



Oifig An Chigire Príosún
Office of the Inspector of Prisons

Annual Report 2021



18 Death in Custody Investigation Reports were submitted to the Minister of Justice and 10 Reports published



45 Recommendations following 18 Death in Custody Investigation Reports

3 Information Sessions provided by OIP to IPS Recruits

168
Rule 44
Letters
received from
Prisoners and
replied to



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FOREWORD

Minister,

I am pleased to present the 2021 Annual Report for the Office of Inspector of Prisons. I believe that this report demonstrates the critical role of oversight in reporting on adherence by prisons and the Irish Prison Service to human rights standards and pertinent legislation.

The Office was not immune to challenges faced throughout the world as a result of the COVID-19 pandemic and it is within that context that I would like to recognise our team for their expertise, professionalism and enthusiasm in achieving, and in some instances surpassing, our targets for the year. In our Strategic Plan 2020-2023 we set out what we aimed to achieve by 2023 and this report provides an overview of our work during 2021.

2021 was the first year within which prison inspections were conducted in accordance with our *Framework for the Inspections of Prisons in Ireland* (2020). During the year all 12 prisons in Ireland were subject to inspection and reports were submitted to the Minister for Justice, eight of which were published by the end of the year. It is important that the remaining reports are published at the earliest opportunity so that prison oversight is transparent and accessible to the public.

Section 4.1 of this report provides an overview of the inspection process, findings, recommendations and on-going monitoring. Section 4.2 provides summary information regarding the Investigations conducted throughout the year. Sections 5 and 6 provide information relating to prisoner Complaints and letters from prisoners.

I will not provide detail here of our findings from our statutory functions as they are provided in detail in the body of the report. However I would like to select two areas worthy of particular attention.

Unfortunately, for another year, we report on a prisoner complaints system that is not fit for purpose. Despite evidence being provided year on year that the process is flawed, the status quo remains. It is unacceptable that people in prison in Ireland are denied a fair, effective complaints system. Failure to replace the current system is indicative of the priority it is receiving.

The Optional Protocol to the Convention against Torture (OPCAT) is an international human rights treaty which assists countries in preventing torture and other forms of ill-treatment in places of detention. The Programme for Government set out a target to ratify the Convention by end 2021. I hope that this target is realised in 2022.

I have no doubt the Office of Inspector of Prisons will continue to strive to make a positive and constructive contribution to the oversight of prisons in the years ahead.

Finally, as I present my final Annual Report as Inspector of Prisons I would like to thank the people in custody in prisons, families and civil society advocates for engaging with us. I would also like to thank staff of the Irish Prison Service and the Department of Justice with whom we engaged throughout the year.



Patricia Gilheaney
Inspector of Prisons (Chief Inspector)
16 February 2021

1 INTRODUCTION

1.1 Functions 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/him by Part 5 of the Act. The current Inspector 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 key function of any inspectorate body is to carry out inspections and this is equally true for the role of Inspector of Prisons. Section 31(1) of the Act places an obligation on the Inspector of Prisons to carry out regular inspections of prisons. Although the legislation does not define “regular inspections”, international practice indicates a full inspection every three years as the sector norm.

In addition to inspections, the Inspector of Prisons may be requested by the Minister for Justice to carry out an investigation into any matter arising out of the management or operation of a prison, and if so requested, is obliged to carry out the investigation. The Inspector may carry out an investigation of her own volition.

The role of the Inspector of Prisons is as follows:

- Regular Inspection of all 12 prisons in Ireland (one of which is temporarily closed since May 2017 for repurpose and refurbishment);
- Carry out investigations of deaths in custody and also of any death of a person on temporary release that occurs within one month of his/her release;
- Investigate any matter arising out of the management and operation of a prison at her own volition or at the request of the Minister for Justice;
- Receive and reply to letters from prisoners in accordance with Rule 44 of the Prison Rules 2007-2020;
- Oversight of the Irish Prison Service prisoner complaints system and carry out the functions assigned pursuant to Prison Rule 57B of the Prison Rules 2007-2017;
- It is not a function of the Inspector to investigate or adjudicate on a complaint from an individual prisoner, but she may examine the circumstances relating to a prisoner complaint where necessary for performing her functions (Section 31(6) Prisons Act 2007).

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 The Team, Our Mission, Our Values & Our Vision

The Team

Six people joined the team during the year (1 Senior Inspector, 3 Inspectors and 3 Administrative Support). Fiona Feeney, Office Manager, transferred to another agency under the aegis of the Department of Justice in July 2021. Eve Farrelly joined the OIP as an Inspector in January 2021 and moved to the Courts Service on promotion in September 2021. As of 31 December 2021, Staff in the OIP comprised the following:

On 1 January 2021	On 31 December 2021
Chief Inspector of Prisons Ms Patricia Gilheaney	Chief Inspector of Prisons Ms Patricia Gilheaney
Senior Inspector Ms Helen Casey	Senior Inspector Ms Helen Casey
Senior Inspector Dr Ciara O'Connell	Senior Inspector Dr Ciara O'Connell
Inspector Mr John Byrne	Senior Inspector Mr Kevin Hyland (April 2021)
Inspector Ms Fiona O'Dea	Assistant Principal Officer Mr Feargal MacSuibhne (July 2021)
Data Analyst Dr Douglas Nanka-Bruce	Inspector Mr John Byrne
Administrative Officer Ms Fiona Feeney	Inspector Ms Fiona O'Dea
Executive Officer Mr Ross Donegan	Inspector Mr Mark Wolfe (January 2021)
	Inspector Mr Robert Bradley (January 2021)
	Inspector Ms Michelle Martyn (April 2021)
	Data Analyst Mr Douglas Nanka-Bruce
	Higher Executive Officer Mr Gerard Connor (December 2021)
	Executive Officer Mr Ross Donegan
	Clerical Officer Ms Marie Therese Coghlan (January 2021)

A business case to fill inspector vacancies and for additional post of researcher and additional administrative support was submitted to the Department of Justice in October 2021 and the OIP awaits the outcome of this submission.

Our Mission

The Mission of the Inspector of Prisons is to support excellence in delivery and outcomes in Ireland's prisons through an independent programme of inspections and investigations.

Our Values

In fulfilling our statutory duties, the Inspectorate team will uphold the following values in all that we do and how we do it.

- Independence and Impartiality

The Inspectorate will always be fair and reasonable in discharging its duties and conclusions will be evidence-based. Reporting will be open and evidence-informed findings will be used to influence policy and practice.

- Human Rights Focused

A focus on human rights will be at the core of everything the Inspectorate does. This focus will apply to prisoners, visitors, staff and others who come into contact with the Irish Prison Service (IPS);

- Transparent and Collaborative

The Inspectorate will publish its approach to inspections and investigations and, also, the standards it expects of the IPS. The aim is to work in dialogue with IPS management, frontline staff and prisoners to drive compliance and good practice and achieve better outcomes. The Inspector will also engage in dialogue with other key stakeholders;

- Capable and Systematic

The Inspectorate will be professional and structured in its approach to Inspection and Investigation and, also, in its articulation of findings, conclusions and recommendations.

Our Vision for the Future

As noted in our Strategic Plan 2020-2023 (published October 2020), our Vision for the Inspectorate by 2023 is to achieve "[a] robust, preventative regime for the inspection of prisons in Ireland and the investigation of deaths in custody, or other investigations relating to the management or operation of a prison, recognised as meeting or exceeding national requirements and international best practice."

2 OUR AMBITION STATEMENTS 2020 – 2023

2.1 Our Ambition Statements

In order to realise our Vision, we have published a set of four Ambition Statements. These give a clear indication of the specific outcomes which the Inspectorate aims to achieve by the end of 2023 – dependant, of course, on the approval of resources and meaningful dialogue with the IPS and other stakeholders.

Promote a robust, preventative regime of independent inspections of Prisons which promotes quality and protects human rights.

- A comprehensive and systematic programme of inspections of Ireland's prisons which is independent, transparent, prevention-focussed and in line with, or exceeding all national requirements and international obligations and best practice.

Provide a robust regime of investigating deaths in custody and/or any matter arising out of the operation or management of a prison

- Independent, timely and transparent investigations of all Deaths in Custody or investigations on any matter arising out of the operation or management of a prison as determined by the Chief Inspector of Prisons.

Provide public assurance regarding the handling of complaints

- Oversight of the Prisoner Complaints Process in a manner which commands the confidence of prisoners, staff and the public that is robust and fair.

Build public confidence in the work of the inspectorate

- Through demonstrating the robust, comprehensive and independent nature of the Inspectorate's inspection framework, work programmes and outputs, building public confidence that the Inspectorate is fulfilling its statutory mandate and function.

2.2 Delivering on our Vision

A planned programme of activity across all areas of the Inspectorate, incorporating seven identified objectives, will deliver on our ambition statements and vision. **Table 1** illustrates these objectives and how they link to delivery.

Table 1: Delivery of Ambition Statements

Ambition Statements Objectives	1. Provide a robust, preventative regime of independent inspections of prisons which promotes quality and protects human rights	2. Provide a robust regime for investigating SAIs (including DiCs) in prisons and any matter arising out of the operation or management of a prison	3. Provide public assurance regarding the handling of complaints	4. Build public confidence in the work of the Inspectorate	5. Fulfil an extended remit across other specified places of detention in the justice system	6. Fulfil the range of activities required to support or coordinate the NPM
1. We will develop and maintain the framework, approaches and processes to underpin robust regimes for inspection and investigation and overseeing prisoner complaints	✓	✓	✓	✓		
2. We will implement the new operating model required to deliver our mission and statutory duties in line with national and international requirements and obligations	✓	✓	✓	✓	✓	✓
3. We will undertake and maintain a robust programme of inspection throughout all of Ireland's prisons	✓			✓		
4. We will investigate all DiCs and SAIs as identified by the Inspector in a robust and timely manner		✓		✓		
5. We will develop and maintain collaborative relationships with partner organisations and with international networks	✓	✓	✓			
6. We will maintain readiness to take on additional duties as required by Government					✓	✓
7. We will provide a valuable oversight function for the IPS prisoner complaints process			✓	✓		

3 GOVERNANCE

3.1 Internal Controls

The “comply or explain” provision of the Code of Practice for the Governance of State Bodies (2016) has been applied to the Office of Inspector of Prisons. As the Office falls under the Justice Vote (Vote 24), it does not have its own Internal Audit Unit or Audit and Risk Committee. Furthermore, it is not required to produce Annual Financial Statements. The Office has access to the Department’s Internal Audit and Internal Audit and Risk Committee in relation to financial governance. The Department’s Financial Management Unit reports on the Office’s income and expenditure in its monthly management reports. The monthly reports are reviewed by the Inspector and procedures are in place to ensure expenditure is authorised in accordance with the Department’s policies and procedures. The Office is compliant with tax law obligations.

All Irish public bodies are obliged to treat public funds with care, and to ensure that the best possible value for money is obtained whenever public money is being spent or invested. The Public Spending Code is the set of rules and procedures that ensure that these standards are upheld across the Irish public service. The Office of the Inspector of Prisons has adhered to all relevant aspects of the Public Spending Code.

The Code of Governance for State Bodies 2016, requires the provision of a Statement of Internal Controls (SIC). The SIC applies to all controls operating in the Office of the Inspector of Prisons, including ICT matters. On 25 February, 2021, the IM&T Division in the Department of Justice confirmed that to the best of their knowledge and belief, adequate ICT controls, as set out in a Statement of Assurance, are in place and operating effectively.

The Office of the Inspector of Prisons has developed a Risk Management System and associated Risk Register which is kept under continuing review. The Risk Register sets out current controls to mitigate risks and actions to improve controls. An updated copy of the Risk Register was provided to the Department of Justice in 2020.

Procurement undertaken by the Office in 2021 was carried out following consultation with departmental officials and in accordance public procurement guidelines.

3.2 Oversight Agreement

In accordance with the 2016 edition of Code of Practice for the Governance of State Bodies, an Oversight Agreement between the Office of the Inspector of Prisons and the Department of Justice was agreed in May 2020. The Agreement, which extends to the end of 2022, sets out the broad governance and accountability framework within which the OIP operates and defines the key roles and responsibilities which underpin the relationship between the OIP and the Department.

In compliance with Section 3 of the Agreement, three formal governance meetings between officials from the Department of Justice and the Office of the Inspector of Prisons took place during 2021:

- 11 March 2021
- 15 July 2021
- 13 December 2021

3.3 Performance Agreement

A Performance Delivery Agreement for 2021, which is complementary to the Oversight Agreement, was agreed between the Department and the Office of the Inspector of Prisons on 15 March 2021.

The purpose of the Agreement is to define, in the context of the resource inputs provided, the targets by which the performance of the Office of the Inspector of Prisons (OIP) for 2021 is to be measured. These agreed targets are set out in **Table 2** below. Owing to public health measures and the OIP's commitment to the principle of "do no harm", it was not considered appropriate to complete a general prison inspection in 2021, which would have required large inspection teams to enter prison premises over extended periods of time (see page 11). In response to the risk of COVID-19 infection transmission, the OIP adjusted its inspection schedule as it was considered critical to inspect all prisons during the pandemic and therefore decided to carry out COVID-19 Thematic Inspections across all prisons in Ireland. All COVID-19 Thematic Inspections adopted a wide approach to inspection and covered all inspection Focus Areas, as provided for in *A Framework for the Inspection of Prisons in Ireland (2020)*. This pivot in approach, due to COVID-19, was communicated to the Department of Justice at the outset of 2021.

The mechanisms for monitoring and appraising performance, form part of the overall governance arrangements between the two parties and, as such, are set out in the Oversight Agreement 2020 - 2022.

The Agreement also set out the main risks identified as potentially impacting on the capacity to achieve the targets and the mitigation measures.

Table 2: Performance Agreement Targets

Output area or initiative	Metric	Associated strategic objective	2021 Target	2021 Outturn	Comment
<i>Prison Inspection</i>	Full Inspection Report submitted to the Minister by end Q4	1, 3	1	0	Inspection strategy revised having regard to COVID-19 pandemic, decision to inspect all prisons, and OIP adherence to principle of do no harm.
<i>Thematic/ Focused Inspections</i>	Thematic/Focused (management of COVID) reports submitted to Minister by end Q3	1, 3	1	12	Target exceeded.
<i>Death-in-Custody investigations</i>	% of Death in Custody investigation report backlog cleared	4	53%	66.7%	Target exceeded.
<i>Letters received from prisoners under Rule 44 of the Prison Rules</i>	% of correspondence received from prisoners under Rule 44 acknowledged within five working days	1	100%	48%	All letters received were replied to. Delay in not meeting five day target was due to increased administrative tasks associated with other statutory functions.
	% of final replies issued within 20 working days		100%	41%	By year end, three Rule 44 letter substantive responses were outstanding.
<i>Review of Category A prisoner complaints</i>	% of Category A complaints reviewed within 20 days of receipt	7	100%	91.3%	Category A complaints not reviewed by year end were received by OIP in late December 2021.
<i>Induction, Learning and Development</i>	% of new staff that receive induction following appointment by end Q1	2	100%	100%	
	% of staff that receive bespoke training relating to OIP statutory functions by end Q1		100%	100%	

4 ACHIEVEMENTS – INSPECTION AND INVESTIGATION

4.1 Inspections

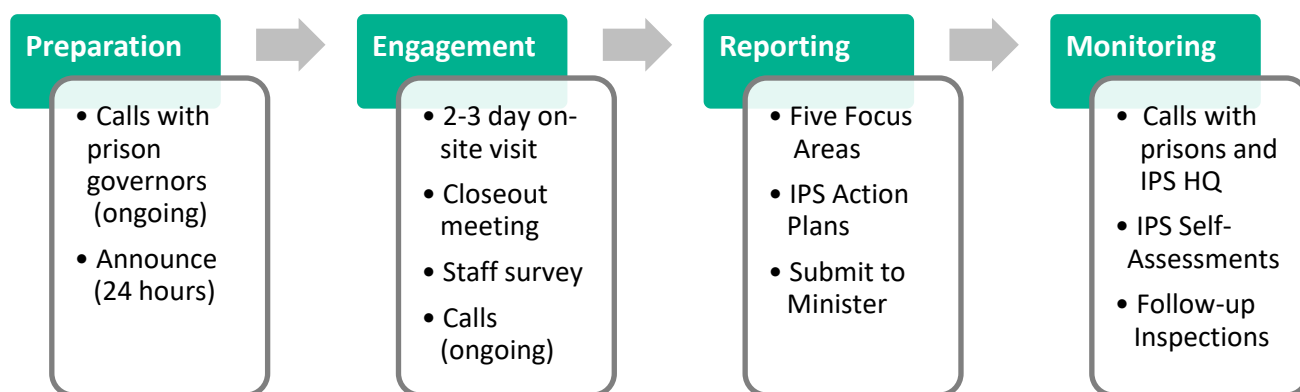
Despite the challenges of COVID-19, all prisons in Ireland were inspected and inspection reports submitted to the Minister for Justice over the course of the year. The situation with COVID-19, and the commitment to the principle of “do no harm,” were cause for the OIP to amend its inspection schedule from three General Inspections (comprising large teams of more than ten people for periods of approximately two weeks), to shorter inspections (comprising small teams of two to four inspectors) of all prisons. The OIP carried out twelve COVID-19 Thematic Inspections, which were complemented by the COVID-19 Staff Survey.

COVID-19 Thematic Inspection visits were announced short visits of between two and three days in duration, whereby the primary focus of the visit was on how people in prison experienced and were impacted by COVID-19. The information obtained through inspections visits was complemented by calls to prisons,¹ continuous communications with the Irish Prison Service (IPS), which included 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 were carried out in a systematic and risk-informed basis, in line with the Office of the Inspector of Prisons Infection Control Protocol. Based on internal information and information received from the IPS, the Inspectorate determined if a visit to a prison was (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 were announced, with prisons provided with at least a 24-hour notice in advance of the inspection.

The Focus Areas for all OIP inspections, including the COVID-19 Thematic inspections are: Respect & Dignity, Safety & Security, Health & Wellbeing, Rehabilitation & Development and Resettlement, as set out in the 2020 *A Framework for the Inspection of Prisons in Ireland*. Within the five Focus Areas, inspections may assess a number of themes, as outlined in Figure 1.

Figure 1: COVID-19 Thematic Inspections Process



¹ OIP, *COVID-19 Call Template* (2021).

² OIP, *COVID-19 Prison Staff Survey* 30 April-16 May 2021, published 20 December 2021.

Status of COVID-19 Thematic Inspection Reports

All twelve COVID-19 Thematic Inspection reports were submitted to the Minister for Justice in 2021, and at year end, eight reports had been published. **Table 3** provides an overview of the COVID-19 Thematic Inspection activity for 2021.

Table 3: COVID-19 Thematic Inspections

Prison	Inspection Dates	Draft Report to IPS	Action Plan / comments received from IPS	Final Report Submitted to Minister	Publication Status on 31/12/21
<u>Mountjoy Men's Prison</u>	1 - 3 March	24 March	15 April	5 May	3 August 2021
<u>Cloverhill Prison</u>	18 - 19 March	13 April	4 May	5 May	3 August 2021
<u>Wheatfield Prison</u>	6 - 7 April	10 May	28 May	15 June	3 August 2021
<u>Limerick Prison</u>	6 - 7 April	21 May	11 June	15 June	3 August 2021
<u>Portlaoise Prison</u>	22 - 23 April	2 June	25 June	21 July	17 December 2021
<u>Shelton Abbey</u>	22 - 23 April	8 June	25 June	21 July	17 December 2021
<u>Arbour Hill Prison</u>	12 - 13 May	27 July	30 Aug	3 Sept	17 December 2021
<u>Cork Prison</u>	31 May - 1 June	12 Aug	2 Sept	3 Sept	17 December 2021
<u>COVID-19 Staff Survey</u>	30 April - 16 May			3 Sept	20 December 2021
Midlands Prison	16 - 18 June	8 Sept	7 Oct	19 Nov	Not Published
Loughan House	5 Aug	27 Sept	11 Nov	19 Nov	Not Published
Castlerea Prison	25 - 26 Aug	8 Oct	8 Dec	23 Dec	Not Published
Dóchas Centre	14 - 15 Sept	29 Nov	22 Dec	23 Dec	Not Published

Table 4 provides ten issues determined by the OIP, based on the COVID-19 Thematic Inspections, to be areas of concern across the twelve prisons.

Table 4: Top Ten Issues Highlighted in COVID-19 Inspection Reports

Issue	Inspection Issues
1. Quarantine/ Isolation	Periods of COVID-19 related quarantine and isolation have negatively impacted on people in custody, with a lack of meaningful human contact, long periods in cells (isolation periods of up to 14 days did not permit any out-of-cell-time) and limited engagement with services. The majority of prisoners in isolation for COVID-19 were not permitted to shower.
2. Language & Info Accessibility	Prisoners entering quarantine, in the majority of prisons, were not provided with written information, in a language and form they can understand, about the quarantine process.
3. Family Contact - Visits	Restrictions on in-person visits have resulted in many people in custody not seeing their families for more than a year. No person in custody has been able to engage in physical contact with family since the beginning of the pandemic.
4. Access to Rehabilitation Services	As a result of COVID-19, rehabilitation services in prisons have been lacking, with prisoners unable to engage with in-person services for the majority of the pandemic. Group programmes, required to fulfil Parole Board requirements, did not take place over the pandemic.

Issue	Inspection Issues
5. Family Contact - Post	Postal communications in many of the prisons have experienced delays, with the office tasked with processing post often being understaffed in many prisons.
6. Prisoner Escort Model	The prisoner escort model requires review as it impacts on the operation of prisons, specifically as the current model undermines prisoners' access to rehabilitation services in prisons.
7. Meal Times	Meal times in many of the prisons did not align with the usual order of meals in the general community. Many prisoners reported feeling hungry as a result of being provided a lunch-size meal at 16:00 each day.
8. Remote Courts and Access to Justice	Remote courts have assisted in ensuring people in custody are able to attend court sessions, but many prisoners reported feeling disengaged during the process, and did not feel as though they could communicate with their legal representation during remote court sessions.
9. Access to Education	Access to education has been limited over the pandemic as teachers were not able to physically attend the prison for many months.
10. Prisoner Population	Any increase in the prison population negatively impacts on the ability to socially distance, provide services and ensure the protection of human rights for people in custody.

Recommendations

The OIP issued recommendations to prison governors and the Director General of the Irish Prison Service; the majority of which focused on COVID-19. However, given that COVID-19 Thematic Inspections assessed all prisons across the Five Focus Areas, other recommendations were also issued to specific prisons. **Figures 2 and 3** illustrate the breakdown of recommendations made in relation to each Focus Area.

Figure 2: Recommendation Focus Areas, By Prison

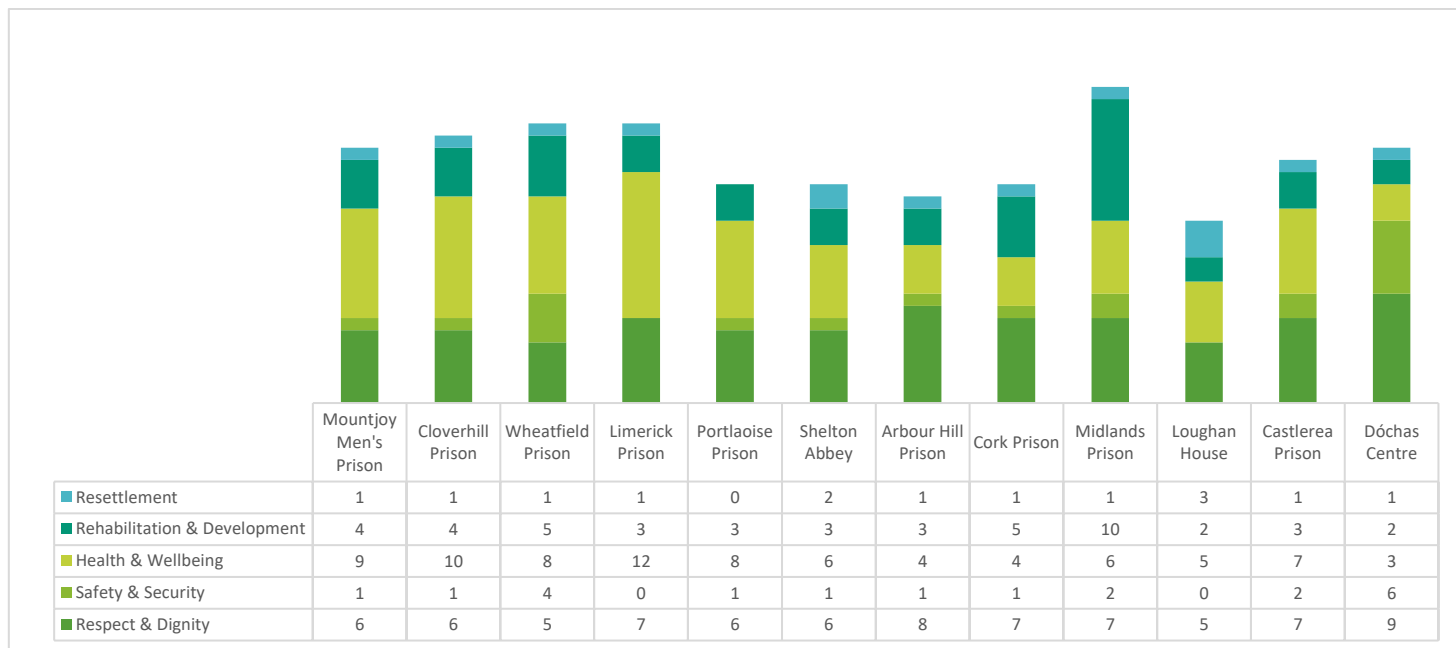
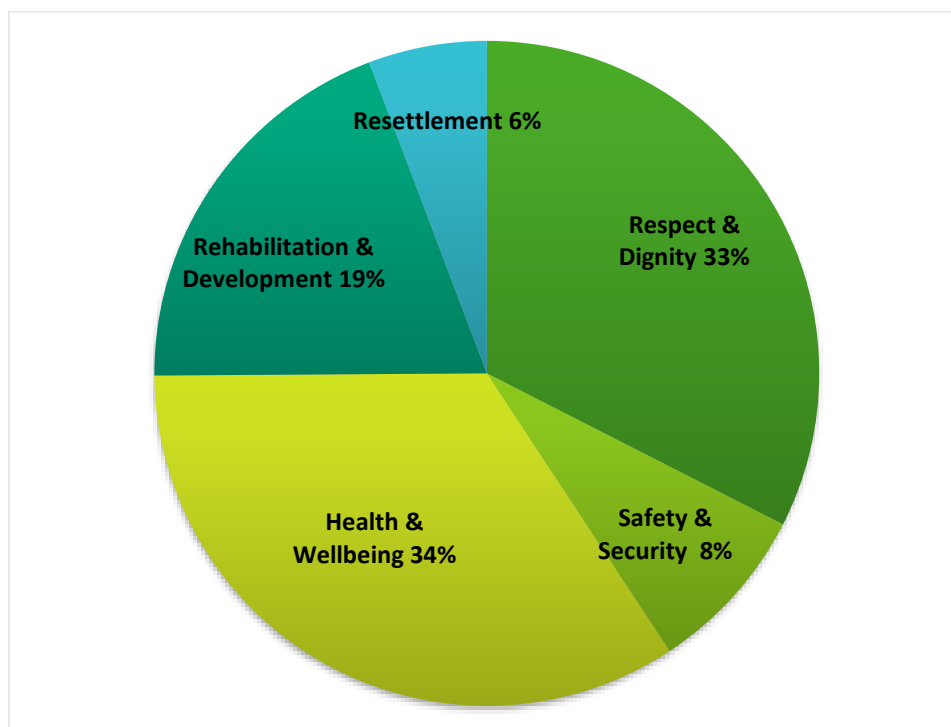


Figure 3: OIP COVID-19 Thematic Inspection Recommendations by Focus Area (%)



Of the 242 recommendations made across the 12 COVID-19 Thematic Inspections, many were recurring recommendations, as detailed below (**Figure 4**):

Figure 4: COVID-19 Thematic Inspections, Recurring Recommendations

In 12 reports, the OIP recommended that measures be taken to provide psychological support to prisoners both during and after quarantine/isolation	In 10 reports, the OIP recommended that prison authorities create opportunities to reduce the prison population to reduce the risk of COVID-19 transmission	In 7 reports, the OIP recommended that quarantined prisoners have daily access to showers, if not, a <u>minimum</u> of 2 times in a 7-day period. (Rule 19.4 EPRs, CPT Min Decency Threshold)
In 10 reports, the OIP recommended that written and oral information on quarantine procedures be provided to prisoners in a language and format the prisoner understands (Rule 54, UN Mandela Rules)	In 10 reports, the OIP recommended that the scheduling of meal times be amended to reflect times in the community. (Rule 22, UN Mandela Rules, Rule 22.4 EPRs)	In 8 reports, the OIP recommended that prison authorities monitor and speak with prisoners about the impact of remote court hearings and the right to a fair trial (Art 6 of ECHR, Art 14(3) of ICCPR)
In 8 reports, the OIP recommended that prisoners in quarantine / isolation have at least 1 hour in the open air on a daily basis (Rule 27.1 EPRs)	In 12 Reports, the OIP recommended that the IPS make digital tablets (pre-loaded with education materials) available for prisoner use.	In 9 reports, the OIP recommended that prisoners are actively engaged and contributing to their sentence plan and have regular meetings with the ISM officer.

Fifteen recommendations were made to six or more prisons; indicating systemic issues across the prison service (**Table 5**).

Table 5: COVID-19 Thematic Inspection Recommendations, made to 6 or More Prisons

Recommendation Themes	Prisons
COVID-19 Meaningful Human Contact (9)	Mountjoy Men's Prison; Cloverhill Prison, Wheatfield Prison, Limerick Prison, Portlaoise Prison, Shelton Abbey, Cork Prison, Midlands Prison, Arbour Hill Prison
COVID-19 Provision of Framework/ Unwinding Restrictions to Prisoners (8)	Limerick Prison, Portlaoise Prison, Shelton Abbey, Arbour Hill Prison, Cork Prison, Midlands Prison, Loughan House, Castlerea Prison
COVID-19 Isolation/ Quarantine Fresh Air (8)	Mountjoy Men's Prison, Cloverhill Prison, Wheatfield Prison, Limerick Prison, Portlaoise Prison, Arbour Hill Prison, Cork Prison, Midlands Prison
COVID-19 Mental Healthcare (12)	Mountjoy Men's Prison, Cloverhill Prison, Wheatfield Prison, Limerick Prison, Portlaoise Prison, Shelton Abbey, Arbour Hill Prison, Cork Prison, Midlands Prison, Loughan House, Castlerea Prison, Mountjoy Women's Prison - Dóchas Centre
COVID Quarantine/Isolation Provision of Information (10)	Mountjoy Men's Prison, Cloverhill Prison, Wheatfield Prison, Limerick Prison, Shelton Abbey, Arbour Hill Prison, Cork Prison, Midlands Prison, Castlerea Prison, Mountjoy Women's Prison - Dóchas Centre
COVID-19 Access to Showers (7)	Mountjoy Men's Prison, Cloverhill Prison, Wheatfield Prison, Limerick Prison, Portlaoise Prison, Arbour Hill Prison, Midlands Prison
Education - Digital Tablets (12)	Mountjoy Men's Prison, Cloverhill Prison, Wheatfield Prison, Limerick Prison, Portlaoise Prison, Shelton Abbey, Arbour Hill Prison, Cork Prison, Midlands Prison, Loughan House, Castlerea Prison, Mountjoy Women's Prison - Dóchas Centre
Meal time Scheduling (10)	Mountjoy Men's Prison, Cloverhill Prison, Wheatfield Prison, Limerick Prison, Portlaoise Prison, Shelton Abbey, Arbour Hill Prison, Cork Prison, Midlands Prison, Loughan House
Increase Green Space (6)	Cloverhill Prison, Wheatfield Prison, Portlaoise Prison, Cork Prison, Midlands Prison, Castlerea Prison
Integrated Sentence Management (9)	Mountjoy Men's Prison, Cloverhill Prison, Wheatfield Prison, Limerick Prison, Shelton Abbey, Arbour Hill Prison, Midlands Prison, Loughan House, Mountjoy Women's Prison - Dóchas Centre
Access to Library (7)	Mountjoy Men's Prison, Cloverhill Prison, Wheatfield Prison, Limerick Prison, Arbour Hill Prison, Cork Prison, Midlands Prison
Reduction in Prisoner Population (10)	Mountjoy Men's Prison, Cloverhill Prison, Wheatfield Prison, Portlaoise Prison, Shelton Abbey, Arbour Hill Prison, Cork Prison, Midlands Prison, Castlerea Prison, Mountjoy Women's Prison - Dóchas Centre
Mitigate COVID-19 Rule Amendments (6)	Mountjoy Men's Prison, Cloverhill Prison, Wheatfield Prison, Portlaoise Prison, Cork Prison, Midlands Prison
Access to COVID-19 Test Results (6)	Mountjoy Men's Prison, Cloverhill Prison, Wheatfield Prison, Limerick Prison, Portlaoise Prison, Shelton Abbey
Remote Court Consultation with Prisoners (8)	Cloverhill Prison, Limerick Prison, Portlaoise Prison, Shelton Abbey, Cork Prison, Midlands Prison, Castlerea Prison, Mountjoy Women's Prison - Dóchas Centre

The Irish Prison Service did not accept a number of OIP recommendations, six of which were made in respect of two or more prisons, as outlined in **Table 6**.

Table 6: COVID-19 Thematic Inspection Recommendations Not Accepted by IPS

Recommendations	Prisons (not accepted)
<p>COVID-19 Test Results</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>Mountjoy Men's Prison Cloverhill Prison Wheatfield Prison Limerick Prison Portlaoise Prison Shelton Abbey</p>
<p>Bedding</p> <p>Prisoners in quarantine/isolation must be provided with a daily change of clothing and a weekly change of bedding. (Mountjoy Prison)</p> <p>Prisoners in quarantine/isolation must be provided with a daily change of clothing. (Limerick Prison)</p>	<p>Mountjoy Men's Prison Limerick Prison</p>
<p>COVID-19 Restricted Regimes: Meaningful Human Contact</p> <p>Two hours of meaningful human contact must be facilitated each day for people in quarantine/isolation.</p>	<p>Mountjoy Men's Prison Wheatfield Prison Limerick Prison Portlaoise Prison Shelton Abbey</p>
<p>COVID-19 Restricted Regimes: Access to Fresh Air</p> <p>Prisoners in quarantine/isolation must have access to at least one hour in the open air each day.</p> <p><i>The Irish Prison Service accepted this recommendation for Mountjoy and Cloverhill prisons, these two COVID-Thematic Inspections took place at an earlier stage, March 2021.</i></p>	<p>Wheatfield Prison Limerick Prison Portlaoise Prison Arbour Hill Prison Cork Prison Midlands Prison</p>
<p>Exercise Rule 32A</p> <p>In line with the requirement to ensure "meaningful human contact", the Inspectorate recommends that the 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><i>It was also a recommendation made by the OIP in Cork Prison and Midlands Prisons Inspections, in which it was partly accepted by the Irish Prison Service.</i></p>	<p>Mountjoy Men's Prison Cloverhill Prison Wheatfield Prison Portlaoise Prison</p>
<p>Ease of Quarantine Restrictions</p> <p>Considering the unwinding of COVID-19 restrictions in the community, the Principle of Equivalence, and other relevant factors, such as the high vaccination uptake in prisons, the OIP urges the Irish Prison Service to seek further guidance from the Health Service Executive to ease mandatory quarantine periods for prisoners, and consider alternative protective measures, such as use of FFP2 masks and restriction on movements while awaiting a test result.</p>	<p>Loughan House Castlereagh Prison</p>

The Monitoring component of the Inspection Framework is fundamental to assessing implementation of the recommendations made in inspection reports to ensure human rights standards in prisons. The OIP developed a Recommendations Monitoring Policy in November 2021, and has agreed to twice-yearly Self-Assessments with the IPS. Monitoring status updates will be provided through twice-yearly IPS Self-Assessment status updates and through Follow-up Inspections carried out by the OIP. In 2021, the OIP carried out Follow-Up Inspections in Limerick Prison (17 November 2021) and Wheatfield Prison (2 December 2021). The first status update templates (for Inspections and Death in Custody Investigations) were provided to the IPS on 8 November 2021 with a one-month deadline for return. As of 31 December 2021 receipt of the IPS Self-Assessments was outstanding. The OIP has committed to the development of a monitoring database, which will be made publicly available on the OIP website.

Other Inspection Activities

In addition to the Thematic Inspections, a COVID-19 Prison Staff Survey was carried out during the period of 30 April to 16 May 2021. The objective of the survey was to capture prison staff experiences of working during the pandemic. This activity complemented the Thematic Inspections as it focused on the perspective of staff working in and managing prisons during the pandemic. An invitation to participate in the survey was sent to 3,471 Irish Prison Service staff and 220 teachers (whole-time equivalent) employed by Education and Training Boards Ireland (ETBI) working in prisons; 562 participant responses were received, representing a response rate of about 15%.

The COVID-19 Staff Survey report on the methodology and findings of the survey was submitted to the Minister on 3 September and published on 20 December 2021.

Key findings identified in the COVID-19 Prison Staff Survey are provided in **Figure 5**.

Figure 5: Key Findings, OIP COVID-19 Prison Staff Survey

COVID-19 Policies	COVID-19 Safety	Top 3 COVID-19 Preventive Measures	COVID-19 Impact on Prisoners	Mental Health Impact on Prisoners
<ul style="list-style-type: none"> 78% of respondents agreed that IPS COVID-19 policies were clear 	<ul style="list-style-type: none"> 57% of respondents felt safe at work during COVID-19 	<ul style="list-style-type: none"> Cleaning/disinfecting staff common areas (14.1%) Suspending family visits (13.2%) Testing and quarantining new committals (11.7%) 	<ul style="list-style-type: none"> 90% of respondents thought that prisoner well-being was impacted by COVID-19. 	<ul style="list-style-type: none"> 52% of respondents thought the number of prisoners requiring mental healthcare service had increased during COVID-19

The OIP developed an Information Booklet for Prisoners (in eight languages), which was distributed to prisoners at the outset of every COVID-19 Thematic Inspection. Digital copies of the booklets were provided to prisons to be shared with prisoners upon committal. An OIP information video was also prepared for dissemination on in-cell TV channels.

The OIP developed prisoner and staff surveys for use during General Prison Inspections. These surveys were designed, pre-tested and piloted with the assistance of representatives from: the Pathways Centre (Teachers and Students); Pavee Point; the Prisoner Support Network; SSGT - Travellers in Prison Initiative; Irish Penal Reform Trust (IPRT); Her Majesty's Inspectorate of Prison for Scotland (HMIPS); the Scottish Prison Service; Criminal Justice Inspection Northern Ireland (CJINI); the Office of the Inspector of Custodial Services - Western Australia; Her Majesty's Prison and Probation Service (HMPPS); the Prisons Research Centre at the Institute of Criminology, Cambridge University; the Department of Law at Maynooth University; and the Prisons: the Rule of Law, Accountability &

Rights (PRILA) project at Trinity College Dublin. The surveys were developed in 2021, but were not utilised during the year given the need to prevent transmission of COVID-19.

The OIP provided a status update poster on the COVID-19 Thematic Inspection reports to all prison governors with a request that it be provided to all prisoners; copies of the poster (in five languages) were distributed to all prisons in early December 2021.

4.2 Investigations

Since 2012, the Minister has requested the Inspector of Prisons to investigate deaths of people in prison custody. In 2018, clarification was received that the Inspector is also requested to investigate the death of any person which occurs within one month of their temporary release from prison custody.

The objectives for Inspector of Prisons investigations of deaths in custody are to:

- Establish the circumstances and events surrounding the death, including the care provided by the IPS;
- Examine whether any changes in IPS operational methods, policy, practice or management arrangements could help prevent a similar death in future;
- Ensure that the prisoner's family have an opportunity to raise any concerns they may have, and take these into account in the investigation;
- Assist the Coroner's investigative obligation under Article 2 of the European Convention on Human Rights, by ensuring as far as possible that the full facts are brought to light and any relevant failing is exposed, any commendable practice is identified, and any lessons from the death are learned; and
- Identify areas that may be pivotal in achieving or obstructing progress of the Department of Justice 2021 to 2023 Strategy to create a "Safe, Fair and Inclusive Ireland" (Goals 2 and 3).

OIP Death in Custody investigations are part of a three pronged external process - the other elements being the investigation by An Garda Síochána, and the Coroners inquiry and inquest which determines the cause of death. The combination of An Garda Síochána's Investigation and the Coroner's Inquest, together with the OIP investigation demonstrates Ireland's compliance with national and international obligations laid down in Article 2 of the European Convention on Human Rights.

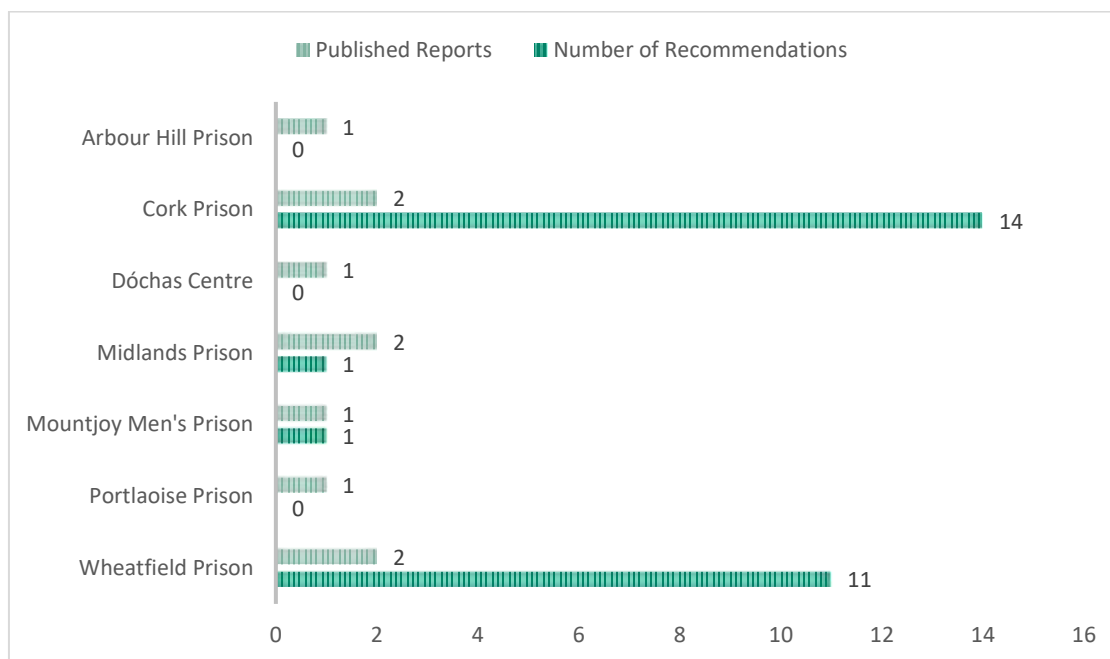
During 2021, the number of deaths in custody reported to the OIP fell by thirty-nine per cent (39%) from thirteen cases in 2020 to eight in 2021.

As part of the 2021 Performance Delivery Agreement, the OIP made a commitment to clear 53% of the death in custody investigations backlog. In 2021, the OIP exceeded the target and cleared 66.7% of this backlog.

The Inspector of Prisons does not have the authority to publish investigation and inspection reports, and by year-end the Minister for Justice had published 10 of the 18 Death in Custody Investigation reports submitted.

The breakdown of the 10 published Death in Custody Investigation reports per prison, and number of recommendations made in relation to each is provided in **Figure 6**.

Figure 6: 10 Published Reports with Recommendations across Prisons in 2021



Death in Custody Investigation reports include, where considered appropriate, recommendation(s) for the Director General of the IPS to consider. The Director General is asked to confirm if she accepts the recommendation(s). Where a recommendation is not accepted she is asked to provide a reason(s). A SMART Action Plan (specific, measurable, achievable, realistic and time-bound) with Corrective Actions and Preventative Actions (CaPas) to address the recommendation(s) accepted or part-accepted is also requested. In the ten reports published during 2021, six contained recommendations; 27 recommendations in total. The OIP did not make recommendations in four of the published reports (Table 7).

Table 7: 2021 Death in Custody Published Investigation Reports: Recommendations

Investigation Report	Number of Recommendations	Recommendation Accepted	Recommendation Part Accepted	Recommendation Not Accepted ³
Mr D 2019	7	7		
Mr F 2018	6	4		2
Mr K 2019	1	1		
Mr C 2019	1	1		
Mr L 2018	8	6	1	1
Mr D 2018	4	4		
Total	27	23	1	3

³ OIP. Investigation Report into the Death of Mr F 2018 – Action Plan (2021) <https://www.oip.ie/wp-content/uploads/2021/10/IPS-Action-Plan-relating-to-the-death-of-MrF-2018.pdf>, and OIP. Investigation Report into the Death of Mr L 2018 – Action Plan (2021) <https://www.oip.ie/wp-content/uploads/2021/04/Irish-Prison-Service-Action-Plan-relating-to-the-Death-of-Mr-L-2018.pdf>.

The IPS Action Plans, developed by the Irish Prison Service, in response to recommendation(s) made in Death in Custody Investigation reports, are published in conjunction with the investigation reports and are available on the [OIP website](#).

The OIP will continue to monitor the application and effectiveness of the IPS committed actions during the course of 2022. Monitoring status updates will be provided through twice-yearly IPS Self-Assessment status updates and through Follow-up Inspections carried out by the OIP.

During 2022, an analysis will be conducted of all recommendations made in Death in Custody Investigation reports since the Inspectorate commenced these investigations in 2012. The analysis will identify trends, progress and areas of concern.

Revised Policy for the Investigation of Deaths in Custody

The Minister for Justice, in accordance with Section 31(2) Prisons Act 2007, requested the Inspector of Prisons to investigate deaths in prison custody. The investigations of deaths in custody are also required as part of the State's obligations contained in Article 2 of the European Convention on Human Rights: the general obligation to protect by law the right to life. To assist in meeting these obligations a revised OIP [Death in Custody Investigation Policy](#) was introduced in 2021. A key principle of this policy is engagement with families of people who died while in prison or within thirty days of temporary release from custody, to afford them the opportunity to raise concerns and questions for consideration during the course of the OIP investigation.

Information for Families

In 2021, the OIP developed a [pamphlet](#) to provide information for families on the role of the OIP in a death in custody investigation as well as contact details for bereavement support services.

5 COMPLAINTS

In previous years, the Inspectorate was able to provide information on the breakdown of categories of complaints made in each prison per month, for the year. However, as of 14 February 2022, the OIP is not in a position to provide this breakdown for 2021 as all the information required from the Irish Prison Service has not been provided.

Prisoner complaints data should be provided to the Inspectorate on a monthly basis by a designated Prison Liaison Officer in the IPS. In 2021, it was necessary for the Inspectorate to follow-up with the IPS in cases where incomplete complaints information was received and data was still outstanding at 31 December 2021.

The number and category breakdown of prisoner complaints notified to the OIP during 2021 is provided below. This analysis is based on the data received by the Inspectorate from the Irish Prison Service monthly returns. Similar to previous years, Loughan House Open Centre recorded no complaints in 2021.

There are reporting obligations on the IPS under Rule 57(B) in relation to allegations of a serious nature, such as assault or use of excessive force against a prisoner or ill treatment, racial abuse, discrimination, intimidation, threats – i.e. Category A Complaints.

Analysis of Category A Complaints

As illustrated in **Table 8**, the Inspectorate received notification of 89 Category A complaints from a total of 11 prisons. **Tables 9 and 10** provide further detail with regard to notification requirements and compliance with Rule 57(B).

Table 8: Category A Complaint Notifications to the Inspector of Prisons

Place of Detention	2021 Notifications of Category A Complaints
Arbour Hill	3
Castlerea Prison	5
Cloverhill Prison	32
Cork Prison	5
Mountjoy Women's Prison - Dóchas Centre	3
Limerick Prison	1
Midlands Prison	17
Mountjoy Men's Prison	8
Portlaoise Prison	9
Shelton Abbey	1
Wheatfield Prison	5
TOTAL	89

Table 9: Notification in accordance with Rule 57(B) Prison Rules 2007 – 2020

Rule 57(B) Prison Rules 2007 – 2020	<u>Total</u> received in 2021	Notification Received Relating to 2021	Notification Received Relating to 2020	Notification Received Relating to 2019	Notification Received Relating to 2018
Notifications of Category A complaints	89	84	5	0	0
Governor notification to Inspectorate within 7 days of being notified of the complaint [57B(4)]	75	72	3	0	0
Inspectorate shall be notified of the appointment of the investigator [57B(5)(a)]	68	53	15	0	0
Complaints deemed by the IPS DG to be vexatious, without foundation, or outside scope of rule and terminated. Inspectorate is notified of the decision and reasons for the decision [57B(5)(b)]	12	7	4	1	0
Complaints withdrawn by prisoners and DG decides investigation should be terminated. OIP is (a) advised and (b) the reasons documented [57B(5)(c)]	(a) 11 (b) 11	(a) 4 (b) 4	(a) 6 (b) 6	(a) 0 (b) 0	(a) 1 (a) 1
Complaints that proceeded to Investigation	77	73	4	0	0
Full investigation reports received by Inspectorate	85	34	42	5	4
Interim reports submitted to Inspectorate	47	26	13	3	5
Number of investigation reports received where complaint was grounded, upheld or partially upheld	16	4	11	0	0

Table 10 illustrates IPS compliance with statutory obligations related to investigation of Category A complaints in 2021, compared with previous years.

Table 10: Requirements of and Compliance with Rule 57B

Rule 57B Prison Rules 2007- 2020	% Compliance 2021	% Compliance 2020	% Compliance 2019
Governor notification to Inspector of Prisons within 7 days of being notified of the complaint [57B(4)]	84%	81%	79%
OIP shall be notified of the appointment of the investigator [57B(5)(a)]	63%	2%	30%
Complaints deemed by the IPS DG to be vexatious, without foundation, or outside scope of rule and terminated. Inspector of prisons is notified of the decision and reasons for the decision [57B(5)(b)]	100%	100%	100%
Complaints withdrawn by prisoners and Director General decides investigation should be terminated. The OIP is (a) advised and (b) the reasons documented [57B(5)(c)]	(a) 100% (b) 100%	(a) 100% (b) 100%	(a) 100% (b) 100%
Complaints that proceeded to investigation	87%	86%	97%
Full investigation reports received by OIP for new complaints in particular year	49%	32%	23%
Investigation reports received within 3 months	24%	3%	2%
Interim reports submitted to OIP for new complaints in particular year	40%	12%	3%
Number of investigation reports received where the complaint was grounded or upheld	13%	8%	33%

For 2021, the following is noted:

- Increased compliance by the Irish Prison Service across all notification areas;
- 84% of complaints were notified to the Inspectorate within 7 days - Rule 57(B)(4);
- Increase in the compliance rate of notification to the OIP of the appointment of an Investigator - Rule 57B (5)(a);
- 100% compliance with notification to the Inspectorate of complaints that were deemed vexatious or outside the scope - (Rules 57B (5)(b) or withdrawn (57B (5)(c));
- Full investigation reports received by the OIP doubled between 2019 and 2021. Despite this increase, the compliance remained low at 49%.

In 2021, the IPS developed an automatic notification system to assist with their compliance with Rule 57(B).

Observations from Review of Complaints

Deficiencies relating to the operation of the prisoner complaints procedure continued despite year after year reporting of these shortcomings.

In our oversight role the Inspectorate received a total of 85 Category A prisoner complaint investigation reports in 2021.

The Inspectorate was concerned that where an IPS-appointed Independent Investigators found grounds for the submitted complaint, the Governor assigned to review the investigation findings did not in all instances uphold the Independent Investigator's findings. Examples of this are provided below.

- In one case, the Governor disagreed with the Independent Investigator's findings and sought an internal review of the matter. This internal Irish Prison Service review found no grounds for the complaint. There are no grounds for an internal review in the Prison Rules 2007-2020.
- In another instance, the Inspectorate received a letter from the Governor which stated "*The Investigator conducted a detailed investigation into the matters raised and did not find any clear evidence to support the allegations made.*" The relevant report had not been received by the Inspectorate and when it was sought from the Irish Prison Service we were informed that the investigation report could not be located.
- 2021 saw an increase in the number of investigation reports submitted to the Inspectorate. Some reports contained an executive summary with limited supporting documentation. A Governor is provided with the same documentation that is provided to the OIP when making their decision. It continues to be a matter of concern for the Inspectorate that Governors are tasked with making decisions on serious allegations of wrongdoing without sight of the complete investigation file, including access to CCTV footage. Once again, the Inspectorate recommends that Governors should be provided with the complete investigation file to allow them to make an informed decision.
- In one case confirmation was sought by the OIP that a complaint had been referred to An Garda Síochána, as required by the Prison Rules 57(A). In response, the Inspectorate was informed that "*... An Garda Síochána were not notified of these allegations as the investigation has not yet been completed, and there were no cause and effects compelling the Governor to request a criminal investigation be conducted by the AGS at this point in the complaint process. However, we will inform the prisoner of his right to notify AGS and we will facilitate him in this regard if he wishes to do so.*" As the complaint was an allegation of assault it should have been reported to An Garda Síochána in accordance with Prison Rule 57A(1) which states that "*Any allegation by a prisoner to a prison officer or a member of the Irish Prison Service that an act has been committed that may constitute a criminal offence **shall** be notified, by such officer or member, to the Governor **and to the Garda Síochána** and the Governor...*" [emphasis added]. No discretion around informing An Garda Síochána in these circumstances is afforded by the Rule. In this case the obligation to report the matter to An Garda Síochána was not fulfilled.
- The Inspectorate noted that Independent Investigators also face challenges in accessing the materials required to complete investigations. In one investigation of alleged assault, the Investigator reported that "*[t]he handbook on methods of restraint is a restricted document and is not available to the investigator, it would be up to IPS management to assess the exact correctness or otherwise of the method of restraint used*". It is the view of the Inspectorate that without access to the "Handbook" it would not have been possible for the Investigator to make an informed decision as critical relevant evidence was not provided by the IPS. All material necessary for the completion of a fair and comprehensive investigation should be made available to an Investigator.

Consistently over the past five years, this Office has repeatedly reported that the prisoner complaints system is not fit for purpose.⁴ Unfortunately, the situation in 2021 did not improve and this is of critical concern to the Inspectorate. A prisoner complaints system should be fair and as my predecessor, Judge Reilly reported in 2016, staff, prisoners and the general public must have confidence in a complaints system.

In 2021 the Inspectorate received several letters from prisoners under Rule 44 of the Prison Rules 2007-2020 expressing frustration with the complaints system, particularly (i) not knowing if their complaint was being investigated; (ii) not being kept apprised of the status of the investigation; (iii) not having an avenue to appeal an outcome; and (iv) fear of adverse consequences for making a complaint.

To ensure the human rights of prisoners are observed, compliance by the Irish Prison Service with the statutory obligations pertaining to prisoner complaints is essential.

⁴ OIP. Annual Report 2020, p.24; OIP. Annual Report 2019, p. 42; and OIP. Annual Report 2018, p. 14; and OIP. Review, Evaluation and Analysis of the Operation of the present Irish Prison Service Prisoner Complaints Procedure 2016.

6 LETTERS FROM PRISONERS (RULE 44)

In accordance with Rule 44(1)(h) of the Prison Rules 2007 - 2020, a prisoner is entitled to send and receive an unopened letter to/from the Inspector of Prisons.

In 2021, the Office of the Inspector of Prisons received a total of 168 letters from 84 prisoners. This number represented a significant increase on previous years which is attributable, primarily, to increased prisoner awareness of the OIP. The letters were received from prisoners in eleven prisons; none were received from Loughan House Open Centre. **Table 11** illustrates the number of letters received from each prison and a comparison to the previous two years.

Table 11: Letters, Numbers and Comparison

Prison	2021	2020	2019
Arbour Hill Prison	9	3	2
Castlerea Prison	6	8	3
Cloverhill Prison	4	2	6
Cork Prison	3	0	0
Dóchas Centre	8	15	2
Limerick Prison	7	0	0
Limerick Women's Prison	2	0	0
Loughan House	0	0	0
Midlands Prison	69	12	12
Mountjoy Men's Prison	19	9	11
Portlaoise Prison	25	6	8
Shelton Abbey	3	1	1
Wheatfield Prison	13	3	1
Total	168	59	46

A wide variety of issues were raised in the letters received. The five most common being: (i) health issues (mental and physical), including access to healthcare; (ii) complaints procedures; (iii) behaviour of prison staff and prisoners; (iv) delays in receiving letters and in having letters posted, including legal correspondence; and (v) COVID-19 related issues, such as isolation, lack of visits, difficulties in contacting family, and accessing a shower.

7 INSPECTION OF PLACES OF DETENTION BILL DRAFT GENERAL SCHEME

In 2018, the Inspectorate was invited by the Department of Justice to make a submission on the Inspection of Places of Detention Bill Draft Scheme 2014. The Inspector submitted her views on 20 September 2018.

The Inspector of Prisons and Senior Inspectors met with senior colleagues in the Department of Justice Criminal Legislation Unit three times during the year, on 25 February, 12 March and 24 September.

The Inspectorate was provided with two Heads of the Draft Legislation, and views of the OIP on these Heads were sought and provided. Unfortunately, consultation was limited to these two Heads.

The Inspectorate looks forward to the opportunity to review the General Scheme of the Bill at the earliest opportunity in 2022, and in particular the Heads relating to the role, functions and powers of the Office of Inspector of Prisons.

The Inspectorate urges fulfilment of the Government's commitment to ratify the Optional Protocol to the Convention against Torture, and to take all necessary steps to provide a sound foundation for the Ireland's National Preventive Mechanism.

8 ACTIVITIES & EVENTS

The OIP endeavours on an ongoing basis to attend and/or participate in events of interest and to engage meaningfully with various stakeholders.

8.1 Cross-Departmental Engagement

During 2021, the Inspectorate engaged in cross-departmental networking and exchange over the course of the year, culminating in the November 2021 publication of the *Access to Mental Health Services for People in the Criminal Justice System* report, authored by Dr Susan Finnerty, Inspector of Mental Health Services (Mental Health Commission).

The Office of the Inspector of Prisons also carried out a “scoping visit” in Limerick Prison with the Department of Education Inspectorate in November 2021.

The Irish Prison Service sought observations, through public notification, on a review of the Prison Rules 2007-2020. In October 2021, the Office of the Inspector of Prisons prepared and submitted a “Submission to the Minister for Justice on the Review of the Prison Rules,” on potential changes to the Rules. In 2022, the Inspectorate looks forward to consultation with the Minister and her Department to enhance and strengthen the Prison Rules.

8.2 Internships

The Inspectorate hosted, in collaboration with Maynooth University, two students undertaking a Masters in Criminology. This was the inaugural internship placement of students with the Office of the Inspector of Prisons.

8.3 Events Participated In or Attended

(not exhaustive)

Department of Justice Leadership Programme Series

Exploring Effective Alternatives to Custody in the Management of Female Offenders, 19 January 2021, *Attendee*

Irish Penal Reform Trust (IPRT)

Progress in the Penal System (PIPS): Assessing Progress during a Pandemic (2020), 26 January 2021, *Attendee*

Dignity – Danish Institute Against Torture

Monitoring Health in Prisons, 13 January 2021, *Attendee*

Irish Penal Reform Trust (IPRT)

Prison Law Seminar. 25 February 2021, *Participant*

Trinity Women and Gender Minorities Review: Gender X Review

Gender and Prisons, 25 March 2021, *Participant*

Irish Council for Civil Liberties

Investigation of Deaths, 21 April 2021, *Attendee*

All-Party Oireachtas Group on Penal Reform

First Meeting, 28 April 2021, *Participant*

7th Annual Irish Criminal Justice Agencies [ICJA] Conference

Protecting the Human Rights of Vulnerable Suspects and Offenders: Defining, Identifying and Responding to Vulnerabilities, 4 June 2021, *Attendee*

Association for the Prevention of Torture (APT)

New Principles on Effective Interviewing for Investigations and Information Gathering, 9 June 2021, *Attendee*

OSCE Office for Democratic Institutions and Human Rights

Preventing and Addressing Sexual and Gender-Based Violence in Places of Deprivation of Liberty: ODIHR Thematic Workshop for Monitoring Mechanisms, 21 July 2021, *Attendee*

Oxford Centre for Restorative Practice (The Mint House)

Restorative Prisons: Introducing a Whole Prison Approach, 21 September 2021, *Attendee*

Council of Europe European NPM Conference

The Role of NPMs in the Effective Implementation of European Court of Human Rights Judgments and CPT Recommendations Police Ill-treatment and Effective Investigations into Alleged Ill-treatment, 20 – 22 September 2021, *Attendee*

Chief Justice's Working Group

Access to Justice Conference, 1 - 2 October 2021, *Attendee*

Travellers in Prison Initiative - National Conference 2021

Closing the Revolving Door: Travellers' Insights and Recommendations, 5 October 2021, *Attendee*

Freedom of Information Annual Conference

Theme, revision of the operation of FOI Legislation 21 October, 2021, *Attendee*

University of Nottingham and UK Prisons and Probation Ombudsman Virtual Conference

Prisoner Death Investigations: Improving Safety in Prisons and Societies, 3 November 2021, *Attendee*

Department of Justice Innovation Week

Innovation in the Criminal Justice Sector, 9 November 2021, *Attendee*

8.4 Stakeholder Engagement

The Office of the Inspector of Prisons continued to work alongside, and in dialogue with, our delivery Partners, including the Department of Justice, the Irish Prison Service and other key stakeholders. Throughout 2021, the Office of the Inspector of Prisons met with a number of stakeholders to exchange views and foster relationships.

The Inspectorate delivered presentations about the role and functions of the Office of the Inspector of Prisons to recruit prison officers during the year, both virtually and in-person.

The Inspectorate engaged with:

- Irish Prison Service
- The Probation Service
- Her Majesty's Inspectorate of Prison for Scotland (HMIPS)
- Her Majesty's Inspectorate of Prisons (HMIP)
- European Committee for the Prevention of Torture (CPT)
- Prisons: the Rule of Law, Accountability and Rights (PRILA)
- Irish Penal Reform Trust (IPRT)
- Department of Education Inspectorate (DOE)
- Health Service Executive (HSE)
- An Garda Síochána (AGS)
- Garda Síochána Ombudsman Commission (GSOC)
- International Committee of the Red Cross (ICRC)
- Irish Human Rights and Equality Commission (IHREC)
- Travellers in Prison Initiative - St Stephen's Green Trust
- Crime and Security Group, Law Department, Maynooth University (MU)
- Research Project on Prison Services - Queens University Belfast (QUB)

9 CORPORATE INFORMATION

9.1 COVID-19 Protocols

During 2021, the Inspectorate Team adhered to public health advice around awareness and the spread of the COVID-19 Virus. Staff continued to work remotely where possible. Arrangements consistent with guidelines were in place in both of our locations where it was necessary for individuals to attend the office.

An OIP Infection Protocol around attendance in prisons was put in place in February 2021 to ensure adherence to public health guidelines while, at the same time, exceeding inspection targets.

9.2 Financial Matters

The Office of the Inspector of Prisons is funded under the Justice Vote (24), for which the Secretary General of the Department is the Accounting Officer. The budget allocation for 2021 was €1.328m.

Table 12: 2021 Budget Allocation

	Budget Allocation for 2021(€)	Actual Spend for 2021(€)	Difference (€)
Pay	1,328,000	932,302	395,698
Non Pay	626,000	376,038	249,962
Total	1,954,000	1,308,340	645,660 ⁵

All procurement activities undertaken by the Office in 2021 were carried out in accordance with public procurement guidelines.

9.3 Protected Disclosures

As an executive office of the Department of Justice, the Inspectorate adopted departmental policy in relation to Protected Disclosures. The Office of the Inspector of Prisons did not receive any Protected Disclosures during the year. The Department of Justice notified the Office of the Inspector of Prisons of a Protected Disclosure relating to the Office of the Inspector of Prisons in late-2021.

9.4 Public Sector Equality and Human Rights Duty

The Office of the Inspector of Prisons remains committed to ensuring that responsibilities under Section 42 of the Irish Human Rights and Equality Commission Act 2014 are central to all of its activities. A survey of Public Bodies conducted on behalf of the Irish Human Rights and Equality Commission (IHREC) was completed and returned on behalf of the Inspector of Prisons in September 2021.

⁵ The underspend was mainly due to unfilled vacancies at Inspector level, and the non-establishment of an Expert Panel.

9.5 Freedom of Information/GDPR

One request under FOI Legislation was received during the year. Two Subject Access Requests under GDPR were received in 2021.

9.6 Training

Comprehensive training was undertaken by all staff of the Inspectorate during the week which commenced 15 February 2021. Bespoke training was developed following a procurement process conducted with the assistance of the Department of Justice Human Resources Division. The sessions, which were delivered by La Touche Training, comprised of nine modules over five days (three in the case of Administrative Support staff). Headline themes included general human rights, the legal basis for the existence and functions of the Inspectorate and discharge of the functions and reporting. In February 2021, the IPS also provided the OIP with a one-day training on infection control, security awareness and IPS organisation information.