisoners cocooning on East 1 landing were provided with a telephone cable that was passed under the cell door and was then connected to the phone by the prisoner. However, at the time of inspection, the quarantine units in 5F had in-cell phones with access to one six-minute phone call each day. The Inspection Team received reports from two prisoners that they received two 6 minute calls, while two other prisoners reported that they received two 15 minute calls per week, known as “compassionate calls” and in some instances prisoners received an extra call.

4.2.3 Outcomes

While the prison is under Level 5 restrictions, the importance of maintaining communication between prisoners and their families cannot be overstated. To this end, ensuring adequate levels of contact between prisoners and their families must be the primary focus for the Prison Service. With that in mind, the Inspectorate received feedback from the Chaplain and addiction counsellor citing positive levels of prisoner satisfaction with regard to video calls. The general consensus throughout the prison was positive, with many confirming that early technical issues at the beginning of the pandemic had been remedied. However, some prisoners highlighted challenges with the video calls: family members had difficulties understanding how the video calls worked or they do not have the required technology; the screen on the video phone was too small; and that there were significant delays in booking video calls. A prison officer informed the Inspection Team that Wheatfield Prison only had one direct telephone line, which could possibly result in difficulties getting through to book a video call. Prisoners confirmed this, with some reporting up to three weeks of efforts to book a video call through the phone line. In an extreme circumstance a prisoner reported a wait time of three months. Separately, while the Inspectorate notes there is an online tool to book video calls, this was not referred to by prisoners. Wheatfield Prison might consider raising awareness of the online booking portal.²⁰

Postal communications are essential for prisoners to maintain contact with their families. Prison staff and prisoners reported delays in sending and receipt of post. On the first day of the Inspection, the Team visited the censor’s office during the reserve period (the evening). A censor officer explained he had been tasked with processing mail that day between 14:00 - 16:30 and 17:50 - 19:15. The officer explained to the Team that all mail is entered into the Prisoner Information Management System (PIMS) and that all references to criminal activity, sexual exploitation and narcotics are censored. Incoming post is photocopied upon processing and the photocopy is provided to the prisoner; this is a measure intended to reduce drugs being brought into the prison by way of the post. The Inspection Team was informed that the censor’s office is manned every second day. Upon observation, the Inspection team noted incoming mail dated 26 February 2021.

Under the RMP, the censor’s office is the second officer post to be cut in the event of staff shortages. As such, it is often during the evening (or two-hour ‘reserve’ period) that the post may be filled.

²⁰ A video visit can be booked here: <https://www.irishprisons.ie/receive-family-video-visit/> (accessed on 7 May 2021)

As part of the dialogue during the Closeout Meeting, Wheatfield Prison management expressed a commitment to having the mail backlog addressed over the weekend of 9 April, and to continue with this process going forward.

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

4.2.4 Recommendation

Recommendation 12: In line with Article 8 of the European Convention on Human Rights and Rule 58 (1) (a) of the UN Mandela Rules, the Inspectorate recommends that all postal communications are collected and delivered to prisoners in a timely manner by prioritising the censor's office and transport to collect the post in the daily Regime Management Plan.

Request for Information 2: The Inspectorate requests to be provided with information on the direction given to Wheatfield Prison by the Irish Prison Service to implement S.I. 250 - Prison (Amendment) Rules 2020 - Rule 36A of the Irish Prison Rules.

4.3 Quarantine/Isolation Measures

People placed in quarantine in the prison include all committals to prison and prisoners returned to custody by An Garda Síochána under a Section 42 warrant. Those placed in isolation include: prisoners who tested positive for the COVID-19 virus; those showing symptoms of the COVID-19 virus, while awaiting test results; those who are close contacts of a person with COVID-19, while awaiting test results; and those who present with a travel history. On the first day of the inspection, the Team was informed there were six prisoners in quarantine in Wheatfield Prison; this number reduced to three by the morning of the second day of inspection and by the afternoon of the second day there were no people in quarantine/isolation in Wheatfield Prison.

4.3.1 Compliance

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

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

In cases of isolation or placement in quarantine of a detained person who is infected or is suspected of being infected by the SARS-CoV-2 virus, the person concerned should be provided with meaningful human contact every day.²¹

²¹ CPT Statement of Principles (n 4) Principles 6 and 8.

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

While solitary confinement in itself is not a breach of Article 3 of the European Convention on Human Rights (prohibition on torture and inhuman or degrading treatment or punishment),²² the preventive nature of the Inspectorate's work is cause to raise concern about the prolonged use of solitary confinement as a strategy by which to avoid transmission of COVID-19 in the prison context.

4.3.2 Environment

The Inspection Team focused on the experience of being in quarantine during the COVID-19 outbreak earlier in the year, and also on the experience of being in quarantine in the 5F unit during the week of the inspection.

Outbreak and Quarantine across the Prison

In January 2021, Wheatfield Prison had an outbreak of COVID-19 during which time prisoners across the prison experienced the impact of quarantine measures. During the outbreak the prison was locked down and prisoners were confined to their cells in order to facilitate a mass testing programme. As results returned, units in the main prison were unlocked when it was determined that all prisoners on the unit had received a negative test result. In relation to the East Wing, these landings were placed on precautionary lockdown until the second test result confirmed all prisoners tested negative for COVID-19. On the East Wing, prisoners had access to phones and in-cell showers facilities while in quarantine lockdown. However, prisoners in the main prison had no in-cell shower facilities and this was noted on inspection.

Prisoners expressed feelings of anxiety and loneliness when reflecting on their time in quarantine lockdown. One prisoner stated, "those were probably two of the worst weeks of my twelve years." Another prisoner felt like he was cut off from the outside, and said there were no calls available for three to four days at the outset of the lockdown. Concern was expressed on numerous occasions that the quarantine lockdown felt like prisoners were being punished when staff brought COVID-19 into the prison.

Quarantine and 5F Unit

On the final day of the inspection, the Inspection Team attended 5F unit (formerly a unit for Enhanced prisoners), where prisoners were placed in quarantine/isolation. In comparison to other landings, this landing was bright and colourful with 16 single-occupancy cells, three showers, a kitchen area and communal dining area; these facilities were not available to use for people in quarantined in the cells. Each cell contained a toilet, wash hand basin, a television and an in-cell phone. Officers advised that three cells were due for cleaning that had been vacated earlier in the day

The Inspection Team was also advised by an officer that a colour coding system was in operation for COVID-19 close contacts. Red indicated a positive close contact, while yellow was a symptomatic close contact. Further, if a positive a case was confirmed a contract cleaner was brought in to thoroughly clean the cell to ensure any trace of the COVID-19 virus was eradicated. For a negative case, in-house industrial cleaning was deployed. It was confirmed by the officer that showers are not available for prisoners while they are in quarantine due to the risk of contamination being too high.

²² European Court of Human Rights, "Guide on the Case-law of the European Convention on Human Rights" (December 2020) https://www.echr.coe.int/Documents/Guide_Prisoners_rights_ENG.pdf, 49.

Table 5 provides an overview of a day in quarantine, as reported to the Inspection Team by prisoners. Prison management response is provided in italics.

Table 5: A Day in Quarantine

8:00 – 8:15	Breakfast
8:00 – 10:00	Use basin for personal hygiene (<i>available all day</i>); not permitted to shower while in quarantine
10:00 – 12:00	20 minutes of time in the yard (<i>exercise available between 12.00pm and 2.00pm</i>)*
Approximately 12:00	Dinner (lunch time) box delivered on a trolley
12:00 – 16:00	Make 15 minute phone calls to family and/or solicitor (provided with a phone handset in each cell that is connected to an external phone lead provided by staff) (<i>in-cell phone – available all day</i>)
Approximately 16:00	Tea (light dinner) box delivered on a trolley along with breakfast for the following morning (sometimes consumed the night before due to being hungry)

* The Inspectorate notes that 12:00-2:00 is “lock-back” time, when prisoners are confined to their cells and staff are at lunch, apart from one officer.

Commonalities that arose in conversations with people who had experienced quarantine were as follows, with prison response provided in italics:

- 20 minutes of yard time (“fresh air”) as standard; (*up to 60 minutes exercise offered*)
- Not permitted to shower (for up to 10 days) - wash in a small basin;
- No provision of new/clean bedding (*clean bedding provided weekly*); and
- No access to books, letters/post or video link calls (*access available to books, letter & post*).

Prisoners who experienced quarantine reported that they were able to call their solicitors if the need arose. Two prisoners had varying experiences with regards to the provision of information while in quarantine. One prisoner explained that the officers provided clarity around the quarantine regime and process, where another prisoner said that information was not forthcoming; he stated there were “no leaflets in the cell.”

4.3.3 Outcomes

Prisoners subjected to quarantine in single-cells, as a COVID-19 preventive measure, were held in solitary confinement, as they were confined for 23 hours or more each day and had significantly less than two hours of meaningful human contact each day (see Section 5.3). Prisoners on 5F unit were also denied access to a shower for between seven to 10 days, which is not in accordance with Rule 19.4 of the European Prison Rules and also the CPT Decency Threshold for Prisons,²³ which state that prisoners should have access to a shower a daily but at a minimum twice a week. The reported 20 minutes of fresh air provided to prisoners in quarantine does not comply with Rule 27 (1) of the Prison Rules, 2007 nor align with the Mandela Rules (23.1) or the European Prison Rules (27.1), which provide for at least one hour of exercise in the open air each day.

The Office of the Inspector of Prisons shares the well-documented position that solitary confinement causes psychological harm to people in prison,²⁴ regardless of the reason for its imposition. Therefore,

²³ CPT (2021) Annual Report 2020, para 73. <https://rm.coe.int/1680a25e6b>
²⁴ D. Cloud, et al, “Medical Isolation and Solitary Confinement: Balancing Health and Humanity in US Jails and Prisons During COVID-19” (2020) 35 *Journal of General Internal Medicine*, 2738-2742; S. A., Kinner, et al, “Prisons and Custodial Settings are Part of a Comprehensive Response to COVID-19” (2020) 5 *Lancet Public Health*, e188-189.

solitary confinement should not be used as a means to prevent transmission of COVID-19 in prisons; safer alternatives exist, such as community-based alternatives to custody and expansion and further application of early release criteria.²⁵

4.3.4 Recommendations

Recommendation 13: In line with the European Prison Rules Rule 19.4 and the CPT Decency Threshold for Prisons, prisoners in quarantine/isolation must be permitted to shower, if not daily, at a minimum, two times in a seven day period.

OIP Comment: This recommendation was partly accepted by the Prison Service in both the Mountjoy Prison and Cloverhill Prison inspection reports. The IPS explained that because “cells are not equipped with showers and, due to current Infection control restrictions, showering while in quarantine is not feasible due to the high risk it poses to prisoners and staff. The cells do however facilitate in cell sanitation. All prisoners confined to their cell for the purpose of quarantine have access to hot water and soap to maintain adequate hygiene. This is in line with the European Committee for the Prevention of Torture (CPT), Statement of Principles relating to the treatment of persons deprived of their liberty in the context of the Coronavirus disease.” However, the CPT Decency Threshold for Prisons, a document dated May 2021, provides that the minimum decency threshold for showers is, if possible on a daily basis, but at least twice a week. The Inspectorate is of the view that it is possible for the prison to facilitate showering by way of cleaning (as noted in the Mountjoy Prison report Section 3.2.2), but recognises that this would have cost implications.

Recommendation 14: Prisoners in quarantine/isolation must be provided with a weekly change of bedding.

Recommendation 15: Two hours of meaningful human contact (as defined in section 5.3) must be facilitated each day for people in quarantine/isolation.

OIP Comment: The Inspectorate has recommended in both the Mountjoy Prison and Cloverhill Prison COVID-19 Thematic Inspection reports that prisoners in quarantine/isolation be provided with two hours of meaningful human contact each day. On both occasions the recommendation was not been accepted by the Irish Prison Service, with the justification being that restrictions on contact are a critical infection control measure. The Inspectorate is of the view that meaningful human contact can be facilitated without comprising the need to restrict in-person contact. Meaningful human contact can be provided by way of lifting limits on telephone calls and by providing people in quarantine/isolation with tablets to access video calls, education and services. In cases where people are denied meaningful human contact for at least two hours a day and also confined for more than 23 hours a day, the result is solitary confinement, which is not acceptable.

Recommendation 16: Prisoners in quarantine/isolation must have access to at least one hour in the open air each day.

OIP Comment: The Inspectorate has recommended in both the Mountjoy Prison and Cloverhill Prison COVID-19 Thematic Inspection reports that prisons in quarantine/isolation be provided with access to at least one hour in the open air each day. This recommendation has been accepted by the Irish Prison Service on both occasions and is being monitored by the Inspectorate.

²⁵ CPT Statement of Principles (n 4) Principle 5.

Recommendation 17: Measures must be taken to mitigate the detrimental effects of isolation or quarantine, including psychological support during and after quarantine/isolation in order to assist prisoners coping with the restrictive measures imposed as a result of COVID-19.²⁶

OIP Comment: The Inspectorate has recommended in both the Mountjoy Prison and Cloverhill Prison COVID-19 Thematic Inspection reports that measures be taken to mitigate the effects of isolation on prisoners. This recommendation has been accepted by the Prison Service on both occasions, with the IPS indicating a roll-out of a COVID outbreak specific mental health protocol by mid-May 2021. The Inspectorate welcomes this initiative.

²⁶ SPT. Advice of the Subcommittee to States Parties and National Preventive Mechanisms relating to the Coronavirus Disease (COVID-19) Pandemic (April 2020) <https://undocs.org/CAT/OP/10>, 10(g).

5 REHABILITATION & DEVELOPMENT

5.1 Regimes

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

5.1.1 Compliance

The IPS Framework for Restrictive Measures, dated 7 December 2020,²⁷ outlines the following restrictions under Level 5 (not an inclusive list):

Table 6: Level 5 Restrictive Measures

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

²⁷ The OIP was informed by IPS Headquarters on 12 March 2021 that Version 7 of the IPS Framework for Restrictive Measures was due for review on 19 March 2021. The Inspectorate was informed by the IPS that Version 8 would be provided once adopted.

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

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

Further to this, in its Follow-up Statement²⁸ the CPT noted:

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

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

5.1.2 Environment

In the course of inspection, the Inspection Team was informed that many services and activities previously available in Wheatfield Prison had been curtailed for nearly a year, with the following programmes and activities suspended or reduced at the time of inspection:

- In person education – extensive education and personal development programmes;
- In-person visits;
- Group psychology programmes;
- Drug treatment programme – limited drug counsellor face to face was facilitated;
- Mentalisation based therapy;
- Rolling therapy groups;
- Peer to peer prevention programme; and
- Library – in the main prison.

It is important to note, many of the services, such as psychology and addiction within Wheatfield Prison adapted to current restrictions by introducing face-to-face engagement, where possible, albeit this was with reduced capacity with regard to the volume of prisoners that can be seen at any one time. These face-to-face engagements take place with a Perspex screen between the facilitator and the prisoner. In review of this report, Senior Management advised that face-to-face engagements take place with PPE where acute clinical need is identified, without Perspex screens.

Wheatfield Prison is comprised of 23 units spread across the ground and first floor in the main part of the prison and three landings on the 'East Wing', which includes West 2 and 3 and an Independent Living Skills Unit. As discussed in (section 1.4 and 4.1), 5F is the designated quarantine unit. There are three protection units in the main part of the prison, along with remand trial units, a committal unit and units for the general prison population. Prisoners under Rule 62 and Rule 63 regimes are accommodated in 1G unit in the main prison. The East Wing of the prison is all Enhanced-level prisoners, with the West catering for the Independent Living Skills Unit (ILSU) and medical observation cells and cells for disruptive prisoners.

Over the course of the inspection the Team was provided with a thorough insight by prisoners into their daily routine, and this was supplemented by management in the form of daily schedules. Prisoners in

²⁸ CPT Follow-up Statement regarding the Situation of Persons Deprived of their Liberty in the Context of the Ongoing COVID-19 Pandemic CPT/Inf(2020) 21 (9 July 2020).

the main prison and East Wing reported their cells were opened between 08:00-09:00 for breakfast. At midday (12:00) the main meal of the day was served. In the main prison, prisoners across various units attended the servery on a staggered rota basis. Between 12:15 and 14:30 (*14:10 reported by prison management*) prisoners remained in their cells until they were unlocked at 14:30. Depending on the landing, only a certain cohort was let out at any one time. At 16:00 prisoners received their tea (a lunch-type meal), which was accompanied by a breakfast for the following morning. All prisoners were locked up at 19:15 for the evening. However, differences arose between the main part of the prison and East wing. For instance, prisoners in the main prison did not have access to the gym or to a library, but one of the gyms and the library was open on the East wing).

Wheatfield Prison operates a varied regime. By way of example Table 7 provides an overview of the daily regime for prisoners on East wing, as compare to prisoners on protection in the main prison. . Staggered times are utilised in the main prison to allow prisoners to clean out cells, take showers and make phone calls.

Table 7: Wheatfield Regime

East Wing Regime		Main Prison Protection	
Breakfast	8:35-8:50	Breakfast	8:00-09:00
Unlocked	9:30-10:00 (9:10)*	Unlocked	9:30-10:00 (9:10)
Gym	10:00-10:30	Gym	No
Yard Recreation	10:30 (9:30)	Yard Recreation	Staggered
Dinner	12.00 (dinner)	Dinner	12:00 (Dinner)
Yard Recreation	14:30	Yard Recreation	Staggered
Unlocked	16:00 (tea)	Unlocked	16:00 (tea)
Yard Recreation	17:30	Yard Recreation	Staggered
Lock-back for Night	19:15	Lock-back for Night	19:15

* Prison management response in italics.

Regarding Incentivised Regimes, the Inspection Team noted variances in the percentage of prisoners on the Enhanced Privilege Level decreasing to 51% from 59% between March 2020 and March 2021.

Table 8: Prisoner Privilege Levels One Year Apart between 2020 and 2021

Regime	Total	Enhanced		Standard		Basic	
		Count	%	Count	%	Count	%
6/4/2020	500	253	51%	156	31%	91	18%
29/3/2021	510	299	59%	139	27%	72	14%

In terms of the decrease from 2020 to 2021, it was reported to the Inspection team that it is not unusual to see a slight decrease from year to year. In order to move from the Basic Incentivised Regime to a Standard Regime, a prisoner must be on basic level for 28 consecutive days and also engage in prison activities and maintain good order. While on standard level, a review of each prisoner is conducted every 28 days. Similarly, to transition from 'Standard' to 'Enhanced', a prisoner must be on the Standard Regime for 56 consecutive days, engage in activities and maintain good order. A review of each prisoner on an Enhanced Regime is conducted every 56 days. Each review is validated by high ranking officers before a prisoner can be brought up or down a level on the Incentivised Regime programme.

The Inspectorate was informed by staff that prisoners are not being penalised as a result of the limited availability of activities and work. However, a number of prisoners disputed this, with one man stating: “(I) can’t get enhanced because no jobs.”

5.1.3 Outcomes

At the time of inspection, prisoners were restricted to interactions with the prisoners and staff on their unit or landing; prisoners were not allowed to mix across units, landings or other parts of the prison. Access to recreational activities and workshops differ substantially between the main prison and East Wing. Prisoners in the main part of the prison expressed frustration around having little or no access to workshops in comparison to prisoners on the East Wing. It was reported to the Inspection Team that prisoners on East Wing can attend workshops in small numbers. Regarding exercise, the Inspection Team received reports from prisoners in the main part of the prison confirming they only receive one hour of exercise each day. The Inspection Team observed on inspection a gym on East Wing being fully utilised and also that the library was open on East 1 landing, and being run by a prisoner. Neither the gym nor library were open in the main part of the prison.

5.2 Access to Education

At the time of inspection, the Inspectorate was notified that four weeks prior to the inspection the prison school had opened to facilitate Leaving Certificate students. During the course of inspection, the Inspection Team examined how access to education was being facilitated in the prison, and also learned of initiatives and ideas that have great capacity to improve access to education, irrespective of COVID-19 and restrictive measures.

5.2.1 Compliance

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

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

In regards to library access, the Irish Prison Rules require the establishment of a library in each prison (Rule 110.6), to which prisons should be entitled to avail of at least once a week (Rule 110.7). The Mandela Rules (Rule 64) state “Every prison shall have a library for the use of all categories of prisoners, adequately stocked with both recreational and instructional books, and prisoners shall be

encouraged to make full use of it.” Rule 28 of the European Prison Rules aligns with these provisions by recommending that “every institution shall have a library for the use of all prisoners, adequately stocked with a wide range of both recreational and educational resources, books and other media.” The European Prison Rules also include a provision that, wherever possible, the prison library should be organised in co-operation with community library services (Rule 28.6).

5.2.2 Environment

The Inspectorate was informed that by the end of December 2020, the number of teaching staff in Wheatfield Prison School stood at thirty-three. The majority of the teachers work in Wheatfield on a part-time basis, with eleven teachers working on a full-time basis. Since December 2020 and in light of level 5 restrictions, the Governor permitted the Head Teacher to enter the prison one day a week in order to address queries from prisoners and distribute learning packs.

During the lockdown period from March to August 2020, the Head Teacher received permission to enter the prison several days a week in order to print, collate, and disseminate hundreds of educational materials created and provided by the Wheatfield Teachers for their students. The teachers created a range of bespoke materials in their given subject area and these materials were distributed throughout the prison. These materials included Art & Craft Packs, Literacy Resources, Mathematics Resources, Language Resources in Irish and Spanish, Health Education Materials including Yoga Booklets, In-Cell Exercise Booklets, Wellness & Mental Health Booklets, a seven-part Creative Writing Programme, Parenting resources and Business Studies resources. In addition, a wellness manual was created by the Health Education teacher and distributed to every prisoner in Wheatfield. All requests from students for materials via the Chaplaincy Service and Class Officers were also met during this time. Wheatfield Prison staff disseminated these materials.

At the start of the school year on 31 August 2020, the school was separated into ten divisions. This meant that students from various landings were allocated a specific session during the week to attend. However by the start of October 2020, the school had realigned into five zones. This allowed particular landings to join together to attend the school. This had a more positive impact upon the delivery of the service and upon the students attending the school, whereby the school could offer an additional time period to most zones. Below is the five way zone timetable of the school from October 2020 to December 2020.

Table 9: Five-way Zone Timetable (October – December 2020)

Day	AM	PM
Monday	East 3 & West 3	7F to 10F
Tuesday	East 1 & East 2	7 to 10G
Wednesday	East 1 & East 2	1 to 6F & 5G
Thursday	East 3 & West 3	7 to 10G
Friday	1 to 6F & 5G	7F to 10F

The table above demonstrates the positive outcomes for prisoners’ in terms of access to education during October 2020 to December 2020. For example, the Head Teacher confirmed that this allowed particular landings to join together to attend the school. Additionally, it also had a more positive impact

on the delivery of the service and on the students attending the school whereby teachers could offer an additional time period to most zones.

A breakdown of the students enrolled in State Examinations and third level for 2021 combined equates to 27 students. The Head Teacher noted that this is the largest number of students enrolled in third level study in a number of years.

Throughout the lockdown period, the School Officer continued in their role as a GAISCE PAL. The School Officer distributed school materials to GAISCE candidates and organised activities enabling 45 prisoners to complete the Silver Medal for GAISCE, and eight were registered for the Gold Medal GAISCE. A number of prison staff were involved in this initiative.

5.2.3 Outcomes

Staff responsible for the delivery of education in Wheatfield Prison believe that a “hybrid” learning approach that combines both traditional classroom and online courses would be beneficial in Wheatfield Prison, especially post-COVID-19. This approach would cater to the individual needs of the learner; most students have unique learning styles and a blended approach is more likely to cater to those needs than a traditional classroom teaching experience. Some university students found it very challenging to study independently and queried if zoom calls might be facilitated in the absence of face-to-face interactions with teachers. Prison management explain that students can avail of video link calls with their teacher, but suggested that students may not be aware of this. The Inspectorate was informed that a notification will be issued to each student to notify them of the availability of video calls.

The Inspectorate was also informed that the TV channel would provide pre-recorded in-cell education to prisoners. This practice is due to come on stream in the weeks following the inspection, but the Inspectorate was informed by the Governor in a post-inspection call that the TV channel was not yet operational on 4 May 2021. The Team welcome this step forward in the delivery of education. In the future, it would be a welcome initiative for teachers to upload pre-recorded classes and accompanying materials onto digital tablets. This would allow students to pause, take notes and rewind their classes.

On both days of the inspection, the library in the Main Prison was closed, due to “operational reasons”. One prisoner approached the Inspection Team to address the issue that the library had been closed for the last 15 to 16 months. However, the library on East 1 was open because it was being run by a prisoner. While the East wing library was open, only prisoners on East 1 can avail of the library; this is because prisoners on East 2 and East 3 landings are not allowed to mix across landings due to COVID-19.

5.2.4 Recommendations

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

OIP Comment: The Inspectorate has recommended in both the Mountjoy Prison and Cloverhill Prison COVID-19 Thematic Inspection reports that digital tablets be made available for prisoner use. The IPS has indicated their response to this recommendation is under review and that the Service is “developing an in-cell learning strategy to enhance learning from prison cells.” The Inspectorate welcomes this, and will continue to monitor and assess this initiative.

Recommendation 19: In line with Rule 110 of the Irish Prison Rules, Wheatfield Prison should proactively consider the re-opening of library services in the main prison. Given the increased time that

people are now required to remain in their cells, there is additional need to ensure people are able to avail of library services.

OIP Comment: The Inspectorate has recommended in both the Mountjoy Prison and Cloverhill Prison COVID-19 Thematic Inspection reports that prison libraries be made available to prisoners. This recommendation has been accepted by the Irish Prison Service on both occasions and is being monitored by the Inspectorate.

5.3 Access to Exercise/Interactions

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

5.3.1 Compliance

Rule 32 of the Irish Prison Rules mandate that all prisoners not employed in outdoor work or activities are entitled to not less than one hour of exercise in the open air each day, weather permitting. In addition to this the Rule states that “in so far as is practicable,” all prisoners must be permitted access to the use of indoor space and equipment for physical recreation, exercise or training.” However, the 2020 Amendment to the Irish Prison Rules 2007-2017, Rule 32A provides an amendment to Rule 32, whereby it permits the Director General (32A(1)) or the Governor (32A(2)) “to suspend the entitlement to physical recreation, exercise or training under Rule 32, or to restrict or modify the entitlement to physical recreation, exercise or training under Rule 32, as regards frequency, duration and arrangements, for a specified period or periods.” The lack of a sunset clause for the newly added Rule 32A is of concern to the Inspectorate.

Although the Irish Prison Rules now allow for a restriction on exercise and physical recreation, international standards require that these restrictions be necessary, proportionate, respectful of human dignity and restricted in time. Further, international prison oversight bodies, such as the CPT, have determined that outdoor exercise facilities “should be reasonably spacious and whenever possible offer shelter from inclement weather”.²⁹

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

In terms of meaningful activity, the Mandela Rules (4, 23, 64-66, 105) state “providing meaningful activities supports prison management as well as the mental health and rehabilitation of prisoners. Opportunities for sport should be provided and at least one hour per day of outdoor exercise permitted. A prison library must be available and prisoners should be allowed to practise their religion.”

²⁹ CPT Standards, Revised 2010, <https://www.refworld.org/pdfid/4d7882092.pdf>, 16.

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

While the Irish Prison Rules 2007-2020 provide a definition of “meaningful human contact”, the University of Essex and Penal Reform International’s *Initial Guidance on the Interpretation and Implementation of the UN Nelson Mandela Rules*³⁰ provides further substance to this principle as it is:

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

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

5.3.2 Environment

Most of the services, such as addiction, psychology and resettlement that are available in Wheatfield Prison are located in the North 2 Corridor. Services within the prison have largely adapted to COVID-19 by meeting prisoners on a face-to-face basis in their office which is equipped with a Perspex screen, and ensures adherence to health guidelines. The Inspectorate welcomes face-to-face service provision to allow for meaningful contact to be maintained to the benefit of prisoners. Prisoners can make contact with services by telephone on the landings and in the yards. In addition, Chaplains have continued to visit prisoners throughout the pandemic.

During the course of the inspection of Wheatfield Prison, it was observed that the construction workshop was operational on both days, with the welding workshop open on the second day only. The Inspection Team was notified that small groups from the East Wing are able to attend the construction and welding workshops, while no prisoners are able to attend from the main prison.

In light of level 5 restrictions only essential services were operational. This included the kitchen, industrial cleaning, Tuck Shop and waste management. In the main prison, non-protection prisoners could only interact with the approximately 30 fellow prisoners on the unit (in some units this number was much reduced, or did not allow for any interaction, i.e. 1G unit). On East wing, groups of prisoners were unlocked by landing, and were not allowed to interact across the landings; prior to COVID-19 prisoners accommodated in East wing could interact across the three landings.

The Inspectorate was informed by a member of prison staff that Wheatfield Prison has eight exercise yards, of which three were out of use during the time of inspection. On the first day of the inspection,

³⁰ Essex Paper 3 Initial Guidance on the Interpretation and Implementation of the UN Nelson Mandela Rules (2017) <https://rm.coe.int/16806f6f50>.

inspectors observed yards 6, 7 and 8. However, in response to the draft report, Prison Management advised there were nine exercise yards in Wheatfield Prison, with one yard out of use.

The yards appeared to be clean, but were bleak and grey with barbed wire surrounding the area. The Inspection Team observed approximately ten prisoners in one yard walking around in groups of three conversing with each other, while others sat on a concrete seat under a shelter; this is not meaningful activity as defined by the Mandela Rules, specifically Rule 4. The Inspection team was informed by staff that access to the yard and the gym was phased to ensure that different units and landings did not mix. Access to the yard differed and was dependent on regime; people in quarantine received 20 minutes of yard time, people in 1G unit on Rule 62/Rule 63 received 30 minutes in the fresh air and non-protection prisoners in the main prison and prisoners in the East wing received one hour of out-of-cell time.³¹ Prisoners in the West wing received varying amounts of time in the fresh air, with some vulnerable prisoners reporting an hour and a half of yard time.

Wheatfield Prison is equipped with an impressive astro football pitch, which was not in use at the time of inspection. Staff informed the Inspection Team that the East wing was permitted to use the pitch, but prisoners on East wing stated they had not used the pitch since Christmas. Prisoners queried why they were not allowed to exercise on the pitch, with one prisoner stating, “(you have) more chance catching COVID on the landing walking in circles” than out in the fresh air on the pitch.

At the Closeout Meeting the Inspectorate was informed that the pitch was not in use by prisoners or staff under guidance issued by NPHET to restrict outdoor activities.

At the time of the inspection, the North gym in the main prison was closed and had been for a number of months due to COVID-19; this means men in the main prison did not have access to the gym. However, East wing has two gyms, which are open when it is possible to have two qualified staff in each gym. With the absence of the gym, and with limited time spent in the yard and no access to workshops like construction, prisoners in the main prison only have one pool table or ping pong table in each of the units.

5.3.3 Outcomes

The exercise yards in Wheatfield Prison are bleak and grey. The prison should consider efforts to include green spaces in and around the yards; especially because research shows that even a 10% increase of green spaces can reduce prisoner-on-prisoner assaults, incidents of self-harm and incidents of assault on staff.³²

The Inspection Team encountered and conversed with many prisoners who expressed their frustration and anger with regards to the closure of the gym in the main prison. One prisoner made a comparison to East Wing by explaining that “they receive access to the gym more than once a week.” Other prisoners in the main prison discussed the inconsistencies around the opening of the gym, explaining, “its hit and miss.” The Inspection Team was notified by a prison officer that the closure of the gym was as a result of inadequate staff levels. Similarly, this was also echoed by a prisoner who explained, “Not enough staff to keep (the) gym open”, and another prisoner advised that the gym was closed due to COVID-19.

³¹ On review of the draft report, Prison Management stated people in quarantine and on Rule 62/63 were offered 60 minutes of fresh air time.

³² D. Moran, et al., “Does Nature Contact in Prison Improve Well-Being? Mapping Land Cover to Identify the Effect of Greenspace on Self-Harm and Violence in Prisons in England and Wales” (2021) *Annals of the American Association of Geographers*, published online.

Application of NPHEAT advice in the prison context appears to be inconsistent. The Inspectorate noted that the situation of exercise and interaction in prisons is not equivalent to that of the general community, and as such there is a need to consider how NPHEAT guidelines do, and do not apply in the prison context. To that end, the Inspectorate queries why the prison gym was accessible to some prisoners in Wheatfield Prison, but large open areas, such as football pitch were not. In fact, under the current Government guidance on phased easing of public health restrictions,³³ access to outdoor exercise for up to 15 people will return on 10 May, whereas indoor gym exercise is limited to individual training from 7 June. The Inspectorate questions why access to the football pitch was not permitted when access to gyms in the prisons was permitted, despite the Government guidelines. This query is not to be interpreted as a suggestion to close the prisoner gyms, but rather the opposite; to implement all possible measures to afford people in prison maximum time in the fresh air.

The Inspectorate shares the view of the CPT, which urged states in its July 2020 Follow-up Statement Regarding the Situation of Persons Deprived of their Liberty in the Context of the ongoing COVID-19 Pandemic, “to progressively move from the management of risks to seizing opportunities that the pandemic has created.”

5.3.4 Recommendations

Recommendation 20: The Inspectorate recommends that efforts be made to include green spaces in and around the yards.

Recommendation 21: In line with the requirement to ensure “meaningful human contact”, the Inspectorate recommends that Wheatfield Prison develop and implement measures designed to mitigate the impact of restrictions imposed on prisoner exercise and interactions by Rule 32A of the Irish Prison Rules; this should be done in consultation with prisoners and staff working in the prison.

OIP Comment: The Inspectorate has recommended in both the Mountjoy Prison and Cloverhill Prison COVID-19 Thematic Inspection reports that measures be taken to mitigate the impact of restrictions imposed on prisoner exercise and interactions. On both occasions the recommendation was not been accepted by the Irish Prison Service, citing the need to restrict prisoner movements as an infection control measure.

Request for Information 3: The Inspectorate requests to be provided with information on the direction given to Wheatfield Prison by the Irish Prison Service to implement S.I. 250 - Prison (Amendment) Rules 2020 - Rule 32A of the Irish Prison Rules.

5.4 Other Issues

Rehabilitation Services and Life Sentenced Prisoners

In light of COVID-19, rehabilitation services such as psychology (group work) and addiction counselling have encountered significant delays which is to the detriment of prisoners seeking to fulfil Parole Board requirements. The function of the Parole Board is to review cases of prisoners serving long and life sentences of between eight and 14 years, once half the sentence has been served. In instances of sentences over 14 years, or life, the case is reviewed after seven years have been served. The Inspection Team learned that many of the Parole Board required programmes offered by services in the prison were either delayed or stopped due to COVID-19 restrictions. For instance, life-sentenced prisoners explained that the Parole Board had required they attend Mentalisation Based Therapy (MBT)

³³ Gov.ie 'New Public Health Measures Announced: The Path Ahead' <https://www.gov.ie/en/press-release/81029-government-announces-phased-easing-of-public-health-restrictions/> (last updated 30 April 2021)

groups and engage in Section 39 visits (absence from the prison on compassionate grounds – family relationship-building), but prisoners could not fulfil these requirements because of COVID-19 restrictions. Staff echoed similar concerns, with one member of staff stating “milestones for a prisoner may not be achieved.”

Over the course of the Inspection, the Team met with a number of prisoners who expressed feelings of being trapped or stuck because they could not engage in the required programmes and services. Many expressed frustration with regards to delays in accessing and completing group courses, and some suggested that options should be made available to complete these courses on a one-to-one basis, or remotely (TV Channel/iPad). One prisoner explained the importance of rehabilitation services and education as it provides an alternative path to prisoners: “You need structure to move you along, or else you’ll get caught up in another world.”

The impact of COVID-19 related restrictions on life-sentenced prisoners is of great concern to the Inspectorate. Many of these men in Wheatfield Prison have worked diligently to improve their lives and to achieve the goals put forward to them by the Parole Board. However, they have received no clarity in relation to the concessions the Parole Board may be willing to consider with respect to them being unable to fulfil the required criteria due to COVID-19. The frustration this has caused is best captured by the voices of the men themselves:

“The rehabilitation element is gone now.”

“(I have) my second [parole] board [review] coming up but haven’t been able to do anything.”

“(There’s) no confirmation this won’t be held against us.”

“Rather than having hope I’m being broken down.”

“It (COVID) put us a year or two back – further back than we should be.”

The delays and uncertainty experienced by prisoners seeking to fulfil Parole Board requirements require serious consideration, especially because the essential aim of any penitentiary system must be to provide reformation and social rehabilitation for the people in its care.³⁴

5.3.4 Recommendation

Recommendation 22: In line with ICCPR Article 10(3) and the need to ensure prisoners have continued access to rehabilitative services during the pandemic, the Inspectorate recommends that the IPS consider strategies to enable timely fulfilment of Parole Board recommended courses and initiatives.

³⁴ International Covenant on Civil and Political Rights (ICCPR), Article 10 (3).

6 RESETTLEMENT

6.1 Release

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

6.1.1 Compliance

The Irish Prison Service has committed itself to the management of custodial sentences in a way that “encourages and supports prisoners to live law abiding and purposeful lives as valued members of society.” To enable and operationalise this, the Irish Prison Service 2019-2022 Strategic Plan determines to “further develop the integration of prisoner care and support services to deliver more effective rehabilitation to prisoners.”³⁵ Alongside this, the IPS and the Probation Service have developed a multi-agency strategy to manage and rehabilitate “offenders” from pre- to post-imprisonment. This strategy involves Integrated Sentence Management (ISM); Community Return; Probation Service case management and post-release supervision; and engagement with the Irish Association for the Social Integration of Offenders (IASIO) Resettlement Service.

The stated aim of this multi-pronged strategic approach is to ensure “that all releases from Irish prisons and places of detention are planned releases to ensure the informed and effective transition of the offender from prison to the community, in compliance with statutory, legal and sentencing provisions”.³⁶

The Irish Prison Rules include provisions which place responsibility on the Governor to “assist and encourage prisoners in (...) preparing for reintegration into society after release” (Rule 75(1)(ii)(d), and on the Prison Officer “to contribute to the rehabilitation and reintegration into the community (...) of prisoners” (Rule 85(3)(c)(iv). However, neither the Irish Prison Rules 2007-2020 nor the Prison Act 2007 place an obligation on the Prison Service to prepare people in prison for a planned and gradual return to life in society. An Inter-Agency Group was established to implement key recommendations made by the Penal Policy Review Group to support the rehabilitation of offenders and crime prevention.³⁷ However the Group’s last published report was for 2018. Despite this absence in the national legislation, international human rights standards place great emphasis on preparation for release.

The Mandela Rules (Rule 87) state:

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

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

³⁵ IPS, “Irish Prison Service Strategic Plan 2019-2022” https://www.irishprisons.ie/wp-content/uploads/documents_pdf/Irish-Prison-Services-Strategy-2019-2022.pdf.

³⁶ IPS, “Resettlement and Reintegration” <https://www.irishprisons.ie/prisoner-services/reintegration/>.

³⁷ Annual Report of the Interagency Group for a Fairer and Safer Ireland, http://www.justice.ie/en/JELR/Annual_Report_of_the_Interagency_Group_for_a_Fairer_and_Safer_Ireland_2018.pdf/Files/Annual_Report_of_the_Interagency_Group_for_a_Fairer_and_Safer_Ireland_2018.pdf

- All prisoners shall have the benefit of arrangements designed to assist them in returning to free society after release (Rule 33.3);
- As soon as possible after such admission, reports shall be drawn up for sentenced prisoners about their personal situations, the proposed sentence plans for each of them and the strategy for preparation for their release (Rule 103.2);
- Sentenced prisoners shall be encouraged to participate in drawing up their individual sentence plans (Rule 103.3);
- Such plans shall as far as is practicable include: (a) work; (b) education; (c) other activities; and (d) preparation for release (Rule 103.4);
- Sentenced prisoners shall be assisted in good time prior to release by procedures and special programmes enabling them to make the transition from life in prison to a law-abiding life in the community (Rule 107.1);
- Prison authorities shall work closely with services and agencies that supervise and assist released prisoners to enable all sentenced prisoners to re-establish themselves in the community, in particular with regard to family life and employment (Rule 107.4); and
- Representatives of such social services or agencies shall be afforded all necessary access to the prison and to prisoners to allow them to assist with preparations for release and the planning of after-care programmes (Rule 107.5).

6.1.2 Environment

Integrated Sentence Management

The role of Integrated Sentence Management (ISM) officers is to work with prisoners to develop a personal plan that includes setting objectives in the areas of education, training and personal development. This, in theory, means each prisoner will have a preparatory plan for their release.

At the time of inspection, the Inspection Team received confirmation that the ISM officers in Wheatfield Prison were on annual leave. To compensate for this, the Inspection Team met with the Industrial Manager who oversees the ISM function in Wheatfield Prison. The Industrial Manager provided an overview of the role and function of the ISM officer. The Inspectorate was advised that there was a total of four ISM officers in Wheatfield Prison.

The Industrial Manager also outlined difficulty for ISMs in carrying out their role, as they are regularly redeployed to cover other posts. In essence, every day a redeployment takes place that has an impact on ISM service delivery.

Resettlement

On the second day of inspection, the Inspection Team met with the Resettlement officer; the Resettlement Team was comprised of two resettlement officers and one training and employment officer. Two of the Resettlement officers worked solely on assisting prisoners in applying for social welfare and medical cards, while the other resettlement officer assisted prisoners in securing employment upon their release.

The timeline for engagement with prisoners by the Resettlement office, from initial engagement to release date is outlined as follows. The Prisoner Information Management System (PIMS) provides information on prisoner remission dates, which were the focal point for commencing the resettlement process. The system sends an alert to the Resettlement team notifying them of a remission date 12 months in advance. At this point, discussions take place between the prisoner and the Resettlement officer with regard to housing applications. For council related applications, submission takes place 12

months in advance, while “Trail”³⁸ applications take place six months prior to remission date. It was also noted that social welfare applications were applied for three months in advance of remission date.

6.1.3 Outcomes

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

Whilst the Inspection Team did not have a chance to engage with any ISM officer at the time of the inspection many prisoners expressed frustration in terms of the ISM function. A prisoner explained to the Inspection Team that an ISM officer asked him to engage with the Parole Board independently, to which he stated “There’s no plan here. I develop my own plan to keep me busy.” In response to the draft review of this report, Prison Management advised “This is incorrect and simply could and would not happen.” Another prisoner was quite worried regarding his plan, “I don’t want to be leaving prison with nothing.”

In follow-up correspondence received by the Inspection Team, ISM officers confirmed that redeployments inhibit the ability of this programme to achieve the intended outcomes. The Inspectorate was also informed of the development of new ISM software which will be integrated into PIMS, and should aid in delivery of the ISM service.

As noted in section 5.4, prisoners outlined their frustration in terms of delays in accessing psychology courses. This was a requirement by the Parole Board in order to be transferred to an open facility. Another prisoner described the difficulties in accessing section 39 (neutral venue) visits in order to maintain family ties. Prisoners who have a specified parole date which has elapsed have no indication as to when a review might take place. For example, a prisoner expressed confusion surrounding the lack of clarity by explaining, “[I] don’t know what’s going on.”

6.1.4 Recommendation

Recommendation 23: In line with the Mandela Rules and the European Prison Rules, the Irish Prison Service should strengthen, operationalise and broadly apply the Integrated Sentence Management process so that **all** prisoners are actively engaged and contributing to their sentence and re-integration plan. At the prison level, this could include securing the ISM post(s) at a higher point on the Regime Management Plan.

6.1.5 IPS Review

There is a reference in Section 6.1.3 that reports that a prisoner stated that he was advised by an Integrated Sentence Management Officer to independently engage with the Parole Board. There is a formal process whereby prisoners serving long sentences (8 years or more/life sentences) are referred to the Parole Board by the Irish Prison Service. It is not possible for a prisoner to engage directly with the Parole Board.

Given the level of experience within the ISM Team in Wheatfield Prison, it is highly unlikely that such advice was given to the prisoner.

³⁸ TRAIL - a housing with support service provided to those completing custodial sentences

The Irish Prison Service sought and received additional resources in the 2021 Estimates Process for the operation of Integrated Sentence Management. In this regard, additional resources are being deployed to Wheatfield which will further strengthen the ISM function in Wheatfield Prison.

7 RECOMMENDATIONS & IPS ACTION PLAN

No.	Recommendation	IPS Response	Action Required	Action Owner	Timeline
WFCT1 <i>Prison/IPS</i>	In line with Rule 54 of the Nelson Mandela Rules, the Irish Prison Service should ensure that written and oral information is provided to prisoners upon entering quarantine and on an ongoing basis over the course of quarantine. This information should be designed to assist prisoners in adapting to quarantine, and should clearly outline what they can expect while in quarantine. The information should be provided in a language and form that can be understood by the prisoner; this may require the assistance of interpreters. Prisoners should be provided with ongoing opportunities to raise questions and to be informed of all matters necessary to adapt to quarantine and prison life in general.	Accepted: The Irish Prison Service will continue to provide translations of information provided. All Governors will provide an oral briefing to new committals.	Care and Rehabilitation Prison Management	In place and will be reviewed an augmented on an ongoing basis	The Irish Prison Service will continue to provide translations of information provided. All Governors will provide an oral briefing to new committals.
WFCT2 <i>Prison</i>	In order to ensure effective information provision to all prisoners, in line with Section 42 of the Irish Human Rights and Equality Commission Act, the Inspectorate urges Wheatfield Prison to promptly introduce information dissemination by way of TV channel. The information provided on the channel should be in a language and form that can be understood by prisoners, and may require complementary modes of information dissemination.	Accepted: TV channel went live on May 10 th 2021. ACO is currently designing an information leaflet on how to use the channel.	Completed		
WFCT3 <i>IPS</i>	In line with the Nelson Mandela Rules, (Rule 22.1) and European Prison Rules, (Rule 22.4), the Inspectorate recommends that the scheduling around meal times be amended to ensure meals are served at reasonable intervals and at times reflected in the community: breakfast (morning), lunch (midday) and dinner (evening).	Accepted: In 2019, the Irish Prison Service introduced a pilot alteration to the schedule of meal times in Castlerea and Mountjoy Prison (Progression Unit). The purpose was to examine the impact of providing the main daily meal in the evening. The results of the pilot were positive and the IPS decided, in 2019, to roll out this meal schedule to all prisons.	The Irish Prison Service will continue to engage with the staff representative association with regard to the alteration of the existing prisoner meal schedule The Irish Prison Service is currently reintroducing divisional unlock across all	Care and Rehabilitation Prison management	Ongoing End June 2021

		<p>However, the roll out of this initiative has been prevented due to industrial relations issues.</p> <p>The prison day was structured in prisons to take account of the need to open cells on a landing basis due to Level 5 restriction.</p> <p>Prisoners are released from cells to collect meals at the servery on a rotational/landing basis to prevent the mixing of larger group of people.</p> <p>The majority of prisons have reverted from landing unlock to divisional unlock following the reduction in restriction level.</p>	prisons as part of the unwinding of restrictions.		
WFCT4 <i>IPS</i>	In line with the CPT standards on living conditions, and with respect to the European Convention on Human Rights Article 8, all cells in Wheatfield Prison should meet minimum CPT requirements with access to a fully partitioned toilet facility.	<p>Part accepted:</p> <p>Privacy screens 900mm high are due to be installed in cells. The fit out was delayed as a result of the Covid-19 Pandemic.</p> <p>Screens of this height provide adequate privacy while still facilitating checks to ensure safety of Prisoners.</p>	Privacy screen to be installed in cells.	Building Services Division / Prison management	Under review/TBC
WFCT5 <i>IPS</i>	With concern for the increase in the prison population in recent months, the Inspectorate recommends that the Irish Prison Service engages with the Department of Justice to maximise all opportunities available for reducing the prison population. The reduction in prison numbers would reduce the number of people cell-sharing, minimise the risk of COVID-19 transmission, and enable prisoners to practice social distancing.	<p>Accepted:</p> <p>In March 2020 the Irish Prison Service took decisive action to reduce the prison population to ensure effective infection control measures.</p> <p>The Irish Prison Service has continued to maintain the prison</p>	The IPS will continue to review the Prison Population Management Plan and will introduce new measures to address prison overcrowding as necessary.	Operations Directorate	Ongoing

		<p>population at or below 3,800 to ensure safe custody. The IPS has completed an assessment of the prison estate to determine a “Covid-19 Capacity” to ensure appropriate infection control measures.</p> <p>The IPS has engaged with the Department of Justice to examine potential solutions to manage the prison population in a way that ensures effective infection control measures.</p> <p>In addition, the Criminal Justice Efficiencies Group has tasked data analysts from across the sector with examining the potential impacts on prison numbers over the next 12 months.</p>	Data analysis on the impact of increased committals to be completed.	Criminal Justice Efficiencies committee	
WFCT6 <i>IPS/Prison</i>	The Irish Prison Service should review and address the impact of the current prisoner escort model on the operation of prisons, specifically as this model undermines prisoners’ access to rehabilitation services in the prison.	<p>Part accepted:</p> <p>The Irish Prison Service will be conducting a review of prisoner escorts to assess the impact of the use of video link technology, and increased court escort activity.</p>	A copy of the review will be made available to the Inspector of Prisons when completed.	Human Resources	End Q3 2021
WFCT7 <i>Prison</i>	All prisoners should be able to request and be provided with masks to protect themselves from COVID-19.	<p>Accepted:</p> <p>The Irish Prison Service ERPT have determined that surgical masks will be made available to all prisoners as an enhanced infection control measure.</p>	ERPT will issue guidance that surgical masks be made available to all prisoners, and that all prisoners be encouraged to use same.	ERPT / Prison management	End June 2021
	In line with guidance issued by the WHO (2021) Preparedness, prevention and control of COVID-19 in prisons and other places of detention, all prisoners should have availability of sufficient	In line with guidance issued by the WHO (2021) Preparedness,	Accepted:		Already in place

<p>WFCT8 <i>Prison</i></p>	<p>quantities of safe water and handwashing supplies, both of which should be ensured throughout the outbreak response and in its aftermath.</p>	<p>prevention and control of COVID-19 in prisons and other places of detention, all prisoners should have availability of sufficient quantities of safe water and handwashing supplies, both of which should be ensured throughout the outbreak response and in its aftermath.</p>	<p>All prisons have sufficient running water and handwashing supplies in line with the WHO Guidance (2021).</p> <p>There are safety mechanisms in place in certain areas to prevent the risk of deliberate cell flooding.</p>		
<p>WFCT9 <i>Prison</i></p>	<p>In line with Rule 1 of the Nelson Mandela Rules and Rule 52.2 of the European Prison Rules, the safety of prisoners should be ensured for at all times and adequate procedures must be in place to reduce to a minimum the risk of violence.</p>	<p>Accepted: Every effort is made by prison management to ensure the safety of all those living and working in prisons. Any allegation of assault or violence is thoroughly investigated and action taken including disciplinary action or referral to An Garda Síochana if appropriate.</p>			
<p>WFCT10 <i>IPS/Prison</i></p>	<p>In line with practice in the general community, and with the Principle of Equivalence, the IPS should ensure that people in prison are provided with written information about their test results.</p>	<p>Not accepted: The Irish Prison Service has worked closely with the HSE/Public Health on the management of Covid-19 outbreaks in prisons. The completion of mass testing of all prisoners and staff is a huge logistical operation and this is completed twice per outbreak.</p> <p>People in the community are provided with test results via text message, which is not available to people in custody. The implementation of this recommendation would require the manual provision of individualised</p>			

		letters which is not currently feasible from IT and resource perspective.			
WFCT11 <i>IPS</i>	The Inspectorate recommends that the Irish Prison Service continues its ongoing efforts to lobby for the prioritisation of COVID-19 vaccinations for people living and working in prisons.	Accepted: The IPS continues to engage with the relevant Departments and agencies with regard to access to the Covid-19 vaccine in line with the grouping published by the Government.	The IPS will continue to engage with the appropriate agencies with regard to access to the Covid-19 vaccination.	Care and Rehabilitation;	Ongoing
WFCT12 <i>Prison</i>	In line with Article 8 of the European Convention on Human Rights and Rule 58 (1) (a) of the UN Mandela Rules, the Inspectorate recommends that all postal communications are collected and delivered to prisoners in a timely manner by prioritising the censor's office and transport to collect the post in the daily Regime Management Plan.	Accepted: Postal backlog has been cleared.	Prison management will continue to monitor this process. In addition, the Irish Prison Service is piloting the use of e-Correspondence for prisoner communications in Mountjoy Prison and Midlands Prison. If successful, consideration will be given to rolling out fully to other locations across the estate, which will allow for a more timely distribution of correspondence.	Prison management ICT	Ongoing End Q4 2021
WFCT13 <i>IPS/Prison</i>	In line with the European Prison Rules Rule 19.4 and the CPT Decency Threshold for Prisons, prisoners in quarantine/isolation must be permitted to shower, if not daily, at a minimum, two times in a seven day period.	Part accepted: Wheatfield Prison's isolation/quarantine cells are not equipped with showers and, due to current Infection control restrictions, showering while in quarantine is not feasible due to the high risk it poses to prisoners and staff. The cells do however facilitate in cell sanitation. All prisoners confined to their cell for the purpose of quarantine have	The provision of showers during the quarantine period is under active consideration in light of reducing levels of community transmission.	Care and Rehabilitation; Human Resources	Ongoing

		<p>access to hot water and soap to maintain adequate hygiene.</p> <p>This is in line with the <i>European Committee for the Prevention of Torture (CPT), Statement of Principles relating to the treatment of persons deprived of their liberty in the context of the Coronavirus disease.</i></p> <p>The Irish Prison Service continues to review infection control measures on a weekly basis and any change to infection control measures is made in line with the Government decisions on the easing of restrictions, and in consultation with Public Health.</p>			
WFCT14 <i>IPS/Prison</i>	Prisoners in quarantine/isolation must be provided with a weekly change of bedding.	<p>Accepted:</p> <p>Prisoners in quarantine are already provided with a weekly change of bedding as recommended.</p>	Prison management are actively monitoring this recommendation.	Prison Management	Ongoing
WFCT15 <i>IPS/Prison</i>	Two hours of meaningful human contact (as defined in section 5.3) must be facilitated each day for people in quarantine/ isolation.	<p>Not accepted:</p> <p>A critical infection control measure introduced by the Irish Prison Service has been the segregation of new committals from the general population for the purposes of quarantine.</p> <p>Prisoners in quarantine have restricted out of cell time, in accordance with Rule 32A of SI 250/2020 Prison Rules 2020.</p> <p>So far 63 prisoners, committed to custody from the community, have tested positive with Covid-19. There</p>			Not accepted

		<p>have been no prison based Covid-19 outbreaks, as a result of a new committal, due to the infection control measures introduced.</p> <p>All new prisoners are tested on day 1, with a 2nd test completed on day 7. If negative, and not symptomatic, prisoners exit quarantine after 8 days. The majority of quarantine prisoners have not required 14 days isolation.</p> <p>Prisoners in quarantine/isolation are managed in line with IPS national protocols developed by the Emergency Response Planning Team.</p> <p>Prisoners in quarantine/isolation have their door opened on a minimum of 2 occasions per day and are visited by the class officer, the Governor, medical staff, Chaplains.</p> <p>Restrictions on physical contact are necessary for infection control measures. Restrictions are reviewed on an ongoing basis by the Emergency Response Planning Team.</p>			
WFCT16 <i>IPS/Prison</i>	Prisoners in quarantine/isolation must have access to at least one hour in the open air each day.	<p>Not accepted:</p> Prisoners in quarantine have restricted out of cell time, in accordance with Rule 32A of SI 250/2020 Prison Rules 2020.			

		Restrictions are reviewed on an ongoing basis by the Emergency Response Planning Team.			
WFCT17 <i>IPS/Prison</i>	Measures must be taken to mitigate the detrimental effects of isolation or quarantine, including psychological support during and after quarantine/isolation in order to assist prisoners coping with the restrictive measures imposed as a result of COVID-19.	Accepted: A Covid outbreak-specific mental health protocol has been developed by the IPS Psychology Service. The approach incorporates a three-tiered layered care model which includes preventative, enhanced and acute mental health care interventions. This includes the use of iPads to proactively engage people on significantly restrictive measures, where required. The use of iPads is being piloted in Mountjoy and by the Cloverhill Psychology Service.	The use of tablet computers for video link with psychology is being trialled in Mountjoy and Cloverhill. It will be rolled out across the estate if successful.	Care and Rehabilitation; Psychology Service	End June 2021
WFCT18 <i>IPS/Prison</i>	To meet the education needs of prisoners (European Prison Rule 28.1), which include facilitating more substantive engagement with education (and other services), the Irish Prison Service should make digital tablets available for prisoner use. These digital tablets could be pre-loaded with education materials.	Recommendation is under review: The Irish Prison Service is developing an in-cell learning strategy to enhance learning from prison cells. A new prisoner TV Channel has been developed and is being rolled out across the estate. This allows for the broadcasting of local and national information and for the provision of educational material. CDETb have developed a substantial quantity of audio-visual course materials to be viewed on the TV channel and will provide accompanying supporting hard copy documentation to facilitate blended learning.	An in-cell technology plan is being developed to enhance learning capacities for prisoners and increase information and learning for those confined to cell. Care and Rehabilitation Directorate are examining technology solutions to allow prisoners to access educational materials on the education network from within cells.	Care and Rehabilitation	Q4 2021 Q2 2021

WFCT19 <i>Prison</i>	<p>In line with Rule 110 of the Irish Prison Rules, Wheatfield Prison should proactively consider the re-opening of library services in the main prison. Given the increased time that people are now required to remain in their cells, there is additional need to ensure people are able to avail of library services.</p>	<p>Accepted: Library services were suspended in line with events in the community.</p> <p>Prison management are engaging with the library services with a view to enhancing service provision.</p>		Prison management	End Q2 2021
WFCT20 <i>Prison</i>	<p>The Inspectorate recommends that efforts be made to include green spaces in and around the yards.</p>	<p>Part accepted: Consideration will be given to enhancing the aesthetics of the prison yards.</p> <p>Security considerations will be taken into account when considering any enhancement to the prison yards.</p>		Prison Management; Finance & Estates Directorate	End 2021
WFCT21 <i>IPS/Prison</i>	<p>In line with the requirement to ensure “meaningful human contact”, the Inspectorate recommends that Wheatfield Prison develop and implement measures designed to mitigate the impact of restrictions imposed on prisoner exercise and interactions by Rule 32A of the Irish Prison Rules; this should be done in consultation with prisoners and staff working in the prison.</p>	<p>Not Accepted: Similar to the community the Covid-19 infection control measures have resulted in restricted prisoner movements. The IPS accepts that the introduction of enhanced infection control measures has impacted on the regime offered to prisoners on a daily basis and has resulted in reduced out of cell time in many areas.</p> <p>This is a regrettable consequence of the implementation of measures aimed at protecting the health and safety of prisoners.</p> <p>Efforts are already made to ensure that prisoners receive maximum out</p>	<p>Prison management will continue to maximise out of cell time for all prisoners</p> <p>The Irish Prison Service is reintroducing divisional unlock in Wheatfield Prison as part of the unwinding of restrictive measures</p>	Prison management	<p>Not accepted</p> <p>End June 2021</p>

		<p>of cell time whilst restricting contact amongst prisoners.</p> <p>In order to facilitate exercise some prisoners are unlocked on the reserve period which is shorter than other periods.</p> <p>Unlock on the reserve period is rotated amongst landings resulting in a fair distribution of out of cell time amongst groupings.</p> <p>The return to divisional unlock in all prisons with the easing of restrictions will result in a return to more normal unlock periods.</p> <p>The current average out of cell time for non-restricted regime prisoners in Wheatfield is 6-7 hours per day.</p>			
WFCT22 <i>IPS</i>	In line with ICCPR Article 10(3) and the need to ensure prisoners have continued access to rehabilitative services during the pandemic, the Inspectorate recommends that the IPS consider strategies to enable timely fulfilment of Parole Board recommended courses and initiatives.	<p>Recommendation under review</p> <p>This recommendation is under review pending the commencement of the statutory Parole Board.</p>	Plan for management of Life Sentenced Prisoners to be agreed with IPS and Department of Justice.	Operations	Under review
WFCT23 <i>IPS/Prison</i>	In line with the Mandela Rules and the European Prison Rules, the Irish Prison Service should strengthen, operationalise and broadly apply the Integrated Sentence Management process so that all prisoners are actively engaged and contributing to their sentence and re-integration plan. At the prison level, this could include securing the ISM post(s) at a higher point on the Regime Management Plan.	<p>Accepted:</p> <p>Wheatfield ISM officers will be going on a back to back roster to further strengthen their ISM process.</p> <p>To further support the development of the ISM function in all prisons a new centralised recording database for ISM interviews and prisoner multi-</p>	Database in testing phase.	Care and Rehabilitation/ Human Resources	End Q2 2021

		<p>disciplinary sentence management plans is currently at the user acceptance testing phase of implementation.</p> <p>This database will provide the resources necessary to improve oversight and reporting in relation to the ISM function at Wheatfield.</p> <p>A Resettlement Service is provided to sentenced prisoners at Wheatfield Prison by IASIO who assist with applications for housing, welfare and medical cards in preparation for release.</p>			
WFREQ 1 <i>IPS</i>	The Inspectorate requests to be provided with the review of the Prison Service Escort Corps.	The IPS will provide a copy of the review to the Inspector of Prisons, when completed		Human Resources	End Q3 2021
WFREQ 2 <i>IPS</i>	The Inspectorate requests to be provided with information on the direction given to Wheatfield Prison by the Irish Prison Service to implement S.I. 250 - Prison (Amendment) Rules 2020 - Rule 36A of the Irish Prison Rules.	Under review			
WFREQ 3 <i>IPS</i>	The Inspectorate requests to be provided with information on the direction given to Wheatfield Prison by the Irish Prison Service to implement S.I. 250 - Prison (Amendment) Rules 2020 - Rule 32A of the Irish Prison Rules.	Under review			