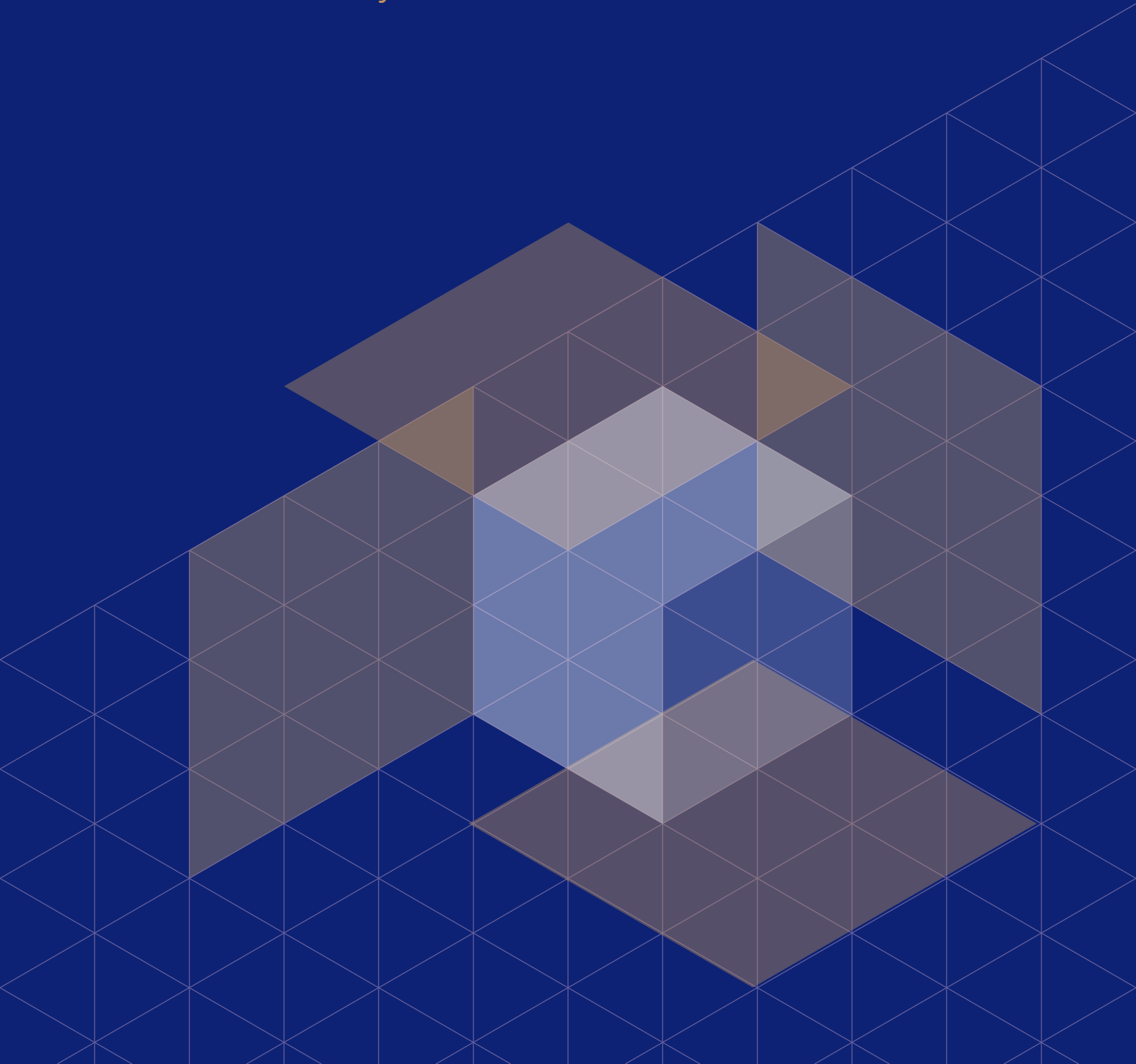




Oifig An Chigire Príosún
Office of the Inspector of Prisons

Inspection Report Unannounced General Inspection of **Cloverhill Prison**

15 – 25 May 2023



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FOREWORD

This report forms part of the first set of comprehensive reports on unannounced general inspections of prisons in Ireland produced by the Office of the Inspector of Prisons.

This new programme of unannounced general inspections began in late 2022. So far, my colleagues and I have fully inspected nine of the fourteen prisons in the State, housing two-thirds of all people living in prison in Ireland.

The reports on our first five inspections – of Mountjoy Prison, the Training Unit, Cork Prison, Cloverhill Prison and the Dóchas Centre – have been submitted to the Minister for Justice as a batch.



This approach has meant that some time has elapsed since the very first of those inspections were completed. Nonetheless, this process has created the necessary space for the Inspectorate to reflect deeply on a number of the systemic issues affecting the prison system as a whole, and I am convinced that it will stand the test of time. Recommendations designed to address those issues have been standardised across this first set of reports, which should facilitate the task of the Minister for Justice, the Director General of the Irish Prison Service and Prison Governors in responding to the Inspectorate's concerns.

This report on the inspection of Cloverhill Prison identifies a number of such systemic issues. Chief amongst these is the scourge of overcrowding and the ongoing scandal of people living in prison being obliged to sleep on mattresses on the floor, in close proximity to un-partitioned toilets. Other recurring themes include shortcomings in record keeping, the absence of administrative support for Chief Officers and Chief Nurse Officers, an ineffective complaints system and unduly limited telephone contact with the outside world. The report also addresses the persistent presence in prisons of people with acute mental health conditions.

Turning to the prison itself, I notified the Minister for Justice of my grave concerns about the degrading conditions found in Cloverhill in an Immediate Action Notification, issued just after the full inspection. Our recent follow-up inspection of Cloverhill found that the situation had further deteriorated. A summary of our key findings from the inspection follows this Foreword, and details of our Immediate Action Notification and follow-up findings are appended to this report.

Looking to the future, and provided that the necessary human and financial resources are made available to the Inspectorate, we aspire to carry out unannounced general inspections of every prison in Ireland at least once every three years, and to complete our draft reports on those inspections within a maximum of six months from the end of the inspections concerned.

Mark Kelly, Chief Inspector of Prisons

SUMMARY OF KEY FINDINGS

- The Inspectorate raised an Immediate Action Notification to the Minister for Justice and Director General of the Irish Prison Service in response to a “serious concern regarding degrading conditions in the cells” as a result of overcrowding in the prison. The concern related in particular to “conditions in the cells designed for three persons, certain of which are currently accommodating four prisoners, one of whom is obliged to sleep on a mattress on the floor”. One quarter of the prisoner population lived in overcrowded conditions amounting to degrading treatment. More than two-thirds of the prisoner population in Cloverhill Prison lived in cells that did not afford a minimum standard of living space (4m², exclusive of sanitary facility).
- Subsequent to the inspection, the Governor made fans available to people in prison; this swift response to a concern raised by the Inspectorate about conditions in overcrowded cells was very welcome.
- Many prisoners lived in multi-occupancy cells and did not have fully partitioned toilet facilities; the absence of privacy partitions for sanitary facilities resulted in prisoners being accommodated in degrading conditions. Bedding and mattresses were in a poor state of repair.
- The manner in which bed capacity is calculated (prisoner-to-bed ratio) by the Irish Prison Service does not capture the “real” bed capacity in the prison, given the operational and security needs in the prison.
- Positively, food provided to people in Cloverhill Prison was of good quality and portion size.
- There was evidence of a continued reliance on imprisonment for low level offences. A number of people were in the prison for relatively low level offences and bail amounts, and some were imprisoned while awaiting access to treatment centres. These practices exacerbated already overcrowded and poor living conditions in the prison.
- People on protection in the prison reported that they experienced very little out-of-cell time, with 61% of prisoner survey respondents on protection indicating they spent less than two hours out of their cell on a typical weekday.
- Relationships and interactions between prison staff and prisoners required significant improvement. While prison staff largely reported good relations, there were reports of bullying and intimidation amongst prison staff. Some people living in the prison reported that they did not feel safe.
- Positively, Cloverhill Prison had taken steps to fulfil the Public Sector Duty by providing a prison induction video available in multiple languages. However, prisoners who did not speak English were not provided with interpreter services at key stages of imprisonment, such as committal to the prison. The prison instead relied on other prisoners for interpretation, which posed challenges for inter-personal relationships in the prison.
- Record-keeping at Cloverhill Prison was found to be of inconsistent quality. Some log books duplicated information, they were not sequentially numbered and often included insufficient detail. A commendable exception were the SOC records and Rule 62 records, which were found to be generally well-kept and accurate, although some gaps in monitoring by both prison and medical staff were identified.

- The manual log books often could not be reconciled with the electronic records in PIMS. For instance, there was no record of over 700 short term moves to reception (over 350 moves during the 12 months preceding the inspection).
- It was a serious concern that use of force and control and restraint was not being recorded. Neither were recent assaults on staff. The Governor undertook to rectify this shortcoming immediately after the inspection.
- There was a multidisciplinary approach to the provision of healthcare services to the people in Cloverhill Prison. However, a number of key healthcare positions were vacant at the time of inspection, including a Chief Nurse Officer, pharmacist, occupational therapist, addiction nurse and physiotherapist. The nursing complement in the prison was also seriously understaffed.
- The organisation and management of primary and specialist healthcare delivery in the prison was poor. There was no night nursing cover in the prison at the time of inspection, and there was no scheduled rota for doctor cover in the evenings or on weekends.
- Access to mental health supports in the prison was very poor. Wait lists to see a psychologist were in excess of three months, and a significant number of people with serious mental illnesses were not being provided with appropriate treatment due to being accommodated in a prison setting.
- Given the profile and needs of the population, there was inadequate addiction support available to people in the prison; there were insufficient links with community drug treatment services to promote and ensure continuity of care on release from prison.
- With the exception of essential work, in which only one-fifth of the prisoner population participated, there were limited work training opportunities for the prisoner population. Only 12% of the population engaged in work outside the prison landings. There were no workshops available to people in the prison.
- While it was positive that prisoners who trained in industrial cleaning received accredited certification, there were no collaborative initiatives between work training, education and external partner organisations.
- Positively, a librarian attended the prison on a regular basis and engaged in ongoing communication with people in prison to support them in accessing library books.
- The overall quality of student learning in the lessons observed was very good. However, the remand nature of the prison, which meant that there was considerable movement of people in and out of the prison, posed a significant barrier to students' regular and consistent access to education.
- Positively, in-cell telephones were installed in Cloverhill Prison and there were no significant delays in sending or receiving post. However, the short six-minute duration of all phone calls posed challenges for maintaining contact with family and legal representation.
- The combination of poor access to phone calls and video link communications with solicitors had detrimental impacts on the right of all people in prison to engage with their legal representation. Many prisoners did not feel they could communicate effectively with their legal representative during court proceedings.

- There were insufficient pre-release and re-integration support and planning services available to prisoners on remand, as well as prisoners sentenced to periods of less than 12 months. This constituted an intervention gap that requires immediate attention.
- Remand prisoners, particularly those who were unhoused, could experience longer periods of imprisonment as a result of not having an address.

ABOUT THE INSPECTORATE 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 Chief Inspector of Prisons is appointed by the Minister for Justice to perform the functions conferred on him by Part 5 of the Act. The current Chief Inspector was appointed on 1 June 2022 for a five year term in office with effect from 15 August 2022, under Section 30 of the Act. The Chief Inspector of Prisons is independent in the performance of his functions.

Section 31(1) of the Act places an obligation on the Chief Inspector of Prisons to carry out regular inspections of prisons.

In addition to inspections, the Chief 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 Chief Inspector may also carry out an investigation of his own volition.

The role of the Chief Inspector of Prisons is as follows:

- Regular inspection of all 13 prisons in Ireland;
- 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 his 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 2007-2020;
- It is not a function of the Chief Inspector to investigate or adjudicate on a complaint from an individual prisoner, but he may examine the circumstances relating to a prisoner complaint where necessary for performing his functions (Section 31(6) Prisons Act 2007).

The Chief Inspector of Prisons does not currently have statutory authority to publish inspection reports, investigation reports, or annual reports. In accordance with the Act, 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. However, the General Scheme of the Inspection of Places of Detention Bill envisages that, in future, the Inspectorate will be able to publish its own reports.

At present, 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.

In 2020, the Office of the Inspector of Prisons published *A Framework for the Inspection of Prisons in Ireland*. This document sets out how the Inspectorate conducts inspections of prisons in Ireland, as well as outlining assessment criteria used by the Inspectorate to evaluate compliance with legislation and human rights standards. The Framework was updated in 2024 after a consultation process including the Irish Prison Service, civil society organisations, and other stakeholders.

Under the *Framework for the Inspection of Prisons in Ireland*, “in the event that an Inspection Team identifies concerns, either around current performance or the risk of adverse impact on future performance, of such significance and consequence that an immediate intervention to mitigate is required, then the Chief Inspector may raise an Immediate Action Notification (IAN).”

An IAN can be raised with the Governor of the prison concerned, the Director General of the Irish Prison Service, or the Minister for Justice, as the Chief Inspector considers appropriate (paragraph 2.3.5 of the *Framework*). Based on findings from the full General Inspection of Cloverhill Prison, the Inspectorate raised an IAN regarding Cloverhill Prison in relation to overcrowding and degrading conditions in the prison (see, Section 1C – Immediate Action Notification, and Appendix A).

1 INTRODUCTION

A. Inspection Process

- 1.1 The Office of the Inspector of Prisons (OIP) conducted an unannounced General Inspection of Cloverhill Prison from 15 - 25 May 2023.

The General Inspection of Cloverhill Prison was carried out by: Mr. Mark Kelly, Chief Inspector, Dr. Ciara O’Connell, Senior Inspector, Ms. Michelle Martyn, Inspector, Mr. Mark Wolfe, Inspector, Dr. Douglas Nanka-Bruce, Data Analyst, and Ms. Louise Joyce, Administrative Support. The Inspection Team is especially grateful for the assistance provided by the experts who form part of its expert pool, Medical Expert, Dr. Catherine Uhomobhi, as well as Inspectors, Ms. Frances Moss and Ms. Catherine Treacy from the Inspectorate of the Department of Education. The Inspectorate is especially grateful for the assistance provided by the experts who form part of its expert pool, as well our colleagues from the Inspectorate of the Department of Education.

Prior to this inspection, the Inspectorate carried out a short inspection visit to Cloverhill Prison in March 2021 ([COVID-19 Thematic Inspection](#)).

1.2 Assessment

The General Inspection was carried out in accordance with *A Framework for the Inspection of Prisons in Ireland*. The prison was assessed against five Focus Areas:

Respect & Dignity	Safety & Security	Health & Wellbeing	Rehabilitation & Development	Resettlement
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1.3 Methodology

The OIP employs a range of assessment approaches to gather evidence and examine prison compliance with legislation and human rights standards. These include:

- Review of documentation and records
- Meetings with Irish Prison Service Headquarters personnel
- Discussions with people living in prison
- Observation of facilities and activities
- Meetings with Prison Senior Management
- Discussions with prison staff (operational and service staff)
- Review of CCTV footage
- Electronic surveys completed by people in prison and people working in the prison

The OIP Inspection Team is assisted by independent medical experts to assess healthcare provision in prisons ([Chapter 4 - Health & Wellbeing](#)). The Department of Education Inspectorate assists the OIP to evaluate the provision of education in the prison context ([Section 5.B - Education](#)).¹

On the first day of the inspection, the Inspectorate provided the prison with an Information Request which sets out the documentation requested by the Chief Inspector of Prisons. The OIP engaged with prison staff during and after the inspection visit to ensure fulfilment of the Information Request.

¹ See [Office of the Inspector of Prisons and Department of Education Inspectorate Memorandum of Understanding](#) (March 2022).

As part of the inspection process, the Inspectorate requests that prison management provide a self-assessment status update on ongoing recommendations previously made to the prison by the Inspectorate.

The Inspectorate has developed electronic surveys to afford people living and working in prison the opportunity to engage with the OIP anonymously. The prisoner survey was administered by the OIP Inspection Team using digital tablets. This allowed for real-time data analysis which informed the inspection approach. The password protected staff survey was hosted on the OIP website, and all staff were provided with information to access the survey via email. A total of 149 prisoners and 103 prison staff (operational and service staff) completed the electronic surveys.

As part of the General Inspection, the Inspectorate assesses implementation of recommendations made to the Irish Prison Service in relation to previous inspections (Appendix B).

The General Inspection concluded with a Closeout Meeting on 25 May 2023. The OIP shared and discussed initial findings and recommendations with the prison's senior management team.

All inspection findings are evidence-based. Recommendations made by the OIP are rooted in relevant legislation and international human rights standards, including the International Covenant on Civil and Political Rights (1966), the United Nations Convention against Torture (1985), the European Prison Rules (2020), the United Nations Standard Minimum Rules for the Treatment of Prisoners (UN Nelson Mandela Rules 2015), and the United Nations and Council of Europe recommendations.

The Irish Prison Service is requested to respond to all OIP recommendations (Appendix C) by developing an Action Plan. Action Plans should apply the SMART approach to recommendation implementation. That is, they should be specific, measurable, achievable, realistic and time-bound. In line with the Recommendations Monitoring Policy,² the Inspectorate monitors progress made in addressing recommendations. This is done through (i) IPS bi-annual self-assessment status updates on outstanding recommendations, and (ii) monitoring of progress made in implementing Action Plans as part of the Inspectorate's inspection process.

B. Cloverhill Prison

- 1.4** Cloverhill Prison is a closed, medium security prison that accommodates adult men. It is primarily a remand prison for people committed to prison, and has a bed capacity of 433.

The prison is comprised of one main building with six accommodation divisions (A through E) and a separate small unit referred to as F Block. Each of these accommodation areas have two landings of varying size, and each accommodates people in prison based on their profile and/or regime.

² OIP (2021) Recommendations Monitoring Policy.

A and B Divisions accommodate prisoners in the general prisoner population who can mix freely with each other; there are also five designated 'committal' cells on A2 landing, where people newly committed to the prison are accommodated while awaiting allocation of a cell.

C Division is designated for general population prisoners and people on protection regimes (Rule 63 of the Prison Rules 2007-2020). At the time of inspection there were a reported five protection groups: one large group and four additional smaller groups on C Division. These groups could not mix or associate with each other. The Inspectorate also identified three additional small protection groups in other areas of the prison. The regimes for those on protection were restrictive, with limited out-of-cell time and access to purposeful activity.

At the time of inspection, D1 landing accommodated various categories of prisoners, including a small number of people on protection regimes (Rule 63) and 11 people removed from the general prison population on 'Grounds of Order' (Rule 62). D1 landing was also equipped with three Close Supervision Cells (CSCs).³

D2 landing accommodated people typically characterised as having severe mental health issues. The landing was managed by operational prison staff; the Prison In-Reach Court Liaison Service (PICLS) and psychology teams supported the care provided to prisoners on this landing.

E Division accommodated people on an Enhanced prison regime, many of whom carried out essential work in the prison.

Although originally intended to accommodate immigration detainees, F Block has never been used for this purpose. Instead, during COVID-19 it was utilised as a COVID-19 isolation unit, and following this it accommodated prisoners who worked in the prison. On 15 May 2023, 12 Enhanced prison workers were accommodated in F Block, and by the end of the inspection this number had increased to 20 prisoners.

- 1.5** On 15 May 2023, 452 people were detained in Cloverhill Prison, and an additional one person was in the hospital.⁴ Of the total prisoner population at that time, 8% (38 of 452) were not provided with beds and as a result were required to sleep on mattresses on the floors of cells occupied by up to three other people. Over the course of the inspection, the bed capacity, as determined by the Irish Prison Service, was between 101% to 106%.

³ Prison Rules 2007-2020, Rule 64 - Close Supervision Cells are used to accommodate and manage prisoners exhibiting challenging behaviour.

⁴ At times there are discrepancies in prisoner population numbers, whereby the data provided to the Inspectorate during the inspection differs from that published in the IPS "Daily Statistics." For instance, 452 people in Cloverhill Prison was data provided to the OIP based on the population numbers at 06:30 on 15 May 2023; and the population is noted as 457 in the IPS "[Daily Statistics](#)". Similarly, the prison-provided population was 451 on 16 May 2023 at 06:30, but was reported as 456 on the IPS "[Daily Statistics](#)". The reason for this variance may be due to changes in population over the course of the day and/or the times at which numbers are collected and reported on. In this report the OIP prioritises prison population numbers provided by the prison at the time of inspection as these were the numbers understood to be accurate at that time.

1.6 On 23 May 2023, of the 436 people in Cloverhill Prison, 380 (87%) were unconvicted and 56 were sentenced (13%).⁵ The average amount of time spent in the prison by an unconvicted prisoner was 124 days, with one day being the shortest amount of time spent in the prison and 1715 days being the longest amount of time spent in the prison. There was one prisoner on remand for a period of nearly five years.

On 15 May 2023, 29 people were serving sentences of less than 12 months in Cloverhill Prison, which was more than one-third of all sentenced prisoners in the establishment on this day. Of this number, ten were sentenced to periods of six months or less. These figures indicate a continued reliance by the courts on short sentences, and raise questions about court considerations of Community Service Orders as an alternative to sentences of 12 months or less.⁶

1.7 Over the course of inspection one person was detained as an immigration detainee for a period of one day (see section 2.20).

1.8 81% of prisoners were recorded by the prison as Roman Catholic, other religions included prisoners of Islamic Faith and Christianity.

Over one-fifth (23%) of people in Cloverhill Prison were foreign national prisoners, and there was a wide variety of languages spoken in the prison, including Polish, Romanian, Russian, Spanish and Albanian.

People in the prison ranged in age from 18 to 71 years (**Table 1**).

Table 1: Prisoner Ages in Cloverhill Prison, 15 May 2023

18 - 20	21 - 25	26 - 30	31 - 40	41 - 50	51 - 60	61 - 70	71+	Total
16 (3.5%)	60 (13.1%)	78 (17%)	175 (38%)	87 (19%)	36 (8%)	4 (1%)	1 (<1%)	457

Over one-third of people in Cloverhill Prison were between the ages of 31 and 40, and 16% of the people in the prison were young adults aged 18 to 25.

1.9 Irish Prison Service staff working in Cloverhill Prison ranged in age from 23 to 67 years old, with an average age of 36. Of those reported, 95% of operational staff were of Irish nationality.⁷ All senior management positions in the prison were held by men.

C. Immediate Action Notification (IAN)

1.10 Section 31 (1) of the Prisons Act 2007 provides that the Chief Inspector of Prisons “shall carry out regular inspections of prisons and for that purpose may— [...] (c) in the course of an inspection or arising out of an inspection bring any issues of concern to him or her to the notice of the Governor of the prison concerned, the Director General of the Irish Prison Service, or the Minister or of each one of them, as the Inspector considers appropriate.”

⁵ The total prisoner population in Cloverhill Prison on 23 May 2023 was 445 people, however data on conviction statuses was provided for 436 people. Note also, “Daily Population” figures provided in IPS Daily Statistics for 23 May 2023 was 448.

⁶ Irish Statute Book, Criminal Justice (Community Service) (Amendment) Act 2011.

⁷ 38% of operational staff nationalities were listed as “unknown” and were not included in the overall figure.

In addition, the *Framework for the Inspection of Prisons in Ireland* provides that: “In the event that an Inspection Team identifies concerns, around either current performance or the risk of adverse impact on future performance, of such significance and consequence that an immediate intervention to mitigate is required, then the Chief Inspector may raise an Immediate Action Notification (IAN)”.⁸

- 1.11** On 1 June 2023, arising from inspection findings, the Inspectorate issued an Immediate Action Notification (IAN) to both the Director General of the Irish Prison Service and the Minister for Justice (Appendix A). The IAN was raised in response to a “serious concern regarding degrading conditions in the cells” as a result of overcrowding in the prison (see section 2.3). The concern related in particular to “conditions in the cells designed for three persons, certain of which are currently accommodating four prisoners, one of whom is obliged to sleep on a mattress on the floor”.

The IAN outlined the conditions as follows, and warned of potential safety and security implications if the concern was not immediately addressed:

At the beginning of the Inspectorate’s visit to Cloverhill Prison, 152 people (one third of the prison’s population) were being held four to a cell measuring less than 12 square metres, with one occupant sleeping on a mattress on the floor in each of these 38 cells. The in-cell lavatories are not partitioned and prisoners also eat breakfast, lunch and dinner in this highly-confined space.

The design of the windows limits airflow in the cells, which are stuffy and malodorous. They are also excessively warm (temperatures in excess of 27C were recorded during the inspection) and reportedly become intolerably hot in high summer.

Inter-prisoner violence is the inevitable result of confining four adult men in degrading conditions of this nature. At least one serious in-cell assault took place during the inspection and it is almost certain that further severe attacks of this nature will result if prisoners continue to be held in these conditions at Cloverhill Prison during the summer months.

- 1.12** In response to the IAN, the Director General of the Irish Prison Service detailed the Prison Service’s limitations in resolving the issue of overcrowding in Cloverhill Prison; this included receiving an increased number of committals from the courts and that, as a remand prison, the vast majority of people in Cloverhill Prison were not eligible for temporary release schemes.

The Director General outlined broader plans to address overcrowding, such as a medium-to-long term capital infrastructure plan to increase capacity across the prison estate. In addition, the Director General provided information about the steps being taken by the Department of Justice to address overcrowding in prisons, such as a policy review of the Criminal Justice (Community Sanctions) Bill 2014, intended to facilitate the more efficient use of community sanctions, and implementation of recommendations made by a High Level Task Force to divert people with mental health issues away from the criminal justice system.

⁸ OIP (2020) *A Framework for Inspections of Prisons in Ireland*, ¶2.3.5.

1.13 The Minister for Justice also responded in writing to the IAN, and similarly to the Director General, outlined plans to increase prison capacity, as well as to expand eligibility criteria for early release schemes.

The Inspectorate met with the Minister for Justice on 11 July 2023 to discuss overcrowding concerns. In the course of the meeting, the Inspectorate recounted the degrading conditions of imprisonment for people living in overcrowded cells in Cloverhill Prison, and proposed that an occupancy cap be placed on all prisons. In addition, the Inspectorate raised concerns about a longer term plan to increase the occupancy capacity of prisons, particularly citing the impact this approach has had in neighbouring jurisdictions, where it has not been effective in reducing overcrowding. The Inspectorate also queried progress made to implement the Review of Penal Policy and Reform 2022-2024.

In response, the Minister acknowledged there was more work to be done for prisoners with short sentences, and also to include in legislation the principle of 'prison as a last resort'. She also indicated that future steps would be taken to address overcrowding in the prison system.

The written responses of the Director General of the Irish Prison Service and the Minister for Justice are included in Appendix A.

2 RESPECT & DIGNITY

2.1 In line with *A Framework for the Inspection of Prisons (2020)*, the Inspectorate assesses how prisoners and staff experience *Respect and Dignity* in prisons. Drawing on national legislation and international standards, the Inspectorate evaluates performance across four themes:

- A. **Living Conditions:** accommodation, hygiene and sanitation, clothing and bedding, out-of-cell time and meals and nutrition
- B. **Relationships & Interactions:** prisoner relationships, staff relationships and prisoner-staff relationships
- C. **Non-Discrimination:** experiences of fair and equal treatment
- D. **Information:** access to information in the prison

A. Living Conditions

Accommodation

2.2 International standards require that all cellular accommodation align with minimum cell-size requirements.⁹ Accommodation should provide decent sleeping and living conditions and the means to keep clean, which includes proper sanitation, including toilet and shower facilities, washing water, cleaning products, laundry, and personal hygiene products.¹⁰

Single-cell accommodation is considered to be international best practice, except for where it is preferable for prisoners to share accommodation.¹¹ In 2021, the Council of Europe's Committee for the Prevention of Torture (CPT) expressed the view that all prisons should have a maximum occupancy number in order to guarantee the minimum standard of personal living space (4m² in multi-occupancy cells).¹² Under the Prison Rules 2007-2020, the Minister for Justice can specify the maximum number of persons to be accommodated in a cell.¹³

National legislation and international standards establish that sentenced and remand prisoners should be accommodated separately; with the European Prison Rules 2020 setting out that exceptions to separate detention can be made to facilitate participation in organised activities, and where prisoners consent to sharing cells.¹⁴

⁹ CPT (2015) Living Space per Prisoner in Prison Establishment.

¹⁰ CPT (2021) A Decency Threshold for Prisons - Criteria for Assessing Conditions of Detention.

¹¹ European Prison Rules (2020), Rule 18(5).

¹² CPT (2021) 31st General Report.

¹³ Prison Rules 2007-2020, Rule 18(2)(a).

¹⁴ European Prison Rules (2020) Rule 18(8) and 18(9), and Prison Rules 2007-2020, Rule 71.

Overcrowding

2.3 Overcrowding has been a significant area of concern across inspections carried out by the Inspectorate over the past year. In Mountjoy Men's Prison, single-occupancy cells were used to accommodate two people, and in Cork Prison double-occupancy cells were accommodating three people. In both Mountjoy Men's Prison and Cork Prison, people slept on mattresses on cell floors, which left very little living space for all cell occupants. In these prisons the Inspectorate determined that for people on restricted regimes - who were limited in their out of cell time and therefore spent many hours each day in overcrowded cells - these conditions amounted to degrading treatment.

In Cloverhill Prison, which has a transient prisoner population, and is primarily a prison for unconvicted prisoners, the situation of overcrowding was particularly challenging. **One-quarter of the population was living in conditions of extreme overcrowding and the majority of the population was accommodated in cells which did not afford a minimum standard of living space.**

2.4 Throughout the duration of the general inspection, an average of 28 persons slept on mattresses on cell floors in Cloverhill Prison.¹⁵

Contrary to international best practice, only 11% of men in the prison on 18 May 2023 had access to single-cell accommodation, despite survey findings indicating that the majority of people in Cloverhill Prison (69%) had a preference for single-cell accommodation. Further, the European Prison Rules, Rule 96, sets out that "as far as possible untried prisoners shall be given the option of accommodation in single cells, unless they may benefit from sharing accommodation with other untried prisoners or unless a court has made a specific order on how a specific untried prisoner should be accommodated.

2.5 The IPS bed capacity for Cloverhill Prison was 433¹⁶ (exclusive of two Safety Observation Cells and seven Close Supervision Cells). However, this bed capacity figure does not capture the *real* bed capacity in the prison, which is impacted by circumstances such as:

- decommissioning of cells for repair,
- movement of prisoners to areas of the prison based on their behaviour and medical or protection needs (for example, some cells may not be fully occupied because prisoners in the cells may not be able to mix with other prisoners), and
- designation of certain areas of the prison for prisoners who were engaged in work and/or on an Enhanced regime, or who required increased supervision or support.

¹⁵ Number of people sleeping mattresses on cell floors over duration of General Inspection: 15 May 2023 = 38; 16 May 2023 = 29; 17 May 2023 = 31; 18 May 2023 = 24; 19 May 2023 = 21; 22 May 2023 = 27; and 23 May 2023 = 24.

¹⁶ On 8 May 2023, the IPS official bed capacity changed from 431 to 433.

2.6 Table 2 provides a breakdown of cell and bed occupancy across Cloverhill Prison on 18 May 2023, and highlights how the situation of overcrowding cannot be effectively captured purely based on a total number prisoner-to-bed calculation.

Table 2: Distribution of Beds, Cells, and Occupancy in Cloverhill Prison, 18 May 2023 (08:46)¹⁷

Location	Location Details	Number of Cells	Unoccupied Cells	Number of Beds	Number of Prisoners	Sleeping on Floor	Unoccupied Beds
A1	General Population	22	2	54	54	3	3
A2	General / Committal	22	1	54	48	2	8
B1	General Population	22	0	62	59	3	6
B2	General Population	22	0	62	59	2	5
C1	Protection Groups	22	0	54	61	10	3
C2	Protection Groups	22	0	54	61	8	1
D1	Security / Rule 62	9	0	17	16	1	2
D2	Security / Vulnerable	22	0	25	24	0	1
E1	Enhanced	11	0	25	26	1	0
E2	Enhanced	11	0	25	23	1	3
F1 ¹⁸	Enhanced	6	4	12	3	0	9
F2	Enhanced	6	4	12	2	0	10
Reception	--	--	--	--	1	--	--
Special Observation Cells (excluded from all totals, except prisoner count)		(9)	(5)	(9)	4	(0)	(5)
Totals:		197	11	456	441	31	51

¹⁷ These numbers reflect the occupancy situation as of 08:46 on 18 May 2023 and are based on a prisoner population list of all cells occupied at that time; differences with the daily prison population figure for that date (443) may reflect releases, escorts, or transfers. From the information provided, it was not clear if some Close Supervision Cells were being used/re-purposed as regular accommodation; for example, the "Daily Population Figures" on 18 May 2023 indicated one prisoner was in a Close Supervision Cell as "accommodation" whereas the rationale provided for another prisoner was "Security".

¹⁸ F Block had the capacity to accommodate up to 24 people. At the commencement of the general inspection five prisoners were accommodated in F Block, however by the end of the inspection this number had increased to 20.

2.7 On 18 May 2023, the IPS official bed capacity was 102%, based on a prisoner-to-bed calculation (443/433).¹⁹ However, the total number of unused beds on that day was 51 (not including Special Observation Cells), which were empty as a result of the operational needs of the prison (see, section 2.5). As a result, on 18 May 2023 **the real bed capacity calculation for Cloverhill Prison was 108%,²⁰ as this figure more accurately represents availability of beds in the prison.**

2.8 On 18 May 2023, 112 people in Cloverhill Prison (25%) lived in conditions of extreme overcrowding, that is four people to a cell. In addition to this, a further 186 people lived in conditions that did not meet the CPT minimum standard living space of 4m² per person, exclusive of sanitary facility. **In total, 68% of people in Cloverhill Prison (298 people) lived in overcrowded cells that did not align with the international minimum standard for living space.**

Conditions for people accommodated in overcrowded cells on restricted regimes (approximately 130 people, 31% of the population) were particularly poor as they were permitted far less out-of-cell time (see section 2.43) than general population prisoners and therefore spent much more time in overcrowded cell conditions.

Cell Accommodation

2.9 General areas of the prison were clean. However, some cells were in need of refurbishment and regular deep cleaning, particularly holding cells in the reception and those cells designated as committal cells in A Division, both of which experienced a high rate of turnover.

Figure 1: Cell Occupied by Four People



¹⁹ IPS Daily Statistics, 18 May 2023 gives the prison population on this day as 443 individuals.

²⁰ This calculation is based on the prisoner population provided to the Inspectorate on 18 May 2023, as of 08:46, which reported a total prisoner count of 441. At this time, four people were accommodated in Special Observation Cells and one person was accommodated in a reception cell; resulting in 436 prisoners being accommodated in general prison cells. There were a total of 405 available beds to manage 436 prisoners, when beds unoccupied for operational reasons are removed. This results in 108% capacity.

The standard size of multi-occupancy cells in Cloverhill Prison measured 11.4m², inclusive of sanitary facility. These multi-occupancy cells did not meet minimum human rights living space standards when more than two people were accommodated within them.²¹ The floor space in cells occupied by four people was minimal, and the sanitation facility was open to the remainder of the room, affording little dignity to cell occupants (**Figure 1**).

- 2.10** Within overcrowded cells, conditions were very poor. In four-person cells, three men slept on bunk beds, and one person was required to sleep on a thin blue mattress on the floor next to the door of the cell and the toilet. Mattresses were typically rolled up and stored under beds during the day to allow for more floor space in the cell. The prisoner required to sleep on the floor also ate his meals on the floor.

Temperatures in overcrowded cells became very hot at certain periods during the summer, with the Inspectorate recording a temperature of 27 degrees in one four-person cell. Windows did not afford a sufficient level of ventilation and the air in the cells was heavy and malodorous. Prisoners were visibly perspiring, and some removed their shirts while in the cells in an attempt to keep cool. One prisoner stated he was “*sweating buckets in these conditions*”.

Subsequent to the inspection, on 14 July 2023, the Governor of Cloverhill Prison piloted and subsequently provided fans in all prison cells, as well as provided supplies of chilled water to people in the prison. **The Inspectorate welcomes the swift action taken by the Governor to partially alleviate the impact of poorly ventilated and overcrowded cells.**

- 2.11** Overall, the living conditions in Cloverhill Prison had the potential to create highly volatile and unsafe situations for those accommodated within them.

Other than a rudimentary committal assessment to determine prisoners’ protection requirements, there was no comprehensive and ongoing risk assessment conducted to determine suitability of prisoners to live in a confined space together. During the course of the inspection, a serious prisoner assault occurred in an overcrowded cell, which resulted in the facial disfigurement of a prisoner.

- 2.12** The concern about overcrowding in the prison was reported as the most significant problem facing Cloverhill Prison by both prison staff and prisoners who completed the inspection survey. Members of staff stated:

“The higher numbers of prisoners means less access for them for the services in place at the moment”.

“The overcrowding is a boiling pot that both staff and prisoners do their best to keep a lid on”.

Also in relation to the impact of overcrowding, prisoners stated:

“(It is) very unfair to have four in a cell”.

“Can’t move in cell, it’s hard enough with three.”

²¹ CPT (2015) Living Space per Prisoner in Prison Establishments: CPT Standards (CPT/Inf. (2015) 44). The CPT minimum standard for personal living space in prison establishments is 4m² of living space per prisoner in multi-occupancy cell + fully partitioned sanitary facility.

“Mentally unstable individuals are crammed in with people who have never been in custody before.”

- 2.13 People in overcrowded cells, particularly in situations where four people were accommodated in one cell or where three or more people on restricted regimes were accommodated in one cell, experienced degrading treatment** (see section 1C and [Appendix A](#)).

Very poor living conditions in Cloverhill Prison were, and continue to remain, of significant concern to the Inspectorate. A remedy for this situation is required immediately, which should include both **a renewed commitment to the prioritisation of alternatives to imprisonment, and a committed response to decreasing rates of remand detention, including strategies set out in the 2022-2024 Review of Policy Options for Prison and Penal Reform.**²²

Remand & Bail

- 2.14** Impacting on overcrowding and poor conditions in Cloverhill Prison was the high number of people committed to the prison on remand, some for low level offences, with low bail amounts. Given the principle of the presumption of innocence, international standards indicate that remand detention should be used as a measure of last resort.²³

A large number of persons held on remand were committed for non-violent offences. For example, 48 people were on remand for unlawful possession of drugs, 33 people were on remand for criminal damage offences, 19 people were on remand for theft offences, and 13 people were on remand for intoxication in a public places. Combined, this amounted to 28% of the prisoner population in Cloverhill Prison on 25 May 2023.

- 2.15** A review of remand warrants for people in Cloverhill Prison revealed that 26 people were held in the prison with bail amounts equal to or less than €500;²⁴ this was 6.5% of the number of unconvicted people in the prison. Of these, 16 people had bail amounts set at €100 or less,²⁵ and had committed low level offences such as public intoxication, theft, or criminal damage. A further nine prisoners had bail amounts equal to or less than €500 that included a surety equal to or less than €500.

One foreign national prisoner was committed to the prison in January 2023 and had a bail amount of €100. This person had spent 112 days in the prison, which amounted to an estimated cost of €25,796.²⁶ Also in January 2023, two prisoners were remanded into Cloverhill Prison custody on €100 and €200 bail for “purposes of taking up residential treatment”. In addition, one prisoner was remanded to custody with four €20 warrants, and another prisoner had spent 20 days in the prison on €75 bail.

People with low bail amounts could not afford, or had no one to pay their bail, and a small number elected not to take up bail as prison was the only place where food and shelter was guaranteed to them.

²² Department of Justice (2022) [Review of Policy Options for Prison and Penal Reform 2022-2024](#), pages 18-19.

²³ CPT (2017) [Remand Detention](#).

²⁴ These are warrants that required a cash lodgement equal to or less than €500. A total of 399 warrants were reviewed.

²⁵ These are warrants that required a cash lodgement equal to or less than €100.

²⁶ IPS (2022) [Annual Report](#), pg. 11. Average annual cost of a prison space during the calendar year 2022 was €84,067.

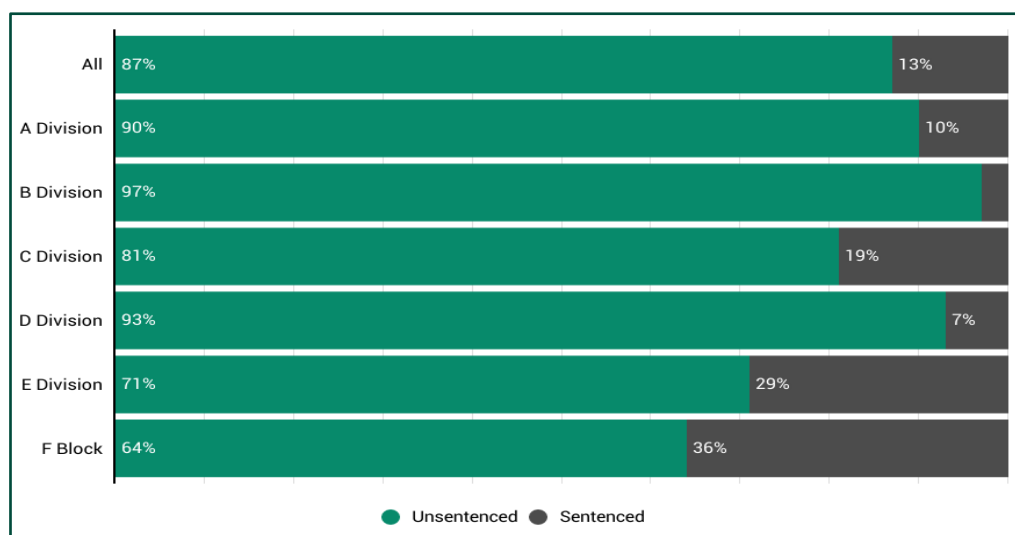
- 2.16** The development of bail supervision schemes²⁷ could be of benefit to reduce high numbers of people on pre-trial detention, particularly given that many people committed to Irish prisons are unhoused and have a higher prevalence of psychosis and alcohol and substance misuse than that of the general community.²⁸ For example, in 2016 a Bail Supervision Scheme was introduced for young people coming before the courts in Ireland. An evaluation²⁹ of the Bail Supervision Scheme demonstrated that there was a 72% reduction in reoffending. By comparison, the control group experienced a 37% reduction in reoffending over the same timeframe. This type of programme could be adapted to meet the needs of the remand adult population.
- 2.17** Coupled with a continued reliance by the courts on short sentences (12 months or less) (see section 1.6), and given the number of people sleeping on mattresses on cell floors over the course of the inspection (an average of 28 people each day), the number of people with low bail amounts being held in the prison was of significant concern, particularly those being held for extended periods of time.

The prevalence of low bail conditions indicates a lack of adherence to the principle of imprisonment as a last resort. **There is a continued need to enshrine the principle of imprisonment as a last resort in legislation and criminal justice strategies, as set out in the Government’s Review of Policy Options for Prison and Penal Reform 2022-2024.**³⁰

Accommodation of Convicted and Unconvicted Prisoners

- 2.18** On 17 May 2023, 63% of sentenced prisoners (33 of 52) shared cells with unconvicted prisoners. With the exception of the D2 landing, unconvicted and convicted prisoners were accommodated together across the prison (**Figure 1**).

Figure 1: Areas of Prison by Conviction Status, 17 May 2023 (%)



²⁷ Bail supervision is a social work or third sector service that supports people to comply with conditions of their bail. It aims to provide an alternative to remand in prison, where people accused or convicted of an offence(s) are assessed as requiring a level of supervision, monitoring and support to adhere to bail conditions. For more on this, see Scottish Government (2022), [Bail Supervision National Guidance](#).

²⁸ Gulati G. et al (2018) The Prevalence of Major Mental Illness, Substance Misuse and Homelessness in Irish Prisoners: Systematic Review and Meta-Analyses, *Irish Journal of Psychological Medicine*.

²⁹ C Naughton, et al (2019) [Evaluation of Bail Supervision Scheme for Children](#), Department of Children and Youth Affairs.

³⁰ Gov.ie [Review of Policy Options for Prison and Penal Reform 2022-2024](#).

2.19 Despite standards established in international human rights law, which require that “(a)ccused persons shall, save in exceptional circumstances be segregated from convicted persons and shall be subject to separate treatment appropriate to their status as convicted prisoners”³¹, Ireland’s reservation to the full implementation of Article 10.2 of the ICCPR remains in place.³² There was no policy in place to attempt to separate remand from sentenced prisoners.

Accommodation of Immigration Detainees

2.20 In the case of Cloverhill Prison, it was common practice for immigration detainees to be accommodated on prison landings that catered for the general prisoner population, this included both remand and sentenced prisoners. While plans had been in place to use F Block to accommodate immigration detainees, this was never implemented.

The practice of accommodating immigration detainees in prisons, with the general prisoner population, did not align with standards set out by the European Union which provide that “detention shall take place as a rule in specialised detention facilities” and that where this is not possible, “third-country nationals shall be kept separate from ordinary prisoners”.³³

The CPT states that prison is not a suitable place to detain someone who is neither suspected or convicted of a criminal offence:

“Deprivation of liberty under aliens legislation should only be a measure of last resort, after a careful and individual examination of each case. In addition, the continued need for it should be the subject of periodic review. Alternative (non-custodial) measures should be developed and used wherever possible”³⁴

Over the duration of the inspection, one immigration detainee was held in the prison for a period of one day. This person was accommodated with an unconvicted prisoner amongst the general prisoner population. The immigration detainee was not aware of the time period for which he would be detained in the prison, nor was he informed about when he would leave the prison.

The same process for admission and discharge processes applied to immigration detainees as did for prisoners in the general population. The immigration detainee was searched, received a medical examination, and had his personal belongings removed. At the time the Inspectorate met with the immigration detainee, he had not been provided with a pillow, duvet, toothbrush, or soap.

2.21 Accommodation Assessment

The situation of overcrowding in Cloverhill Prison was, and remains, of serious concern. One quarter of the population lived in extreme conditions of overcrowding (four people in each cell), which amounted to degrading treatment. People on restricted regimes in overcrowded

³¹ International Covenant on Civil and Political Rights (1966) Article 10(2) (a): “Accused persons shall, save in exceptional circumstances be segregated from convicted persons and shall be subject to separate treatment appropriate to their status as convicted prisoners.”

³² Law Reform Commission (2020) Discussion Paper: Domestic Implementation of International Obligations, p.145.

³³ Directive 2008/115/EC of the European Parliament and the Council of 16 December 2008.

³⁴ CPT (2017) Immigration Detention

cells (three or more people), with limited out-of-cell time, also experienced degrading treatment.

More than two-thirds of the prisoner population in Cloverhill Prison lived in cells that did not afford a minimum standard of living space (4m², exclusive of sanitary facility).

On average, over the duration of the inspection, 28 people slept on mattresses on cell floors each night.

Conditions in the vast majority of cells were very poor. Cells were overcrowded, hot and poorly ventilated and afforded no opportunity for privacy.

The manner in which bed capacity is calculated (prisoner-to-bed ratio) does not sufficiently capture the 'real' bed capacity in the prison, given the operational and security needs of the prison.

Sentenced and remand prisoners shared cells and were accommodated in the same areas of the prison. Immigration detainees were accommodated on the same landing and shared cells with prisoners in the general prisoner population.

Subsequent to the inspection, and in response to concerns around the environment in overcrowded cells, the Governor made fans available in the prison.

There was evidence of a continued reliance on imprisonment for low level offences. A number of people were in the prison for relatively low level offences and bail amounts.

2.22 RECOMMENDATIONS

To the Minister for Justice:

Repeat Recommendation MDOJ22-1 (recommendation also made in relation to Mountjoy Men's Prison and Cork Prison): The Minister for Justice should take urgent action to place an enforceable upper limit on the number of persons that can be committed to Cloverhill Prison, as well as in all other prisons in Ireland.³⁵ This should be accompanied by determined action to implement the alternatives to imprisonment foreseen in the 2022-2024 Review of Policy Options for Prison and Penal Reform.³⁶

Recommendation MDOJ23-1: The Minister for Justice should take urgent action to reduce the high number of prisoners, and prolonged lengths of time prisoners are held in pre-trial detention in Cloverhill Prison, as well as in all other prisons in Ireland. This should be accompanied by determined action to ensure that viable alternatives are available including the commissioning of research on the use of remand detention for people before the district court as well as the developments of a Supported Bail Service.

Recommendation MDOJ23-2: The Minister for Justice should bring an end to the practice of immigration detainees being held in prisons.

Request for Information MDOJREQ22-1: The Inspectorate would appreciate receiving detailed information about the work of the Department of Justice to implement the

³⁵ Prison Rules 2007-2020, Rule 18(2)(a): "The Minister may specify the maximum numbers of persons who may, in normal circumstances, be accommodated in cells or rooms belonging to such class as may be so specified." Rule 18(2)(b) highlights that the Minister should have regard to the size of, and availability of lighting, heating, ventilation and fitting in cells when specifying a maximum number. In 2021 the CPT considered that for every prison, there should be an absolute upper limit for the number of prisoners, in order to guarantee the minimum standard in terms of living space, namely 6m² per person in single cells and 4m² per person in multi-occupancy cells (excluding the sanitary annexe). See ¶102. On 'Establishing thresholds' in Council of Europe (2022) 31st General Report of the CPT, European Committee for the Prevention of Torture and Inhuman Degrading Treatment or Punishment.

³⁶ Department of Justice, Criminal Justice Policy Review of Policy Options for Prisons and Penal Reform 2022-2024.

recommendations of the 2022-2024 Review of Policy Options for Prison and Penal Reform, including the work of the proposed “multi-stakeholder taskforce to address the current accommodation crisis”.³⁷

To the Minister for Justice and the Director General of the Irish Prison Service:

Repeat Recommendation MDOJ22-2 / DG22-1 (*recommendation also made in relation to Mountjoy Men’s Prison and Cork Prison*): In line with Rule 21 of the European Prison Rules (2020), the Minister for Justice and the Director General of the Irish Prison Service must ensure that every person in custody has their own bed and that cell occupancy is in line with CPT living space standards (4m² for each person, exclusive of sanitary facilities).

To the Director General of the Irish Prison Service:

Repeat Recommendation DG22-2 (*recommendation also made in relation to Mountjoy Men’s Prison and Cork Prison*): The Director General of the Irish Prison Service should take steps to ensure that all multi-occupancy cells across the estate are equipped with fully-partitioned sanitary facilities.

Hygiene & Sanitation

- 2.23** The Prison Rules 2007-2020 and European Prison Rules 2020 provide that prisons should be equipped with the necessary cleaning supplies to allow prisoners to keep their cells clean and to ensure all areas of a prison are hygienic and sanitary.³⁸ In addition, as provided for in international human rights standards, prisoners should have privacy when using sanitary facilities and all parts of the prison should be properly maintained and clean at all times.³⁹

- 2.24** General areas of Cloverhill Prison were clean and well-kept. The ongoing overcrowding presented challenges to people living in cells with little space to store and organise their personal belongings.

Figure 2: In-Cell Sanitary Facilities



³⁷ [Speech by Minister for Justice Minister Harris at the Prison Officer Association Annual Conference 2023 \(28 April 2023\)](#).

³⁸ [Prison Rules 2007-2020, Rule 20 and European Prison Rules \(2020\), Rule 19](#).

³⁹ [European Prison Rules \(2020\), Rule 19.1 and Rule 19.3](#).

Sinks and toilets in cells were generally in a good state of repair, and blinds and windows were functioning properly. However, sanitary facilities in cells were not fully partitioned, and as a result, prisoners created makeshift privacy screens using plastic sheets, cardboard and toilet rolls (**Figure 2**). In situations where four people were accommodated in one cell, this was particularly unacceptable.

2.25 The Irish Prison Service April 2023 Census indicates that 396 of 445 people in Cloverhill Prison used the toilet in the presence of other people; this was 89% of the population at that time. During the inspection, 394 of 441 of people in the prison lived in accommodation which did not afford a sufficient amount of privacy and dignity to cell occupants. **All multi-occupancy cells should have a fully-partitioned sanitary facility.**⁴⁰

2.26 Cells were not equipped with showers, instead shower rooms were located on each landing. For large landings, there were two shower rooms, each with three screened shower stalls; these landings had a total of six shower stalls to cater for approximately 60 people.

Prisoners were only afforded a period of one-hour each day to take a shower, make calls to their family and friends, and clean out their cell. Therefore, it was not feasible for all prisoners to access a shower each day. This practice did not align with international human rights standards which indicate that adequate facilities should be provided so that every prisoner may have a bath or shower (...) if possible daily (but at least twice a week).⁴¹

2.27 The condition of designated committal cells required deep and ongoing cleaning, particularly given the high turnover of people through these cells (18 people were committed to the prison on one evening of the inspection).

2.28 Approximately half of prisoners who completed the Inspectorate's survey indicated they did not receive enough cleaning supplies to keep their living area clean.

2.29 Despite Cloverhill Prison accommodating convicted and unconvicted prisoners for extensive periods of time (see section 1.6), there was no hair cutting facility available in the prison. In contrast to other prisons, such as Midlands Prison and Mountjoy Men's Prison, which operate prisoner-led barbershops, there was no such facility for people in Cloverhill Prison to receive a haircut or to undertake barber training.

2.30 Hygiene & Sanitation Assessment

While the general areas of Cloverhill Prison were clean and well-maintained, some cells, in particular designated committal cells, required deep and continuous scheduled cleanings.

Overcrowding in the prison negatively impacted on the ability of prisoners to keep their accommodation clean and organised.

Many prisoners lived in multi-occupancy cells and did not have fully partitioned toilet facilities; the absence of privacy partitions for sanitary facilities resulted in prisoners being accommodated in degrading conditions.

⁴⁰ CPT/Inf. (2015) 44 Living Space per prisoner in prison establishments: CPT Standards. The CPT's minimum standard for personal living space in prison establishments is 4m² of living space per prisoner in multi-occupancy cell + fully partitioned sanitary facility.

⁴¹ European Prison Rules (2020), Rule 19.4.

Cells were not equipped with showers and the limited number of shower facilities, particularly on large landings, was insufficient to afford a daily shower to all people living in Cloverhill Prison.

There was no dedicated haircutting facility in Cloverhill Prison.

2.31 RECOMMENDATIONS

To the Director General of the Irish Prison Service:

Repeat Recommendation CHCT5 (2021): The Irish Prison Service must ensure that all sanitary facilities in multi-occupancy cells are fully partitioned and that multiple-occupancy cells meet, at least, the minimum CPT cell size requirements.

To the Governor of Cloverhill Prison:

Recommendation CH23-1: Every prisoner should be provided with daily access to a shower in the interests of both personal and prison hygiene.

Clothing & Bedding

- 2.32** As provided for in the Prison Rules, 2007-2020, all people in prison should have access to clean and warm clothing.⁴² The European Prison Rules (2020) set out that people in prison should be supplied with a bed as well as climate-appropriate bedding.⁴³ Bedding and clothing should be laundered on a regular basis.⁴⁴

The UN Mandela Rules (Rule 5.1) establish that the prison regime should seek to minimize any differences between prison life and life at liberty that tend to lessen the responsibility of the prisoners or the respect due to their dignity as a human being.

The CPT has indicated that clothes that are shabby or dirty, or that reflect demeaning connotations, weaken self-esteem, (which is) an essential element of rehabilitation".⁴⁵

Clothing

- 2.33** When committed to Cloverhill Prison, all new committal prisoners were issued one tracksuit and three pairs of socks and underwear, which were to be worn over a seven-day period. New committals to the prison were not permitted to apply to wear their own clothing until they had been in prison for at least four weeks.

Although the amount of clothing provided to new committals was insufficient to ensure people in Cloverhill Prison had access to clean clothing each day, it was an improvement on the situation observed during the Inspectorate's previous inspection of Cloverhill Prison in 2021. At that time, the Inspectorate found that new committals were provided with only one pair of

⁴² Prison Rules 2007-2020, Rule 21.

⁴³ [European Prison Rules \(2020\)](#), Rule 21.

⁴⁴ Prison Rules 2007-2020, Rule 22: "Each prisoner shall be issued with separate bedding adequate for warmth and health, which shall be cleaned regularly", and that "A prisoner shall not be required to sleep without a mattress." However, the European Prison Rules (2020), Rule 21 states that: "Every prisoner shall be provided with a separate bed and separate and appropriate bedding."

⁴⁵ CPT (2009) [Report to the Swedish Government on the Visit to Sweden from 9 to 18 June 2009](#).

socks and underwear when committed to the prison. In response to a recommendation made by the Inspectorate, the budget for clothing in Cloverhill Prison was increased by 20%.⁴⁶

The Inspectorate welcomes measures taken to increase the amount of clean clothing provided to prisoners, but additional efforts must be made to provide all people in the prison with sufficient clean clothing for each day of the week, at a minimum.

- 2.34** Laundry was done on a rotational basis by landing, with each landing allocated one day each week to exchange their prison-issued clothing for a new set of clothing. Unlike other prisons, where prisoner clothing was labelled and laundered through the prison laundry system, prisoners who wore their own clothing washed the clothing in sinks in their cells, and hung the damp clothing in their overcrowded cells to dry. This exacerbated the already poor conditions in these cells.

While there was a form to facilitate the washing of personal clothing, only a handful of people were on that list at the time of inspection, and many people did not know this facility was available to them. There were washing machines and dryers located at the end of some prison landings, however these facilities were only used to wash and dry gym clothes.

Given that clothing was unlabelled, all undergarments were disposed of each week as part of the clothing exchange.

- 2.35** It was very positive that people in Cloverhill Prison were permitted to wear their own clothing, particularly because the vast majority of people in the prison were unconvicted prisoners.

To ensure the good practice of permitting prisoners to wear their own clothing is facilitated in a way that is sanitary, washing and drying facilities should be made available and accessible to all prisoners.

Bedding

- 2.36** At the time of inspection, there was a shortage in the supply of bedding, and in particular, of pillows. The shortage of pillows resulted in prisoners creating their own makeshift pillows (**Figure 3**), or, as one prisoner stated, “*You’d have to buy a pillow off someone*”.

Figure 3: Makeshift Pillow



⁴⁶ OIP (2021) COVID-19 Thematic Inspection of Cloverhill Prison, 18 - 19 March 2021, Rec ID CHCT14. See, OIP Inspections Recommendation Database.

- 2.37 Each prisoner was provided with one towel for the week, which was used for showers and when attending the gym.
- 2.38 Beds were made of metal and had deep grooves in the base which were easily felt through thin mattresses. Much like the situation in March 2021, many mattresses were in a poor state of repair (**Figure 4**). While Cloverhill Prison had committed to carrying out an audit of all bedding, the quality of bedding was poor at the time of the inspection in May 2023.⁴⁷

Figure 4: Mattress, Bed on B-Wing



Mattresses used by people sleeping on cell floors were rolled up and stored on the floor under a bed each day. There was no policy in place to ensure mattresses were maintained, stored properly, and cleaned regularly. Mattresses were costly (€140), and the manner in which they were stored was not appropriate to prevent damage to mattresses (**Figure 5**).

Figure 5: Storage of Bedding



⁴⁷ OIP (2021) COVID-19 Thematic Inspection of Cloverhill Prison 31 March - 1 April, Recommendation CHCT6. See, OIP [Inspections Recommendation Monitoring Database](#), September 2022 IPS Self-Assessment Update.

2.39 Clothing & Bedding Assessment

Prisoners were provided with prison issued clothing upon committal to the prison. Despite efforts to increase the amount of clothing to new prisoners, this continued to be insufficient given the weekly laundry timetable in the prison.

While it was positive that some prisoners wore their own clothing, they were not properly facilitated to do this as there were no proper washing and drying facilities accessible for use.

Prisoners washed their personal clothing in cell sinks and dried their clothing on vents and pipes in their cells. Given the overcrowded and hot cell conditions in which prisoners were accommodated, this practice was not sanitary, nor healthy.

The Inspectorate found many mattresses in a poor state of repair, and there was no policy related to the storage and maintenance of mattresses.

2.40 RECOMMENDATIONS

To the Governor of Cloverhill Prison:

Recommendation CH23-2: The Governor should take all the necessary steps to ensure people in Cloverhill Prison are facilitated to wear their own clothing, including by making laundry facilities available to prisoners to wash their clothing.

Recommendation CH23-3: Prison managers should conduct regular and ongoing recorded audits of the availability of bedding, and where necessary, ensure the replacement of mattresses, duvets and pillows. All prisoners should each have a mattress in a good state-of-repair, a clean duvet, sheet, pillow and pillowcase, and a sufficient number of towels to meet their needs.

Out-of-Cell Time

- 2.41** The Prison Rules 2007-2020 provide that all prisoners should spend as much time out of their cells as is practicable to associate with other prisoners.⁴⁸ The Rules also state that each convicted prisoner should be engaged in authorised structured activity for a period of not less than five hours on each day of five days a week.⁴⁹ The CPT recommends that prisoners should be able to spend eight hours daily out of their cells engaged in purposeful activities.⁵⁰

- 2.42** Out-of-cell time in Cloverhill Prison mainly comprised of time spent in the yard, collection of food and medication, attendance at the tuck shop and a weekly visit to the reception area to exchange clothing. Access to authorised structured activities, such as school and work training, were limited to a small proportion of the prisoner population.

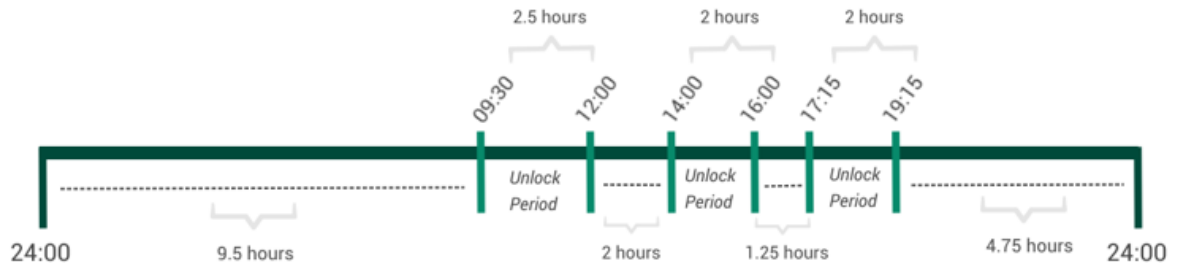
⁴⁸ Prison Rules 2007-2020, Rule 27(1).

⁴⁹ Prison Rules 2007-2020, Rule 27(3).

⁵⁰ As referenced by the CPT, in the 2015 Living Space per Prisoner in Prison Establishments, and the CPT's (2021) A Decency Threshold for Prisons-Criteria for Assessing Conditions of Detention.

There were general designated unlock times across the prison, which allowed for 6.5 hours of scheduled out-of-cell time each day (**Figure 6**).

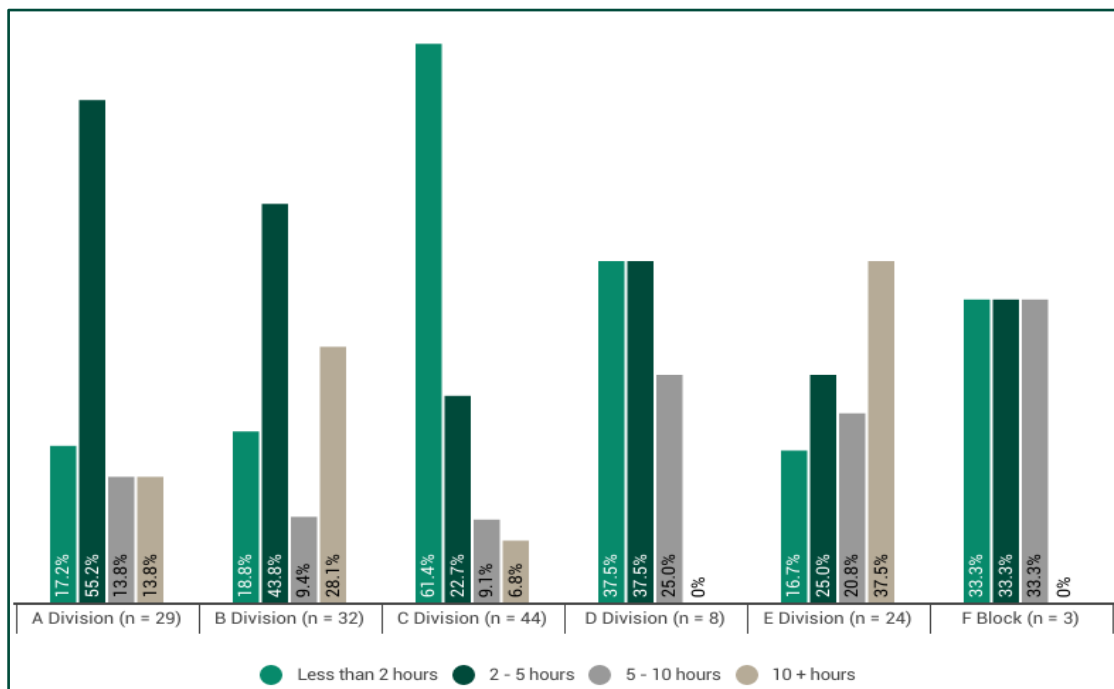
Figure 6: General Prison Daily Unlock Schedule



However, the stated out-of-cell times did not align with daily practice, and instead unlock periods were eroded by late and early lock-backs over the course of the day. For example, on one day of the inspection prisoners were not unlocked until 09:40 in the morning and 14:20 in the afternoon, resulting in a loss of 30 minutes of offered out-of-cell-time.

2.43 Prisoners who worked in the prison (the majority of whom were accommodated in E Division), were out of their cells for more than 6.5 hours each day, but people on restricted regimes reported that they were unlocked for much less than 6.5 hours each day (**Figure 7**). A large number of prisoner survey respondents who were on protection regimes (61%), and were primarily accommodated on C Division, reported spending less than two hours out of their cells each day.

Figure 7: Prisoner Reports of Out-of-Cell Time, Weekday (by Part of Prison) (%)



2.44 Given the lack of purposeful activity available to the majority of people living in Cloverhill Prison (less than 10% had daily access to the school, and less than one-third of the population was involved in education and work training), many people on A, B, C and D Divisions elected to stay in their cells during unlock periods rather than spend time in the yards.

This means that while the scheduled offered out-of-cell time for general population prisoners was 6.5 hours each day, many prisoners did not actually spend this much time out of their cells.

2.45 Out-of-cell time was not properly recorded in out-of-cell time record books. Record books only required prison officers denote the amount of time *offered* to prisoners, and, other than an area on the record book to mark “decline”, these books did not provide an area to indicate how much time each prisoner *actually* spent out of their cell. This made it impossible to determine *actual* out-of-cell time.

The implications of this are of serious concern because the Irish Prison Service is not able to accurately determine the amount of time prisoners spend locked in their cells each day. For prisoners on restricted regimes, where there is an increased risk of prisoners experiencing de facto solitary confinement, this deficit in record-keeping was particularly problematic.

2.46 Out-of-Cell Time Assessment

Given the lack of purposeful activity available to much of the prisoner population, many prisoners elected to stay locked in their cells during periods of unlock.

People on protection in the prison reported that they experienced very little out-of-cell time, with 61% of prisoner survey respondents on protection indicating they spent less than two hours out of their cell on a typical weekday.

As a result of a deficit in the manner by which out-of-cell time was recorded, it was not possible to determine the actual amount of out-of-cell time for people in Cloverhill Prison; this was particularly problematic for people on restricted regimes who have an increased risk of experiencing de facto solitary confinement.

2.47 RECOMMENDATIONS

To the Director General of the Irish Prison Service:

Recommendation DG22-3 (*recommendation also made in relation to Mountjoy Men’s Prison and Cork Prison*): In the ongoing review of the Prison Rules 2007-2020, consideration should be given to amendment of Rule 27(1)(a) to increase the minimum amount of out-of-cell time, in line with the CPT’s *Decency Threshold for Prisons* (2021), which sets out a goal of at least eight hours out-of-cell time engaged in purposeful activities for people in prison.⁵¹ Particular consideration should be given to safeguarding the minimum out-of-cell time for prisoners on restricted regimes.

To the Governor of Cloverhill Prison

⁵¹ See section 5.1.2 and Recommendation CKCT13, OIP (2021) COVID-19 Thematic inspection of Cork Prison May - June 2021.

Recommendation CH23-4: Prison management should develop a recording mechanism to ensure that *actual* out-of-cell time is properly recorded for all prisoners in custody, with a particular emphasis on restricted regimes and out-of-cell time record-keeping.

Meals & Nutrition

2.48 Under the Prison Rules 2007-2020, Rule 23, the Governor of the prison is responsible for ensuring that prisoners receive good quality and varied meals.⁵² In addition to this, international standards require that meals be served at reasonable intervals and at times reflective of mealtimes in the community.⁵³

2.49 Food provided to people in the prison was generally of good quality and portions were adequate. The quality of food was ranked as the most positive aspect of the prison by survey respondents.

2.50 The majority of prisoners collected their meals at a servery at the top of each landing; all prisoners ate their meals in their cells. Given the cramped and overcrowded living conditions in many of the cells, some prisoners ate their meals sitting on the floor, and all prisoners ate their meals within close proximity to a non-partitioned sanitary facility. **The manner in which many people in Cloverhill Prison were required to eat their meals was undignified and degrading, and much consideration should be given to how this practice can be brought to an end.**

2.51 At the time of inspection meal times in the prison did not align with those in the community; all meals occurred within an eight-hour period: breakfast at 08:00 / 08:30, dinner (lunch) at 12:00 and tea (dinner) at 16:00.

In 2021, the Inspectorate recommended that “scheduling around meal times be amended to ensure meals are served at reasonable intervals and at normal times: lunch (midday) and dinner (evening).” In March 2023, the Irish Prison Service indicated no changes would be made to the serving times or intervals between meals. Instead, the menu was changed to enhance the final meal of the day (16:00), and to align meal times across the prison estate.

2.52 While the Inspectorate welcomes efforts made to improve the quality of the menu, the ongoing practice across much of the prison estate continues to not be aligned with international best practice, which sets out that “there shall be three meals a day with reasonable intervals between them” and “every prisoner shall be provided by the prison administration at the usual hours with food of nutritional value”.⁵⁴

2.53 It was positive that prisoners were able to physically attend the prison tuck shop, as this practice offered some sense of normalcy akin to the experience of shopping in the community. Prisoners had a good level of access to the tuck shop and attended the tuck shop three or four times each week. Prisoners on Enhanced regimes were permitted to access the tuck shop on a daily basis.

⁵² Prison Rules 2007-2020, Rule 23.

⁵³ UN Mandela Rules (2015), Rule 22 and European Prison Rules (2020), Rule 22.4.

⁵⁴ UN Mandela Rules (2015), Rule 22 and European Prison Rules (2020), Rule 22.4.

However, prisoners were not provided with information about the prices of the products for sale in the tuck shop, but instead asked about the prices and the amount of money available in their accounts while at the tuck shop counter.

Regulations set out in the European Communities (Requirements to Indicate Product Prices) Regulations 2002⁵⁵ require that where products are for sale, traders “shall indicate the selling price of that product”. The regulations indicate the “selling price must be unambiguous, clearly visible and legible, and in proximity to the product itself”.

Across the prison estate the Inspectorate has raised concerns about a failure to display and make available tuck shop prices to people in prison. These concerns are related not only to a lack of compliance with the law, as noted above, but also to prisoner safety. When prisoners must ask for information about their accounts in front of other prisoners this leaves them open to bullying or intimidation.

- 2.54** Prison management acknowledged current practice with tuck shop pricing and prisoner access to their accounts was an issue, and indicated the practice would be examined with a view to ensuring prisoners were aware of their balance before attending the tuck shop.

There are proposals in other prisons, such as Cork Prison, to digitalise prisoner accounts so that prisoners can access their finances as well as manage their services and visits schedules by using a digital kiosk.⁵⁶ Cloverhill Prison should consider this proposal as one way to address the concern around the tuck shop and prisoner accounts.

2.55 Meals & Nutrition Assessment

Positively, the food provided to people living in Cloverhill Prison was of a good quality and portion size; prisoners largely reported satisfaction with the food.

The scheduling of mealtimes continues to require alignment with international best practice.

The practice of eating meals on floors of overcrowded cells, in close proximity to a non-partitioned toilet facility was degrading, and should be brought to an immediate end.

It was positive that prisoners were able to physically attend the tuck shop, but current practice around tuck shop pricing and prisoner access to this information, as well as information about their personal accounts, leaves prisoners open to bullying and intimidation.

2.56 RECOMMENDATIONS

To the Director General of the Irish Prison Service:

Repeat Recommendation CHCT3 (2021): Scheduling of meal times at Cloverhill Prison should be amended to ensure meals are served at reasonable intervals and at times that correspond to those in the community.

⁵⁵ S.I. No. 639/2002 - European Communities (Requirements To Indicate Product Prices) Regulation 2002

⁵⁶ OIP (2023) General Unannounced Inspection of Cork Prison, 27 March - 5 April 2023, Section 2.55.

To the Governor of Cloverhill Prison:

Recommendation CH23-5: Cloverhill Prison should provide tuck shop pricing to prisoners and ensure prisoners are able to easily and privately access their financial accounts information.⁵⁷

B. Relationships & Interactions

- 2.57** Both the Prison Rules 2007-2020⁵⁸ and the European Prison Rules (2020) outline the importance of positive, respectful relationships between management, frontline prison staff and prisoners. Relationships are fundamental to the fostering of a prison context that treats “all prisoners with humanity and with respect for the inherent dignity of the human person”.⁵⁹

Prisoner experiences of humanity, staff professionalism and help and assistance are fundamental to assessing the quality of prison life for people in prison. When prisoner perceptions of trust and fairness are elevated this leads to better outcomes in other areas, such as prison order.

2.58 Staff-Prisoner Relationships

Overcrowding in the prison negatively impacted on the ability of prison staff to develop positive relationships with people in custody.

Six of the landings in the prison had a capacity at, or above 54 persons, and four landings accommodated more than 60 prisoners. In addition, the transient nature of the prisoner population meant that staff were less familiar with the people in their care as compared to other prisons.

Overall, **relationships between prisoners and staff required improvement.** While almost two-thirds of prison staff who responded to the inspection survey (62%, 56 of 90) reported respectful and professional relationships between officers and prisoners,⁶⁰ many people living in the prison did not feel the same way.

Less than half of prisoner survey respondents in Cloverhill Prison (46%, 64 of 138) reported being treated fairly by prison staff, and 29% (39 of 136) reported they trusted prison staff. In comparison to survey findings arising from previous General Inspections of other prisons,⁶¹ these findings raise concerns about the quality of relationships between prisoners and prison staff.

- 2.59** While acknowledging that there were many staff who worked hard to support prisoners, and that there were reports of some good relations between prisoners and staff, a large number of prisoners raised concerns about their treatment in the prison:

⁵⁷ This issue was also raised by the Inspectorate with respect of Cork Prison. See, OIP (2021) [COVID-19 Thematic Inspection of Cork Prison](#), ¶ 2.2.3 and OIP (2023) General Unannounced Inspection of Cork Prison, 27 March - 5 April 2023, Section 2.55.

⁵⁸ Prison Rules 2007-2020, Rules 75(2) and 85(3), and [European Prison Rules \(2020\), Rules 72.1 and 72.2.](#)

⁵⁹ [European Prison Rules \(2020\)](#), Rule 72.1, 74 and 75.

⁶⁰ 56% of staff survey respondents in Mountjoy Men's Prison (67 of 120) and 67% of staff survey respondents in Cork Prison (78 of 117) reported relationships between prisoners and staff were respectful and professional.

⁶¹ 75% of prisoner survey respondents in Mountjoy Men's Prison (104 of 138) and 54% of prisoner survey respondents in Cork Prison (74 of 137) reported being treated fairly by staff in the prison. 53% of prisoner survey respondents in Mountjoy Men's Prison (94 of 178) and 37% of prisoner survey respondents in Cork Prison (50 of 136) reported they trusted staff in the prison.

"I would like to say that officers don't give much respect to prisoners".

"This prison is not good the officers are bullying me and they have attacked me".

"The staff are bullies."

"This place is a joke none of the officers listen to our requests".

"Prisoners don't want to be here, the staff make it clear they don't want to be here, so I feel I'm all alone in a crowded place, it's one of the worse feelings I've ever experienced".

More than half of prisoner survey respondents reported hearing of staff insulting prisoners (59%, 78 of 133), using words or threats to frighten prisoners (46%, 61 of 133) and of staff bullying prisoners (43%, 57 of 133).

- 2.60** Many prisoners reported they did not feel listened to by prison staff, particularly when making requests to be facilitated to see the doctor or to make a phone call to their family or solicitor. There was a sense among many prisoners, particularly foreign national prisoners, that their requests were being dismissed, with one prisoner stating, *"Every time they joke, it's like they're treating us like kids."*

Given many people in Cloverhill Prison were limited in their out-of-cell time and access to services, they were wholly reliant on prison staff to facilitate access to their rights, such as the right to family contact (ECHR, Article 8), to legal representation (ECHR, Article 6(3) (b) and Prison Rules 2007-2020, Rule 38), and to seek medical attention (Prison Rules, 2007-2020, Rule 102 and European Prison Rules, Rule 40.5).

The Inspectorate notes the impact overcrowding has on the capacity for prison staff to immediately address requests made by prisoners. Regardless, every effort should be made to provide prisoners with information about the status of their requests in a timely and respectful manner.

- 2.61** Many prisoners who responded to the survey (41%, 57 of 138) considered that staff punish prisoners who make complaints. Some prisoners indicated they would not seek to speak with anybody in the prison if they had a problem because they would be concerned that prison officers would tell other prisoners about their concerns.
- 2.62** The duty of the Governor to carry out a Governor's Parade each day was delegated to an Assistant Chief Officer (Prison Rules 2007-2020, Rule 76). The absence of the Governor on the Governor's Parade meant that many prisoners had no opportunity to raise grievances or engage with the Governor, as is their entitlement under Rule 55(1)).

Staff Relationships

- 2.63** Amongst operational prison staff who responded to the inspection survey, relationships with fellow staff were identified as the most positive component of working in the prison. There were no reported breaches under the Irish Prison Service's Code of Ethics for Prison Staff in the previous 12 months. Four complaints were raised by staff against fellow staff over the same time period. Of these, one complaint was resolved through mediation through the Irish Prison Service's Dignity at Work policy, another investigation outcome was inconclusive while two were currently under investigation.

Nearly half (47%, 43 of 91) of prison staff survey respondents (both operational and service staff) reported feeling satisfied with their quality of working life. However, 47% (43 of 91) also reported feeling dissatisfied with their current level of work-related stress.

The vast majority of operational staff survey respondents (81%, 60 of 74) indicated that staff worked well together. One member of staff stated, *“Management and the other services all appear to get along and are all pulling together for the greater goal”*, and another said, *“Staff work extremely well together in Cloverhill to deliver a very strained service due to lack of staffing”*.

- 2.64** Unfortunately however, a number of prison staff reported concerns with bullying and inappropriate behaviour amongst staff:

“Bullying and degrading comments between staff is never dealt with”.

“This prison is well managed by the staff on the floor and seem to work well together but the management have no appreciation for staff and blame staff first ask questions later mentality which is very hard on staff”.

“Bullying for years by management towards staff, completely ignored by IPS”.

“I do see some toxic masculinity among (staff) when dealing with each other and with some prisoners”.

“There is a culture of intimidation which can rear its head at certain times. There is a control culture between Staff Reps and management which is detrimental to the majority of staff”.

- 2.65** The inspection team observed a hand-written sign affixed to a staff locker that said “Traitor”. The locker was in a toilet area used by people who attended the prison to pay bail and was therefore visible to members of the public who used the bathroom.

- 2.66** There were tensions between prison staff and prison management. Some staff reported that they did not feel heard by management, and did not feel adequately consulted, particularly when new initiatives were adopted in the prison. More than two-thirds of prison staff survey respondents (69%, 61 of 88) did not feel involved in decision-making processes in the prison, and 57% (50 of 88) did not think that relationships between prison officers and management were respectful and professional. Furthermore, nearly two-thirds of staff survey respondents (56 of 88) reported they did not feel supported by the Irish Prison Service Headquarters.

- 2.67** Over half of staff survey respondents (53%, 47 of 89) reported that they did not feel comfortable expressing work-related grievances in the prison.

- 2.68** Staff morale in the prison was low; more than half of prison staff respondents (64%, 53 of 90) reported they did not feel valued as a member of staff in the prison. One member of staff said *“I’ve worked in this prison for x (redacted by OIP) years and this is the worst morale I’ve experienced”*, and another said, *“Staff levels on the landings are at an all time low, as is morale”*.

- 2.69** In its 2023-2027 Strategic Plan, the Irish Prison Service outlines its intention to examine the working culture in the Service through the carrying out of a “culture audit”.⁶²

In 2015, the Inspectorate published *Culture and Organisation in the Irish Prison Service, A Road Map for the Future*, which outlined concerns about the culture in the Prison Service, and

⁶² IPS (2023) *Irish Prison Service Strategy 2023 - 2027*.

the impact it had on the ways in which staff and people living in prison were treated. In 2021, the Inspectorate also raised concerns with working cultures, with respect to staff culture and treatment in Cork Prison and the Dóchas Centre.⁶³ In recent General Inspections of Cloverhill Prison, Cork Prison and Mountjoy Men’s Prison, staff survey findings indicated continued cultural issues amongst and across different staffing areas in the Irish Prison Service.

The Inspectorate welcomes the effort by the IPS to complete a “culture audit” in 2024, and to subsequently develop and implement a culture roadmap.

Prisoner Relationships

- 2.70** A combination of extreme overcrowding, contraband-seeking, and limited access to purposeful activity and out-of-cell time resulted in poor prisoner relationship outcomes. While many prisoners interacted with fellow prisoners, there existed an environment of tension and aggression in most areas of the prison (aside from E Division and F Block), which often erupted into short periods of violence.
- 2.71** Many prisoners who completed the survey reported hearing of prisoners threatening other prisoners (62%, 87 of 141), bullying other prisoners (60%, 85 of 141) physically attacking other prisoners (56%, 79 of 141), insulting other prisoners (54%, 76 of 141) and robbing other prisoners (50%, 70 of 141). Additionally, a small number of prisoners (9%, 12 of 141) reported hearing of prisoners sexually assaulting other prisoners.

This is very concerning, particularly because 58% of prisoner survey respondents (83 of 144) indicated they would not report any of the above incidents of violence of abuse.

2.72 Relationships & Interactions Assessment

Relationships and interactions between prison staff and prisoners required significant improvement. Prisoners, who must rely on staff to facilitate access to their human rights, were often dismissed or ignored by staff when trying to do so.

Prisoners who completed the inspection survey reported lower levels of trust and fairness of treatment when compared to prisoners in other prisons inspected by the Inspectorate.

While prison staff largely reported good relations, there were reports of bullying and intimidation amongst prison staff in the prison. A large number of staff did not feel supported by prison management, or by IPS Headquarters.

An environment of intimidation, violence and fear existed in the prison, and people living in the prison did not feel safe. There was much need for prison management to address inter-prisoner violence and abuse in the prison.

⁶³ OIP (2021) COVID-19 Thematic Inspection of Cork Prison, Sec 2.5 and OIP (2022) Investigation into the Dóchas Centre (unpublished).

2.73 RECOMMENDATIONS

To the Director General of the Irish Prison Service:

Recommendation DG23-7: IPS Headquarters should conduct a review of the working/management culture at Cloverhill Prison with a view to identifying the underlying reasons for reported levels of low morale amongst certain staff. The review should also examine whether the operation in practice of current grievance procedures is dissuading staff and/or prisoners from pursuing legitimate complaints.

To the Governor of Cloverhill Prison:

Recommendation CH23-6: In line with Rule 75(3) and Rule 86(1)(b) of the Prison Rules 2007-2020, the Governor of the prison and all staff should maximise opportunities to interact with prisoners in a manner that is meaningful and supports their general welfare.

Recommendation CH23-7: A Governor grade staff member should conduct the daily Governor's Parade; delegation of this function to Assistant Chief Officers should cease.

C. Non-Discrimination

- 2.74** Under Section 42 of the Irish Human Rights and Equality Commission Act 2014, the Irish Prison Service has a duty to eliminate discrimination and promote equality of opportunity for both prison staff and people in prison.⁶⁴

The Prison Rules 2007-2020 also set out a duty on the Governor of a prison to ensure the Rules “are applied fairly, impartially and without discrimination and that all persons to whom these Rules apply are made aware of these Rules and of the consequences of any breach of prison discipline under these Rules”.

- 2.75** **Nearly two-thirds of prisoners (65%, 66 of 98) who completed the inspection survey reported feeling discriminated against on one or more grounds.**⁶⁵

Of these, 17% of respondents (17 of 98) reported feeling discriminated against due to their nationality. 14% (14 of 98) reported discrimination on grounds of their Membership in the Traveller Community. 12% (12 of 98) indicated feeling discriminated against based on the language they spoke. 11% (11 of 98) reported experiencing discrimination due to their race or ethnicity. The remainder cited other grounds.

The prisoner population comprised 23% foreign nationals, 7% Members of the Traveller Community, and 11% of prisoners whose first language was not English.

- 2.76** Positively, given the language needs of people committed to Cloverhill Prison, a committal introduction video had been developed and was available in a number of languages, including Polish, Portuguese, Russian, and French (see section 2.87).
- 2.77** However, other practices in the prison did not adequately account for the needs of non-English speakers. Interpreter access was not available in the prison, and people who did not speak

⁶⁴ Irish Human Rights and Equality Commission Act 2014, Section 42, Prison Rules, 2007 -2020, Rule 75(5). See also, UN Mandela Rules (2015), Rule 2 and European Prison Rules 2020, Rule 13.

⁶⁵ 48% of prisoner survey respondents in Mountjoy Men's Prison (78 of 163) and 49% of prisoner survey respondents in Cork Prison (49 of 100) reported *not* feeling discriminated against in the prison.

English were disadvantaged in their ability to engage with prison staff and other people living in the prison (see section 2.85 – 2.86).

Some prisoners experienced delays in obtaining permissions to make calls to their families because the prison service was not always able to verify contacts who spoke other languages.

2.78 In terms of accessibility supports for prisoners with disabilities, there was one lift in the prison, which was located in D Division. Services such as the school were located on the second floor, which made it difficult for prisoners with physical disabilities to access the school. This was because a School Officer was required to escort prisoners to use the lift, and there was only one School Officer, who was also tasked with escorting all other prisoners to the school. Positively, Cloverhill Prison had plans to expand the school to the lower level of the prison, which would help address the accessibility issue (see section 5.56).

2.79 As compared to Mountjoy Men’s Prison and Cork Prison, many staff working in Cloverhill Prison reported feeling discriminated against. While 76% of staff survey respondents (82 of 108) in Mountjoy Men’s Prison and 72% of staff survey respondents (75 of 104) in Cork Prison reported they did not feel discriminated against, only 60% of staff survey participants (48 of 81) in Cloverhill Prison reported similarly.

One-fifth of staff survey respondents (20%, 16 of 81) in Cloverhill Prison reported feeling discriminated against based on their gender. One member of prison staff stated:

“Female officers are treated differently to male officers and are often sidelined to do office duties, or face ridicule from male colleagues if in charge of landings”.

2.80 Approximately 34% of prison staff survey respondents (28 of 83) reported they did not feel adequately trained in cultural awareness and sensitivity, and 56% of staff (46 of 82) felt satisfied with the training they received in human rights.

2.81 Non-Discrimination Assessment

The majority of prisoners and many staff surveyed by the Inspectorate reported experiencing discrimination in Cloverhill Prison.

The prison was equipped with a lift, which could be used to assist prisoners who had a physical disability to move to certain areas of the prison. However, the location of the lift was not suited to access all services.

One-fifth of prison staff survey respondents reported concerns about the prominence of gender-based discrimination in the prison.

2.82 RECOMMENDATION

To the Governor of Cloverhill Prison:

Recommendation CH23-8: In line with Section 42 of the Public Sector Duty, the prison should work towards eliminating all forms of discrimination within Cloverhill Prison, with due consideration to, inter alia, (i) clear communication of staff obligations under the Duty, (ii) provision of reasonable accommodations to ensure accessibility, (iii) and means to allow for the expression of one’s identity and beliefs.

D. Information

- 2.83** The Prison Rules 2007-2020, Rule 13, requires that all people in prison be provided with an information booklet which outlines their entitlements, obligations, and privileges while in the prison. The European Prison Rules (2020) also require that prisoners be provided as often as necessary with information in a language they understand, about the regulations governing prison discipline and their rights and duties in the prison.⁶⁶

The CPT previously recommended that Irish authorities take steps to ensure foreign national prisoners and prisoners with reading and writing difficulties be provided with information on the regime in the establishment, and on their rights and duties in a language they understand, and that this information should be provided both in writing and orally.⁶⁷

- 2.84** On committal, prisoners were provided with a Cloverhill Prison information booklet, which outlined the Prison Rules 2007; this booklet was published in 2011. In addition, a short information sheet outlining the prison regime and access to services in the prison was available in multiple languages and was provided to prisoners.

The Governor of Cloverhill Prison committed to reviewing and updating the information booklet following the inspection.

- 2.85** Despite efforts by the prison to develop and provide information to prisoners, many people in the prison did not feel well-informed about the rules and regulations in the prison. Nearly half of prisoner survey respondents indicated that they did not feel the Prison Rules were explained to them in a language and manner they could understand. One prisoner stated: *“No one gets explained anything”* and another said, *“I know nothing”*.

- 2.86** Interpretation services were not available in the prison, aside for circumstances involving legal affairs.

The prison relied heavily on other prisoners to translate for people who were newly committed to the prison and could not communicate effectively in English; this practice left both the prisoner providing the translation service and the person who required translation in potentially vulnerable situations.

The reliance on prisoners to provide translation services to other prisoners raises privacy concerns and has implications for protection of personal data, as set out in Rule 16 of the 2020 European Prison Rules: “All information collected at admission and thereafter shall be kept confidential and made available only to those whose professional responsibilities require access to it.”

- 2.87** **Very positively, Cloverhill Prison had developed a committal video (Figure 8), which was available in six languages in five prison cells.** The video included information such as the daily timetable and how to access medical care and hygiene products.

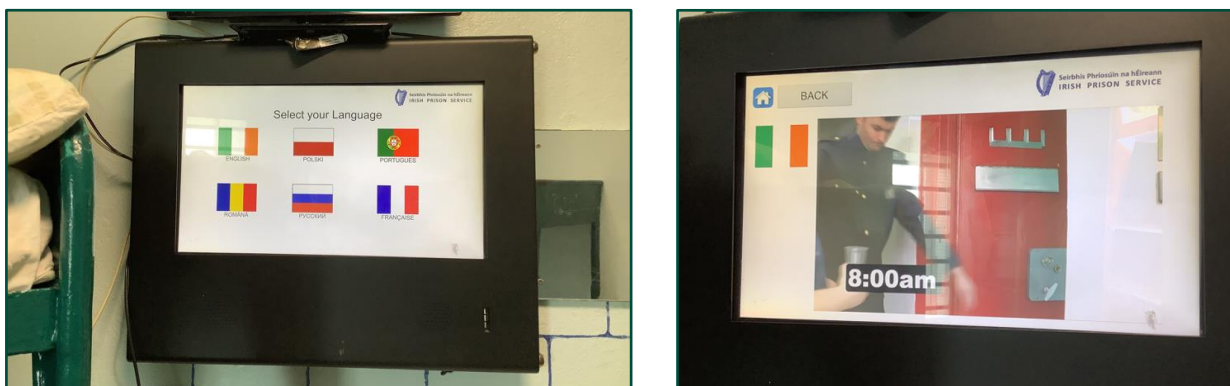
The video screens were located in the E Division of the prison, which did not accommodate people newly committed to the prison. To be of real benefit, prison management had

⁶⁶ Prison Rules 2007-2020, Rule 13 and European Prison Rules (2020), Rule 30.

⁶⁷ CPT (2020) 37 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.

committed to updating and re-locating the video screens to the A Division committal cells, although this had not taken place by the time of the inspection.

Figure 8: Introductory Video – Multiple Languages



2.88 Information Assessment

The Cloverhill Prison information booklet on the Prison Rules 2007 required updating.

Positively, Cloverhill Prison had taken steps to fulfil the Public Sector Duty by providing a prison induction video available in multiple languages to prisoners. The Inspectorate welcomes plans to expand this visual induction information into additional languages and to relocate the video screens to designated committal cells.

Prisoners who did not speak English were not provided with interpreter services at key stages of imprisonment, such as committal to the prison. The prison instead relied on other prisoners for translation services, which posed challenges for inter-personal relationships in the prison.

2.89 RECOMMENDATION

To the Director General of the Irish Prison Service:

Repeat Recommendation DG23-2 (*recommendation also made in relation to Cork Prison, Recommendation CK23-9*): To ensure the protection of prisoners' personal data, and to facilitate effective communication, the Irish Prison Service should embed within its policies and procedures, ready access to interpretation and translation services. These should not only be provided "on request", but should be offered to prisoners at committal, and on an ongoing basis to ensure prisoners are able to communicate over the course of their imprisonment.

3 SAFETY & SECURITY

- 3.1 In line with *A Framework for the Inspection of Prisons (2020)*, the Inspectorate assesses how prisoners and staff experience *Safety & Security* in prisons. Drawing on national legislation and international standards, the Inspectorate evaluates performance across four themes:
- A. **Record-Keeping:** the extent to which official records are accurately and effectively maintained
 - B. **Regimes:** how the prison responds operationally to safety and security issues
 - C. **Complaints:** the functioning of the prisoner complaints system, in line with Rule 57B of the Prison Rules 2007-2020
 - D. **Disciplinary Processes:** the manner by which discipline is carried out in the prison, and to what effect
- 3.2 Based on the Inspectorate's evaluation of *Safety & Security* in Cloverhill Prison, an Immediate Action Notification was raised on 1 June 2023 (see section 1C). Appendix A sets out the grounds for the IAN, as well as the responses received from the Minister for Justice and the Director General of the Irish Prison Service.

A. Record-Keeping

- 3.3 As outlined under various provisions of the Prison Rules, 2007-2020, transparent and up-to-date record keeping is essential to the safety and security of persons detained in a prison setting.⁶⁸ Reasons for the importance of record keeping are three-fold as it: (i) contributes to good management of the prison, (ii) guarantees the protection of the rights of persons in custody, and (iii) enhances data management with a view to facilitating individualised care.⁶⁹
- All custodial records, including the electronic records maintained in the Prisoner Information Management System (PIMS), must be regularly updated including, where relevant, recent photographs. Records such as Class Officer journals and reports between Assistant Chief Officers, night guard books, and other systems designed to reduce corporate risk are equally, if not more, important where staff can find themselves involved in unsubstantiated allegations.
- Accurate operational record-keeping of a contemporaneous nature is essential if safety and security are to be maintained by the prison.
- 3.4 Record keeping at Cloverhill Prison was found to be of inconsistent quality. Some log books duplicated information, they were not sequentially numbered and often included insufficient detail. A commendable exception were the SOC records and Rule 62 records, which were found to be generally well-kept and accurate, although some gaps in monitoring by both prison and medical staff were identified.

⁶⁸ Prison Rules, 2007-2020, Rules 4, 8, 10, 11, 14, 34, 55, 60, 62, 63, 64, 65, 78, 80, 83, 102, 105, 107. See also, UN Mandela Rules (2015), Rule 6 and European Prison Rules (2020) Rule 16A.1.

⁶⁹ See Association for Prevention of Torture, Files and Records, and UNODC (2008) Handbook on Prisoner File Management.

- 3.5** The manual log books often could not be reconciled with the electronic records in PIMS. For instance, there was no record of over 700 short term moves to reception (over 350 moves during the 12 months preceding the inspection).
- 3.6** As for the recording of the regimes of those on protection, the restricted regime log books did not capture actual out-of-cell time, only what had been offered to prisoners. As consequence, it was not possible to ascertain the true reality of the regime for these prisoners.
- 3.7** The NIMS system, which is designed to alert the State Claims Agency to matters that may involve future financial liabilities, was the only centralised means of recording significant incidents in which prisoners or staff had been injured. Details recorded in the NIMS system were minimal.
- 3.8** As had been found during the 2022 inspection of Mountjoy Men's Prison and the 2023 inspection of Cork Prison, prison staff at Cloverhill Prison were experiencing genuine difficulties in ensuring that all relevant information systems remained appropriately updated. Senior officers up to and including Chief Officer I level spent significant amounts of their time completing elementary administrative tasks. This was due to under-resourcing in the prison's administration offices. Equally, administrative staff at junior grades were struggling with very heavy workloads of a complex and sensitive nature, such as verifying the validity of committal warrants.
- 3.9** It was a serious concern that the use of force and control and restraint was not being recorded. Neither were recent assaults on staff. The Governor undertook to rectify this shortcoming immediately after the inspection.

3.10 RECOMMENDATIONS

To the Director General of the Irish Prison Service:

Recommendation DG23-8: To promote effective handover processes, documentation of incidents in prisons, and notification and completion of restricted regime reviews, efforts should be made across the estate to digitalise all records and log books; this will require development and integration of digital technologies accessible to staff throughout the prison.

Repeat Recommendation DG22-4 (*recommendation also made to Mountjoy Men's Prison and Cork Prison*): To ensure accurate and effective record-keeping, the Director General of the Irish Prison Service should review the organisation of compliance functions across the prison estate.

To the Governor of Cloverhill Prison:

Recommendation CH23-9: Records should be kept in relation to all restricted regimes, including in instances where prisoners are separated from the general population on a temporary basis. Records should be (i) comprehensive and detailed; (ii) maintained in sequential order in distinct log books; and (iii) include thorough explanations for the (ongoing) placement of prisoners on restricted regimes, as well as the services and supports offered to and availed of by prisoners during their placement on a restricted regime. It is axiomatic that every use of force and control and restraint must be scrupulously recorded and the Inspectorate would like to receive confirmation that this is now the case.

B. Regimes

Restricted Regimes

- 3.11** As provided for under the Prison Rules 2007-2020, people in prison who are placed on a restricted regime must be appropriately accommodated to ensure their safety, as well as the safety of others. Rule 63 of the Prison Rules provides for the protection of vulnerable prisoners:

A prisoner may, either at his or her own request or when the Governor considers it necessary, in so far as is practicable and subject to the maintenance of good order and safe and secure custody, be kept separate from other prisoners who are reasonably likely to cause significant harm to him or her.

People accommodated on regimes that are particularly restrictive, that is 22 or more hours each day in their cell, with less than two hours of meaningful human contact, experience conditions of solitary confinement.⁷⁰

People held in these conditions for periods in excess of 15 days experience *prolonged solitary confinement*, which has significant negative impacts on a person's health and wellbeing. The CPT makes clear that "special efforts should be made to enhance the regime of those kept in long-term solitary confinement, who need particular attention to minimise the damage that this measure can do to them." The imposition of solitary confinement should always be used as a last resort and should not be used for prisoners with physical or mental disabilities.⁷¹

In 2017, the Irish Prison Service committed to the elimination of solitary confinement across the prison estate.⁷²

- 3.12** **Table 3** provides a breakdown of the number of prisoners on a particular restricted regime, as well as the relevant Rule applied by the prison, under the Prison Rules 2007-2020.

Table 3: Prisoners on Restricted Regimes (15 May 2023)

Restricted Regime	Numbers
Rule 62 - Removal on Grounds of Order	11
Rule 63 - Protection of Vulnerable Prisoners	140
Rule 64 - Special Observations	5 2 - Safety Observation Cell 3 - Close Supervision Cell
Rule 80 - Special Monitoring of Prisoner	--
Rule 103 - Recommendations of Prison Doctor	0
Total Number on a Restricted Regime	156

⁷⁰ UN Mandela Rules (2015), Rule 44.

⁷¹ UN Mandela Rules (2015), Rule 45.

⁷² IPS (2017) Elimination of Solitary Confinement.

- 3.13** While the majority of protection prisoners were accommodated on C Division, a small number of people were segregated from the general population in other areas of the prison due to the nature of their offence.

One person in particular was an older man who, due to physical disability, had to be accommodated on a ground floor cell on a general population landing while he awaited transfer to another prison. Due to the nature of his offence he was at risk of violence from other prisoners. As a means for officers to easily identify this risk, the door to his cell was clearly marked with an indicator of his alleged offence, which made his offence easily identifiable to all prisoners on the landing. This prisoner did not feel safe on the landing, and was in fear for his life. He refused to leave his cell to shower or to exercise for fear that the officers might allow other prisoners out at the same time.

The practice of publically displaying prisoner offences in such a way that they are identifiable by other prisoners is unacceptable. It has the potential to cause harm and should be immediately ceased.

3.14 RECOMMENDATIONS

To the Director General of the Irish Prison Service:

Repeat Recommendation DG22-6 (*recommendation also made to Mountjoy Men's Prison and Cork Prison*): The Director General of the Irish Prison Service should set out and make public a strategy to reduce the number of people accommodated under Rule 63 of the Prison Rules 2007-2020. This strategy should consider implementation of alternative measures, such as conflict mediation and restorative justice practices, to reduce prisoner tensions and concerns for safety. As part of this strategy, a review of the mechanisms by which prisoners sign-on and off protection should be conducted to ensure these processes are comprehensive and risk-assessed.

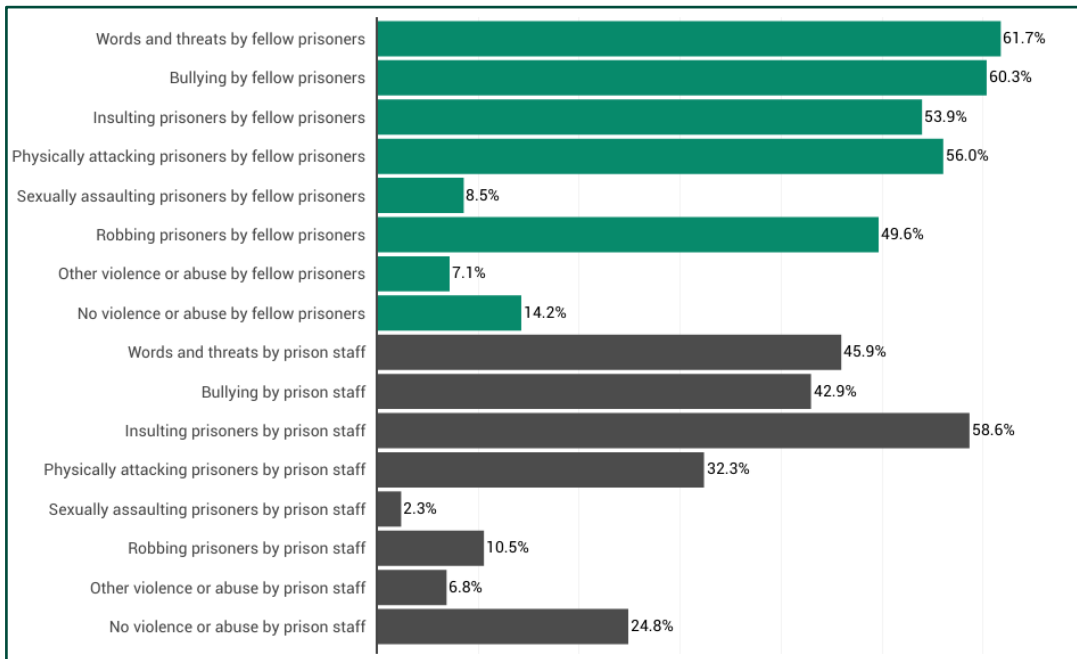
Prisoner and Staff Safety

3.15 54% of prisoner survey respondents (77 of 142) reported that they did not feel safe from being injured, bullied or threatened by other prisoners in Cloverhill.

3.16 Prisoner and staff survey respondents alike reported hearing about incidents of violence and assault in Cloverhill Prison (**Figures 9 and 10**).

Figure 9: Prisoner Reports of Violence (%)

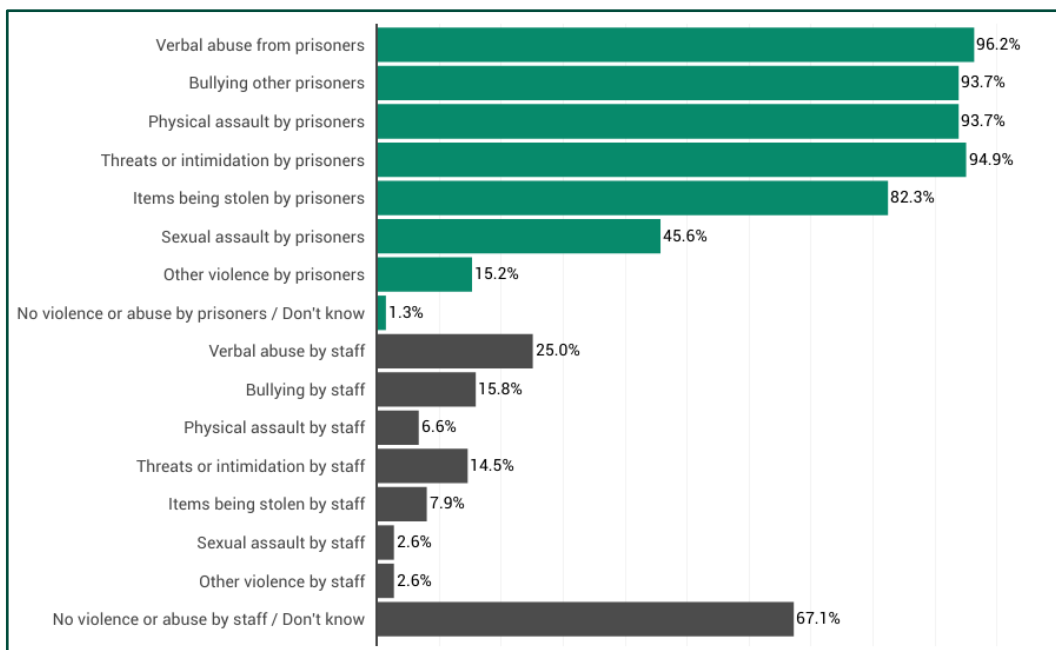
(Prisoner violence: n = 141; Staff violence: n = 133)



3.17

Figure 10: Staff Reports of Violence (%)

(Prisoner violence: n = 79, Staff violence: n = 76)



Contraband

- 3.18** Narcotics were often brought into the prison through the prison yards.
- 3.19** Both prisoner and staff survey respondents (42%, 59 of 141, and 79%, 59 of 75, respectively) reported that drugs were one of the main problems impacting on the prison.

The prevalence and availability of drugs in the prison had an enormous impact on the environment in the prison, as described by prisoners and members of staff:

“Drugs thrown over the wall cause tension, bullying and intimidation among prisoners and families and give rise to greater risk of overdose and fatalities. Increases violence towards staff. And greater pressure on protection landings and increase in factions.”

“Too much drugs being allowed into the prison.”

“Drug addiction is a major issue and there is nothing being done to stop the flow of drugs into the prison and is resulting in significant harm to prisoners and staff.”

“Selling drugs at stupid prices to vulnerable people.”

“Terrible service with drugs raining from everywhere drugs on the yards.”

“Just stop the drugs please.”

- 3.20** Cloverhill Prison did not operate a needle exchange programme, and did not provide naloxone to people upon their release from prison. Given the prevalence of drug use in prisons, the WHO recommends that health intervention packages include harm reduction interventions such as needle and syringe programmes, opioid agonist maintenance therapy and naloxone for overdose management.⁷³ Furthermore, the European Monitoring Centre for Drugs and Drug Addiction notes “prisons can be a core setting for engaging with people who inject drugs and who may have been hard to reach in the community, allowing the provision of harm reduction, counselling, testing and treatment services before they return to the community”.⁷⁴

3.21 RECOMMENDATIONS

To the Director General of the Irish Prison Service:

Recommendation DG23-9: In line with the National Strategy on Drugs 2025-2027, and the Irish Prison Service’s commitment to support and treat people with substance use issues, the Inspector urges the Prison Service to increasingly adopt a harm reduction and health-led approach to respond to drug prevalence in prisons.

To the Governor of the Cloverhill Prison:

Recommendation CH23-10: There is a duty of care on prison managers to ensure that all persons held in prison are kept safe. Increased efforts should be made to promote safe interactions in Cloverhill Prison, including application of conflict mediation and restorative practices to ease tensions amongst prisoners and staff.

⁷³ WHO (2021) The WHO Prison Health Framework –A Framework for assessment of prison health performance, and WHO (2021) Recommended Package of Interventions for HIV, Viral Hepatitis and STI prevention, Diagnosis, Treatment and Care for People in Prisons and Other Closed Settings.

⁷⁴ European Monitoring Centre for Drugs and Drug Addiction (2023) Prisons and Drugs: Health and Social Responses.

C. Complaints

- 3.22** The European Committee for the Prevention of Torture (CPT) sets out that the principles of a strong prisoner complaints system must include: availability, accessibility, confidentiality/safety, effectiveness, and traceability. In order to be effective a complaints system must be perceived to be fair as well as independent from the agency responsible for persons deprived of their liberty.⁷⁵

The UN Mandela Rules (2015), Rule 57.2 and the European Prison Rules (2020) Rule 70.9 require that complainants must not be subjected to negative consequences, including reprisal or intimidation as a result of raising a complaint. As part of a complaints system, it is important that prisoners are facilitated to effectively participate in the complaints process, which includes being provided with practical information about complaints procedures.⁷⁶

While the Inspectorate does not investigate individual complaints, under Rule 57(B) of the Prison Rules 2007-2020, it does play a role in the oversight of the prisoner complaints system.

For many years, the Office of the Inspector of Prisons has deemed the Irish Prison Service complaints system to be unfit for purpose.⁷⁷

In addition to its role in the oversight of prisoner complaints, the Inspectorate also receives and responds to confidential correspondence from prisoners, under Rule 44 of the Prison Rules 2007-2020. All people in prison custody are entitled to send and receive letters from the Inspectorate in confidence.

Alongside the complaint mechanism, prisoners are able to confidentially correspond with a number of bodies, including the Office of the Inspector of Prisons (Prison Rules 2007-2020, Rule 44). Correspondence by way of the Rule 44 process is not a complaint, and the Inspectorate does not investigate individual complaints.

- 3.24** Prisoner complaint boxes were installed and clearly marked on the prison landings.
- 3.25** 61% (87 of 143) of prisoner survey respondents reported that they did not feel safe making a complaint in the prison and 63% (90 of 142) of prisoners did not feel the complaint system works well. In comparison, 58% (48 of 83) of staff survey respondents felt the complaints process was good.

- 3.26** There were only two secure Rule 44 boxes located in the prison. There were also a small number of open trays marked as Rule 44 depositories on some landings; these were not private or secure.

Prison management committed to the installation of Rule 44 boxes two weeks after inspection, as well as disseminating information about the Rule 44 process on the prison's TV channel.

⁷⁵ CPT (2018) Complaints Mechanisms.

⁷⁶ European Prison Rules (2020), Rule 70.1, 70.4 and 70.6.

⁷⁷ OIP (2020) Annual Report 2020, pg. 24; OIP (2021) Annual Report 2019, pg. 42; and OIP (2018) Annual Report 2018, pg. 14; and OIP (2016) Review, Evaluation and Analysis of the Operation of the present Irish Prison Service Prisoner Complaints Procedure.

3.27 Complaints Assessment

While it was positive to see that prisoner complaint boxes were available across prison landings, prisoners lacked faith in the current complaints system.

There was an insufficient number of secure Rule 44 post boxes in the prison.

3.28 RECOMMENDATIONS

To the Minister for Justice:

Repeat Recommendation MDOJ22-3: The Minister for Justice should take all possible measures to ensure the prompt review and adoption of the draft Statutory Instrument to amend the Prison Rules 2007-2020 Rule 57B. The amended Rule should take into account the requirements of a well-functioning complaint system, which includes independence, expediency and the opportunity for independent appeal.

D. Disciplinary Processes

3.29 International human rights standards provide that disciplinary procedures should be mechanisms of last resort. Alternative restorative mechanisms should be used to resolve disputes in the prison. Prisoners charged with disciplinary offences should be informed promptly in a language they understand, have adequate time and facilities to prepare their defence, be allowed to defend themselves or be provided with legal assistance, request the attendance of witnesses, and have the free attendance of an interpreter if so required. The severity of any punishment imposed shall be proportionate to the offence committed.⁷⁸

The Prison Rules 2007-2020 and international human rights standards outline that the use of force should always be applied as a last resort. Where force is deemed necessary and proportionate, it should be imposed for the shortest duration of time. There should be clear procedures in place about the types and circumstances in which force is used, as well as its authorisation. Training should be provided to prison staff on control and restraint techniques and use of force incidents by staff should be reported immediately to the Prison Governor.⁷⁹

Disciplinary Processes

3.30 The Irish Prison Service disciplinary process, referred to as the P19 system, is underpinned by Part 3 of the Prisons Act 2007. The Prisons Act, Section 13, sets out the sanctions which may be imposed by the Governor of a prison. Sanctions that are permitted under the Act range from loss of privileges such as reduced phone calls and visits, prohibition on the use of the gym and tuck shop, to a reduction of remission, which effectively lengthens the period of time a person is required to remain in prison.

⁷⁸ European Prison Rules 56.1, 56.2, 59, 60.2 and UN Mandela Rules (2015) Rules 36, 38 (1), 39(2) and 41.

⁷⁹ Prison Rules 2007-2020, Rule 93.1, European Prison Rules (2020), Rule 64.1, 64.2, 65 and 66, UN Mandela Rules (2015) Rule 82.

Part 3 of the Act is operationalised by the *Guideline Document on the Imposition of Disciplinary Sanctions*. This Guideline establishes parameters, in line with the Act, by which Governors can apply sanctions, and includes requirements such as:

- i. The severity of an imposed sanction should be proportionate to the breach of discipline concerned, and previous behaviour and character of the prisoner may be taken into account by the Governor (sections 2.1 and 4.22)
- ii. Forfeiture of remission should only be used as a last resort (section 2.2)
- iii. The right to communicate with family cannot be removed in response to a breach of prison discipline; loss of family visits should not be employed (sections 2.3 - 2.5)
- iv. Removal of a prisoner to a segregation unit should be limited as a sanction for the highest level of prison discipline (section 2.6)
- v. Sanctions imposed in one prison should accompany prisoners on transfer to another prison (section 2.7)
- vi. Imposed sanctions for unconvicted prisoners cannot extend beyond the current custodial period (section 3.1)
- vii. P19 hearings should be held within seven days of a Governor making a decision to hold a hearing following review of a P19 report; prisoners must be given written notice of the nature of the alleged breach at least one day before a hearing takes place (sections 4.3 - 4.9)

The *Guideline* establishes Breach of Discipline 'Levels', with sanctions for Level 3 breaches not exceeding 14 days, sanctions for Level 2 breaches not exceeding 28 days, and Level 3 breaches resulting in imposition of sanctions for a period not exceeding 40 days. Level 3 breaches could also result in forfeiture of not more than 14 days' remission.

3.31 There was a heavy reliance on the P19 disciplinary process in Cloverhill Prison. Over a five month period (1 November 2022 - 31 March 2023), 578 P19s were issued to 235 people in the prison. By comparison, over a period of five months (1 June - 31 October 2022) in Mountjoy Men's Prison, which is nearly twice the size of Cloverhill Prison, 582 P19s were issued to 285 people.

Across a six-month time period (1 November 2022 - 14 May 2023), 920 disciplinary infractions were issued in Cloverhill Prison. One person received 21 P19s, the majority of which were issued for damage to prison property, throwing objects at the net in the yard to retrieve contraband, and possession of contraband. Another person received 18 P19s, primarily for causing damage to prison property and exhibiting aggressive behaviour. 17 P19s were issued to another person, 13 of which were for throwing objects at the nets.

Prevalence of drug use in the prison, and drug-seeking behaviours, were attributed by prison management as the primary cause for the heavy use of the P19 system.

3.32 A number of people in the prison at the time of inspection were removed from the general prison population on grounds of order (Rule 62) and were also subjected to sanctions as a result of the P19 process.

3.33 In examining the disciplinary process, the Inspectorate reviewed a sample of 54 P19 reports (inclusive of hearing outcomes and sanctions), linked with ten individuals in Cloverhill Prison who were also on Rule 62 restricted regimes. This sample was compared against the procedures outlined in the *Guideline Document on the Imposition of Disciplinary Sanctions* (“*Guideline*”).

There was notably good practice with regard to some aspects of the P19 process at Cloverhill Prison. For example, on a number of occasions sanctions for different offences were grouped together, or backdated, to minimise the length of time that a sanction was applied. Also, in some situations, prisoners were granted week-long periods between sanction periods; this allowed prisoners a reprieve from prohibitions on evening recreation and access to their money and credit. Positively, the right to family contact was not completely withheld as a form of sanction.

3.34 However, the review also indicated areas where the Cloverhill Prison P19 disciplinary process deviated from the *Guidelines*. Of particular note are the following concerns:

- i. Sanctions for unconvicted prisoners extended beyond the current custodial period (section 3.1) (6 out of 10 prisoner P19s reviewed)
- ii. Sanctions were sometimes overly punitive, and different sanctions were imposed for very similar infractions (sections 2.1 and 4.22)

3.35 The following case studies highlight concerns identified by the Inspectorate through the review of P19s given to prisoners who were on Rule 62 restricted regimes at the time of inspection:

Prisoner A - “Robert”

Robert was on a Rule 62 regime at the time of inspection and had received 17 P19 reports over a period of 121 days leading up to the inspection. These P19s were issued for incidents of retrieving prohibited articles (13), behaviour towards healthcare staff (2) and aggressive behaviour with staff (2). Based on Robert’s continued attempts to retrieve prohibited articles, and his repeated admissions that he was retrieving drugs from the nets, it was clear Robert had ongoing issues with drugs.

Of the 17 P19s, 15 hearings were carried out within the one to seven day period. However, one hearing was held outside the seven-day period, and another was not held, and no sanction applied, as a result of the P19 being “out of time”.

Sanctions imposed as a result of Robert’s 17 P19s escalated with each infraction, and in total he was given 332 days of sanctions, to begin in early January 2023 and end in February 2024, with brief periods between some sanctions. Robert’s remand date was in June 2023. Therefore, sanctions imposed on Robert exceeded his current custodial period by eight months; this did not align with section 3.1 of the *Guidelines*.

Governors attempted to suspend imposed sanctions on two occasions, as a means to incentivise Robert, but he attracted additional P19s during these periods.

Between January 2023 and February 2024, Robert received the following sanctions:

- No access to evening recreation: 332 days
- No use of money / credit: 283 days
- No access to gym: 311 days
- Reduced family calls: 155 days
- Visit with family once per week: 196 days
- Postponement of gratuity: 35 days

The majority of the disciplinary breaches carried out by Robert were related to drug-seeking behaviour, including throwing objects at prison yard nets in an attempt to retrieve drugs and other contraband. However, at no time throughout four months of P19 reports, hearings and sanctions was it documented that Robert was offered addiction counselling or other forms of positive intervention support.

3.36 Prisoner B – “Darragh”

Darragh was issued seven P19s between October 2021 and April 2023. His infractions included refusing to move to an area of the prison (2), holding medication (2), fighting (1) possession of a prohibited article (1) and damaging prison property (1). Of the seven P19 hearings, one was held outside of the seven-day period.

On the two occasions where he refused to move to a certain area of the prison he expressed this was because he was “not safe there”. On both occasions Darragh protested relocation he was placed in a Close Supervision Cell. The second time Darragh refused to move to a certain area of the prison he explained “*I told Chief Officer (name redacted) why I can’t go there. I’m not safe there*”.

The documented Governor response to this was “*Regardless you were given an instruction with the Chief Officer and you did not comply. This is not acceptable and will not be tolerated. Loss of 14 days rec. Warned and advised re future behaviour*”.

Darragh’s P19 for damaging prison property was issued because he had allegedly inserted a ripped duvet into a pillow cover to use it as a pillow. The Governor indicated that because he did not return the damaged duvet to the officer he was responsible for the cost to replace the duvet. The sanction for this was a 70 euro withholding of gratuity credit until the balance was paid.

3.37 Prisoner C – “John”

John had six P19s issued to him in the ten weeks (73 days) leading up to the inspection, and prior to this had a long history of disciplinary offences. His infractions included incidents involving retrieval of prohibited articles and contraband (3), inciting/assisting prisoners to breach Rules (2) and aggressive behaviour towards staff (1). Of the six P19 hearings, all were held in line with time periods set out in the *Guideline*.

In response to a P19 related to retrieval of prohibited articles John was given 56 days of sanctions, which included no access to evening recreation, the gym or money and credit, as well as one call per week with his family.

Not only did this sanction far outweigh sanctions given to other prisoners for similar infractions, it also exceeded the sanction periods provided for under the *Guideline*; a Level 3 breach of discipline, the most serious of offences, only allows for a maximum prohibition period of 40 days.

On two occasions, John was issued a P19 and also relocated to D1 landing, which accommodated people on Rule 62 restricted regimes. In these instances, John was removed from the general prison population and also sanctioned under the P19 mechanism.

On a number of occasions Governors elected not to issue a new sanction for an offence, and instead joined the sanction to a previous P19 sanction. Given the extensive period of time under which John was subject to sanction, this measure was good practice.

In total, John was given 98 days of sanctions, which were scheduled to end in June 2023; John was an unconvicted prisoner with a current custodial period ending in May 2023. Sanctions imposed on John exceeded his current custodial period by eight months; this did not align with section 3.1 of the *Guidelines*.

3.38 While the Guidelines allow for consideration of previous offences and character, the review found inconsistent application of sanctions for similar offences.

Throwing items at the nets in the yards in order to retrieve prohibited items was the subject of the vast majority of P19 reports. While taking into account that some prisoners may have had a more extensive history of receiving disciplinary sanctions for retrieving prohibited items, the sanction for this activity ranged from no sanction, to between 21 and 56 days of prohibitions.

By way of example, one prisoner received four P19s over 15 days, all for attempting to retrieve prohibited articles from the nets. The first incident resulted in a sanction of 21 days of no evening recreation or access to money and credit, the second resulted in 35 days of no evening recreation, gym, and access to money and credit, and the third and fourth P19 sanctions were grouped together with the second sanction. In total, this was 56 days of sanctions for four instances of attempting to retrieve prohibited articles.

A second prisoner received two P19s over a three day period, both of which were for attempting to retrieve prohibited articles from the nets. The first resulted in a sanction of 21 days of no evening recreation, gym, or access to money and credit, and the second resulted in an additional 28 days of prohibition on evening recreation, gym and use of money and credit as well as a limit of one family visit per week. In total, this was 49 days of sanctions for two instances of attempting to retrieve prohibited articles from the nets.

3.39 Alongside the issues noted above in relation to the P19 disciplinary process in Cloverhill Prison, the Inspectorate has raised concerns about the P19 system on a systemic level.⁸⁰

In its current form, the process of issuing P19s results in procedural fairness issues. In the event of an incident, which could arise to disciplinary action, all prisoners involved in the incident are issued a P19 by prison staff. In effect, the issuing of P19s in this manner operated as a surrogate incident recording system, whereby the investigation into and gathering of detail surrounding the incident was conducted after the incident was recorded through the issuing of P19s.

In practice, this meant the onus was placed on victims of incidents to prove a case for a P19 issued to them to be unfounded. Regardless of whether or not a P19 disciplinary sanction was upheld, the record that a P19 had been issued remained.

The review of P19s in Cloverhill Prison highlighted how this operates in practice. Two prisoners were issued a P19 for having prohibited articles in a cell. While one of these prisoners admitted fault, and was subsequently sanctioned, the other was not sanctioned and the P19 did not advance to a hearing. Regardless, the P19 remained on the prisoner's record, despite not being at fault, and not receiving a sanction.

Such a practice has potential implications for prisoners as they progress in their sentences and seek to engage with internal and external services and agencies, such as the Parole Board. Although a "not upheld" outcome is positive, frequent "not upheld" P19s may depict a prisoner in a negative light when being considered for opportunities in the prison and beyond.

3.40 RECOMMENDATIONS

To the Governor of Cloverhill Prison

Recommendation DG22-9 / CH23-11: The Director General of the Irish Prison Service and the Governor of Cloverhill Prison should ensure a clear demarcation between an incident recording system and the P19 (disciplinary sanction) recording system.

Recommendation CH23-12: Senior management should regularly conduct and record audits of P19 sanctions to ensure consistency of approach and application of sanctions. To facilitate this audit process, the PIMS system should be reviewed and amended to reduce compartmentalised effects of siloed record-keeping and ensure appropriate safeguards are put in place.

⁸⁰ OIP (2024) Report on the Unannounced General Inspections of the Training Unit and Mountjoy Men's Prisons, 28 November - 9 December 2022, Section 3.79.

4 HEALTH & WELLBEING

- 4.1** People living in prison should have access to a standard of healthcare equivalent to that in the outside community.⁸¹ Prisoners should not be constrained to live in conditions which are “detrimental to their health”, “make their health deteriorate” or have “no or poor access to health care services”.⁸²

Primary healthcare for people living in prisons should take account of their distinctive needs, including a higher prevalence of mental illness, substance abuse disorders, infectious diseases, and intellectual disabilities, that require targeted service provisions and management strategies.⁸³ Prisons also accommodate an over-representation of marginalised people whose pre-existing health inequalities have often led to them being in generally poor health and/or having chronic untreated diseases.⁸⁴

- 4.2** The general inspection of Cloverhill Prison included an assessment of the health of people in the prison, including the health services available to them and factors that could impact on their health outcomes. This assessment was carried out in line with the healthcare standards established by the European Committee for the Prevention of Torture (1993), the Council of Europe Recommendation on Ethical and Organisational Aspects of Healthcare in Prison (1999), and the Irish Prison Service Healthcare Standards (2011).

In addition, the assessment of Health and Wellbeing in Cloverhill Prison is rooted in the “Availability, Accessibility, Acceptability and Quality (AAAQ)” Healthcare Assessment Framework, as set out by the United Nations Committee on Economic, Social and Cultural Rights General Comment Number 14 on the Right to the Highest Attainable Standard of Health.⁸⁵

Unconvicted prisoners have distinct healthcare rights to that of sentenced prisoners as provided for under Irish law. Unconvicted prisoners have the right to access private healthcare.⁸⁶ Where an unconvicted prisoner requests to be provided with medicine, equipment or access to facilities as prescribed by a registered general practitioner or registered dental practitioner, the Governor should arrange for its provision. An unconvicted prisoner in receipt of private healthcare or provision of medicine or equipment is required to pay the expenses themselves.⁸⁷

⁸¹ [UN Mandela Rules \(2015\) Rule 24.1](#); CPT. (1993) [Health Care Services in Prisons](#); Danish Institute Against Torture - Dignity (2021) [Monitoring Health in Places of Detention: An Overview for Health Professionals](#).

⁸² Danish Institute Against Torture (Dignity) (2021) [Monitoring Health in Places of Detention](#).

⁸³ Kennedy, HG et al (2004) [Mental Illness in Irish Prisoners](#). National Forensic Mental Health Service.

⁸⁴ [WHO Regional Office for Europe \(2023\) Status Report on Prison Health in the WHO European Region 2022](#).

⁸⁵ UN CESCR. [General Comment No. 14 on the Right to the Highest Attainable Standard of Health](#).

⁸⁶ [Rule 73, Prison Rules, 2007](#).

⁸⁷ [Rule 74 Prison Rules, 2007](#)

- 4.3 Drawing on national legislation and international standards, the Inspectorate evaluates *Health & Wellbeing* performance across four themes:
- A. **Healthcare Resources:** available healthcare services and staffing, prison environment and healthcare technologies and infrastructure
 - B. **Healthcare Delivery:** healthcare services available to prisoners, waitlists to access services, equivalence and continuity of care, barriers to access, staff training, and measures taken to address the needs of the prisoner population
 - C. **Healthcare-Informed Decision-Making:** healthcare input into operational decision-making, healthcare assessments on committal and in relation to isolation
 - D. **Patient Experience:** patient-centred considerations in provision of healthcare services, patient voice on experience of healthcare engagement, and confidentiality assurances
- 4.4 The Inspectorate carried out a *Thematic Inspection: An Evaluation of the Provision of Psychiatric Care in the Irish Prison System*⁸⁸ in the months preceding this general inspection. Therefore, the scope of this chapter does not focus, or address the psychiatric aspects of healthcare delivery in detail, and instead primarily focuses on general healthcare provision within the prison.

A. Healthcare Resources

- 4.5 International standards outline the importance of aligning medical services in prisons with general health administration in the community, with an emphasis on the integration of prison healthcare with national health policy.⁸⁹ Prison authorities are responsible for safeguarding the health of prisoners in their care. This includes ensuring every prison has at least one qualified General Practitioner,⁹⁰ and that prisoners also have access to qualified psychiatrists, psychologists, dentists, opticians and other specialists.⁹¹ In addition, prison medical units should be equipped with appropriate medical equipment⁹² suited to the needs of the prisoner population, including technologies to support the delivery and administration of healthcare services.

In Ireland, the provision of healthcare in prisons remains the responsibility of the Department of Justice, rather than the Department of Health. The Minister is responsible for making arrangements related to the provision of primary healthcare services in each prison, and appoints the Director of Prison Healthcare Services of the Irish Prison Service.⁹³ In addition, the Minister may be involved in decision-making in respect of the number of approved posts for doctors and nurses, as well as the provision of other healthcare services in prisons.⁹⁴

⁸⁸ OIP (2023) *Thematic Inspection: An Evaluation of the Provision of Psychiatric Care in the Irish Prison System*.

⁸⁹ European Prison Rules (2020), Rules 40.1 and 40.2.

⁹⁰ European Prison Rules (2020), Rules 41.1.

⁹¹ European Prison Rules (2020), Rules 41.5. In addition, see European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) (1993) *Health Care Services in Prison* and CPT (2017) *Inspection of a Prison Medical Service by a CPT Doctor Checklist*.

⁹² CPT (2017) *Inspection of a Medical Service by a CPT Doctor-Checklist*

⁹³ Prison Rules 2007-2020, Rule 99(1).

⁹⁴ Prison Rules 2007-2020, Rule 99(2-5).

A significant proportion of prisoners in Cloverhill Prison were people from disadvantaged backgrounds, many of whom had been unhoused and were dealing with addiction challenges. As a remand prison, Cloverhill Prison faces the unique challenge of providing care and addressing health inequalities in a transient patient-care setting, where prisoners are committed, and released at short notice into the community, or transferred between prisons.

This can create difficulties with continuity of healthcare, external monitoring, and follow-up; however, this also means that the prison can play an instrumental role in planned healthcare interventions for people released from prison custody.

Healthcare Services & Staffing

- 4.6** As is the case for all prisons in Ireland, general practice and nursing healthcare services and staffing were provided by the Irish Prison Service; the Health Service Executive (HSE) did not operate or oversee these healthcare services in the prison. Staffing shortages could not be addressed by drawing upon HSE staff, and the regulatory body designated to assess healthcare quality in the community, the Health Information and Quality Authority (HIQA), did not carry out oversight of healthcare services in Cloverhill Prison.

At the time of the Cloverhill Inspection there was no Clinical Healthcare Lead in the Irish Prison Service. In early 2024, a new Care and Rehabilitation Director was appointed, and in February 2024, the Irish Prison Service initiated a recruitment campaign to fill the role of Executive Clinical Lead.

- 4.7** Healthcare services available in Cloverhill Prison included: general practice, nursing, psychology, psychiatry and addiction services (**Table 4**).
- 4.8** In line with Rule 41.1 of the European Prison Rules,⁹⁵ Cloverhill Prison had two qualified General Practitioners, who were supported by a locum General Practitioner during periods of leave.
- 4.9** The Prison In-Reach Court Liaison Service (PICLS) team was funded by the HSE and provided psychiatric care to people with mental health disorders. This team was supported by in-reach staff from the National Forensic Mental Health Service Hospital.
- 4.10** In addition to in-prison primary care team and mental health services, the prison also offered external services, which included dentistry, chiropody and optometry, as well as hospital-based healthcare. Prisoners were referred to hospital-based services as needed, many of these referrals were made through St. James's Hospital or Tallaght Hospital.

⁹⁵ Rule 41.1 of the 2020 European Prison Rules states: "Every prison shall have the services of at least one qualified general medical practitioner".

Table 4: Cloverhill Prison Multidisciplinary Primary Care Team

Healthcare Staff	Description
General Practice Specialists / General Practitioners (GP)	2 Full-Time GPs, supported by a locum GP during periods of sick leave
Nurses	<p>1 Chief Nurse Officer (CNO) post allocated to the prison; no CNO working in the prison at the time of inspection</p> <p>12 staff nurse posts allocated to the prison (of which 2 were on long-term sick leave); agency nurse support</p> <ul style="list-style-type: none"> • <i>Allocated daily complement:</i> 7 nurses on days; 1 nurse on nights • <i>Actual daily complement:</i> less than 7 nurses each day, sometimes as low as 2-3 day nurses; no nurse at night
Psychologists	<p>1 Full-Time Senior Psychologist</p> <p>1 Full-Time Assistant Psychologist</p>
Addiction Counselling and Support	<p>Doctors/Specialists: 2 Part-Time (available 3 days per week)</p> <p>Addiction Counsellors: 2 Part-Time (available 2 days per week). Service is through Merchants Quay Ireland.</p> <p>No Addiction Nurse</p> <p>No Addiction Pharmacists</p>
Prison In-Reach Court Liaison Service (PICLS) (employed by HSE)	<p>1 Full-Time Consultant</p> <p>3 Full-Time Forensic Nurses</p> <p>1 Full-Time Housing Support Worker</p> <p>1 Full-Time Senior Registrar</p> <p>2 Full-Time Registrars</p>
Medical Orderly / Healthcare Assistant	2 Part-Time Healthcare Assistants (available 3 - 4 days per week)
Dentist	1 Part-Time Dentist (available 3 days per week)
Optician	Optician available every six months
Chiropodist	Chiropodist available every six months
Pharmacist	No Pharmacist
Occupational Therapy	No Occupational Therapist
Physiotherapy	No Physiotherapist
Sexual Health/ Genito-Urinary (GUM) In-Reach Clinic	Clinic available twice per month
Hepatology In-Reach Clinic	Clinic available twice per month

Environment

Physical Setting & Infrastructure

- 4.11** Prison management made an effort, through implementation of the Regime Management Plan (RMP), to ensure adequate availability of prison officer escort staffing to support the smooth running of prison healthcare services.

Medical consultations were conducted in the medical centre in private rooms, which were equipped with an examination bed and privacy screens.

- 4.12** Given that Cloverhill Prison is primarily a remand prison, the healthcare service was described by a member of healthcare staff as being similar to an A & E service, whereas a prison accommodating mainly sentenced prisoners was described as being more like a ward.

- 4.13** Poor quality mattresses potentially caused orthopaedic issues for people in the prison. The thin mattresses did not sufficiently protect people from feeling the deep grooves in the metal bed. One prisoner stated, "*(the) grooves in the beds are designed for pain*".

Excessively warm temperatures in cells caused escalated tensions amongst prisoners, and led to altercations among prisoners sharing overcrowded cells.

Ventilation in overcrowded prison cells was poor. Many prisoners reported breathing difficulties due to the lack of air coming into these cells. There was also a strong odour of smoke in cells, with smokers accommodated in the same cells as non-smokers.

The Inspectorate welcomes efforts by prison management to provide fans to prisoners as a means to partially alleviate the impact of poor ventilation and high temperatures in overcrowded cells (see section 2.10).

- 4.14** Although there was a lift available in the prison, access was contingent on the availability of prison staff. Prisoners with physical disabilities could not easily move across the prison and existing supports were not sufficient to facilitate their engagement with activities and services in the prison.

In addition, there were instances where prisoners with physical disabilities were accommodated in areas of the prison that facilitated their physical needs but were not necessarily safe. For example, at the time of inspection an older prisoner with physical disabilities, who was on protection, was accommodated in a single cell on the ground floor of a general population landing. This placement, while beneficial to support his disability support needs, also placed him at risk of harm.

- 4.15** The overall prison environment was not conducive to the promotion of positive mental health outcomes. Not only were prisoners accommodated in degrading overcrowded conditions, but also prisoners who required professional mental health services and treatment were frequently accommodated with prisoners who did not require these supports.

Technologies

- 4.16** Healthcare staff had access to essential medical equipment in the medical centre, including an Automated External Defibrillator (AED) and Electrocardiogram (ECG).

Medications to manage a range of common medical emergencies, as well as basic tools for the treatment of minor injuries were also available in the medical centre.

- 4.17** Healthcare professionals benefited from a consolidated electronic medical records system, the Prisoner Healthcare Management System (PHMS), which included areas to input entries by different specialties and upload correspondence from external medical specialists.

However, much of the external correspondence outside the prison health system was paper-based, and was uploaded manually onto the PHMS. Use of digital or paperless referrals/reports with external service providers may help streamline the process record-entry process, as well as alleviate a heavy administrative workload.

There was insufficient administrative support in place to assist the healthcare team. To address this, prison officers worked as “Medical Assist Officers”; in this role, they inputted healthcare data and maintained healthcare records. The Irish Prison Service’s Health Care Standards recognises the importance of administrative responsibilities in healthcare delivery and states that “appropriate administrative support will be provided” in support of primary care delivery (Standard 2, section 2.1.4).

4.18 Healthcare Resources Assessment

Several key healthcare posts were unfilled at the time of inspection. Healthcare services, for the most part, were supported operationally by the consistent provision of prison escort staff.

Ventilation in overcrowded cellular accommodation was poor, and when combined with poor quality bedding and smoke in the cells had the potential to cause tensions amongst prisoners.

Manual documentation and recording processes impeded expedient record-keeping, particularly in relation to external service provision.

While the prison was equipped with essential medical equipment to carry out primary healthcare services, additional infrastructure supports were needed to accommodate prisoners with physical disabilities.

4.19 RECOMMENDATION

To the Governor of Cloverhill Prison:

Recommendation CH23-13: The effectiveness of the ventilation system in Cloverhill Prison should be reviewed in order to provide a cleaner air environment. In the meantime, consideration should be given to accommodating smoking and non-smoking prisoners in different cells in order to reduce the risks associated with passive smoking.

B. Healthcare Delivery

- 4.20** Primary health care must be available to people in prison whenever needed. Access to secondary health care and hospital care, upon advice of a prison doctor, should be guaranteed by employed or contracted specialists, particularly psychiatrists, and by fully-equipped hospitals whenever needed. Appropriate arrangements must be in place for immediate medical care at any time in emergency situations. Unimpaired access to healthcare in prisons implies that prison managers and administrations should ensure appropriate health care professionals are available in prison, and good communication and co-operation takes place with health care professionals and hospital facilities outside prisons.⁹⁶
- 4.21** Healthcare staff required more training in a number of areas, including mental health, management of acute medical emergencies such as seizures and minor traumatic injuries, and the use of ECG machines. There was also a need to develop formal induction training and orientation for new and locum medical staff.
- 4.22** **Overall, the staffing complement in Cloverhill Prison, for both physical and mental healthcare, was not sufficient to meet the needs of the population in the prison.**

Primary Healthcare

- 4.23** There was a lack of clarity in relation to healthcare leadership in the prison.

Primary healthcare service provision in Cloverhill Prison was negatively impacted by:

- inter-personal conflict amongst healthcare disciplines in Cloverhill Prison, as well as across levels of prison and Irish Prison Service management;
- challenges with retention of healthcare staff;
- reportedly poor working conditions; and
- ongoing industrial relations issues.

The culmination of these challenges gave rise to serious inadequacies in primary healthcare service delivery in the prison.

General Practice

- 4.24** Prisoner requests to see a doctor were triaged on Governor's Parade. Wait time for an appointment with the General Practitioner was reported by the prison to be within 24 hours.

The daily working hours of GPs were 8:00 - 17:00, Monday through Thursday, and 8:00 - 16:00 on Fridays.

There was no clear rostering of doctors for an out-of-hours service, which meant a qualified medical practitioner was not promptly available should an urgent case occur during these times. There was lack of clarity around the clinical responsibility of GP and nurse cover, particularly for out-of-hours and weekend shifts.

⁹⁶ Council of Europe (2019) Organisation and Management of Health Care in Prison Guidelines, pg. 22.

4.25 The lack of availability of a General Practitioner at weekends resulted in a failure to adhere to Standard Operating Procedures governing the use of Special Observation Cells. For example, the Close Supervision Cell SOP sets out that the “The Prison Doctor must visit each prisoner accommodated in a Close Supervision Cell on at least a daily basis”; this was not possible when there was no medical doctor in the prison on two of the seven days of the week.

4.26 There were 2,363 requests to see the GP over a three-month period (January - March 2023), this was an average of 26 daily requests.

There were delays with non-urgent chronic disease reviews, and plans were in development to schedule clinics for chronic disease management.

4.27 Aside from emergency medical interventions, access to the GP was facilitated by way of a weekly service for each division in the prison. Prisoners signed up to see the GP on their designated day of the week. However, if there was not sufficient time to be seen by the GP on the day, the remaining names did not roll over to the next week’s list. Instead, prisoners signed up each week to renew their request to see the GP.

This unstructured way of managing appointments was not appropriate and should be replaced with a rollover queue that not only prioritises individual needs but also each prisoner’s position on the waiting list for each division.

4.28 Prisoners reported some delays in accessing a GP; 62% (75 of 121) of prisoners surveyed indicated a wait period of one week to see the doctor, with only 9% (11 of 121) reporting they could see a doctor the same day they requested to see one.

A member of prison staff also reported that access to the GP could be enhanced: *“Prisoners are treated with respect, but would benefit from more access to see doctors when needed”*.

Nursing

4.29 The prison reported same day access to see a member of nursing staff. While 35% of prisoner survey respondents (38 of 108) indicated they saw a nurse the same day as requested, 85% (92 of 108) of survey respondents indicated they would see a nurse within a week.

Nursing staff attended each landing approximately four times each day as part of their medication rounds. Class Officers acted as gatekeepers for prisoners to request access to see a nurse.

4.30 Given the nature of Cloverhill Prison as a remand prison, it has a much higher prisoner turnover and a large amount of time spent on medical examinations on admission than a prison for primarily sentenced prisoners. For this reason, there is a need for greater availability of primary health care staff.⁹⁷

⁹⁷ Council of Europe (2019) Organisation and Management of Health Care in Prison Guidelines, pg. 22.

- 4.31** The absence of the Chief Nurse Officer in Cloverhill Prison, an essential healthcare managerial role, was detrimental to the delivery of an effective healthcare service in the prison.⁹⁸

Subsequent to the inspection, the Inspectorate outlined concerns about the current absence of the CNO in Cloverhill Prison to Irish Prison Service Director of Care and Rehabilitation. The Director of Care and Rehabilitation reassured the Chief Inspector that the Workforce Planning Team were expediting arrangements to assign a CNO resource to Cloverhill Prison. On 1 July 2023, it was confirmed that an acting CNO had been appointed to Cloverhill Prison.

The allocated provision of nursing staff to the prison was 12 full-time nurses, in addition to the CNO. The daily nurse allocation should have been seven nurses each day and one each night. However, in practice, there was no night nursing coverage, and some days there were as few as two or three nurses working in the prison over the course of a day.

As a result of the deficiencies in staff, nurses on duty could only allocate their time to essential clinical tasks, and less urgent tasks such as routine phlebotomy (taking bloods) for sub-acute and chronic medical conditions were frequently delayed due to the high clinical workload. **Given the frequency of the nursing staff shortages, the Inspectorate has concerns about delays, or failure to perform vital blood tests.**

- 4.32** The lack of nursing staff during night periods was a significant safety concern. Incidents arose in the prison where medical issues were not addressed during the evening period as nursing staff was not available. Even in situations where a night nurse was available in the prison, this was not sufficient to address healthcare needs in the prison. Nurses experienced challenges with managing multiple emergencies or late committals, and lacked an on-site peer support system for immediate debriefings following incidents of self-harm, suicide, self-poisoning and violence. Nursing staff also lacked capacity to cross-check medication administration with a colleague or to be assisted by other healthcare staff when performing Cardio Pulmonary Resuscitation (CPR).

To address the ongoing challenge of a lack of nursing coverage during night periods, an arrangement had been put in place with Wheatfield Prison to assist with nursing coverage in the event of an emergency, but this assistance was not guaranteed.

The 2022 Healthcare Needs Assessment carried out by the Irish Prison Service noted a systemic concern about limited nursing provision in the evening periods, and determined that this required immediate attention:

*“Many nurses reported feeling uncomfortable working alone at night with responsibility for an entire prison population. This issue should be seen as a priority within the future development and strengthening of IPS healthcare services”.*⁹⁹

- 4.33** The February - March 2023 *Thematic Inspection: An Evaluation of the Provision of Psychiatric Care in the Irish Prison System*¹⁰⁰ also determined that a dearth of nurses in Cloverhill Prison impacted on the provision of safe healthcare to patients. At that time, the

⁹⁸ The CNO position is responsible for managing the care provided by the prison's nursing team. In a 2022 Health Needs Assessment of Prisons in Ireland, it was found that the CNO role covered additional duties due to difficulties in securing GPs in prisons, “it is reported that a number of the CNOs have had to undertake a wider range of duties in recent times to address the difficulties in securing the required GP capacity.” See Crowe Consulting, Health Needs Assessment for the Irish Prison Service Final Report March 2022, p.10

⁹⁹ Crowe (March 2022) Health Needs Assessment for the Irish Prison Service report, p. 25.

¹⁰⁰ OIP (2023) Thematic Inspection: An Evaluation of the Provision of Psychiatric Care in the Irish Prison System.

Inspectorate noted there was no nurse on duty during the night shifts. As a result, people newly committed did not receive a health screening, including urine drug screening, on arrival to the prison. For example, over three nights in one particular week five prisoners were not screened upon entry to the prison due to the nursing absence.

Following the thematic inspection, the Inspectorate recommended that nursing staff vacancies be urgently filled (Recommendation MHT1). In response, the Irish Prison Service implemented a rolling nurse recruitment campaign and anticipated that nursing posts in Cloverhill Post would be filled by the third quarter of 2023.

The complement of nursing staff, particularly on weekends and overnight periods, was inadequate to meet healthcare needs in Cloverhill Prison, and ultimately had a negative impact on the provision of safe and effective healthcare to people in the prison.

Preventive Healthcare

4.34 Given that many prisoners, particularly those who come into frequent contact with the criminal justice system, rely on prisons to provide primary healthcare services, it is essential that a preventive care programme be embedded into the routine healthcare service offered in the prison. This is especially pertinent for Cloverhill Prison, which caters to the healthcare needs of many unhoused people, who often have unmet addiction, mental health and general healthcare needs. **Preventive healthcare was under-developed in Cloverhill Prison.**

4.35 Preventive care programmes in the prison included chronic disease review and preventive health visits such as smoking cessation and blood pressure and cholesterol monitoring. However, these programmes were generally deprioritised due to clinical workload.

Patients were able to benefit from nicotine-replacement therapies and GPs advocated for positive health accommodations for prisoners with chronic disease.

4.36 Initial healthcare screening was conducted at the point of committal, although lack of available staffing resulted in delays in this being carried out. This initial screening included a review of genitourinary, sexual health, and blood-borne viruses (e.g. Hepatitis, HIV), which upon detection were referred to the Genitourinary and Infectious Disease (GUIDE) clinic.

In relation to harm reduction, initiatives such as provision of condoms and needle exchange programmes had reportedly not been instituted due to a belief that such practices could encourage behaviours of concern, rather than help prevent harm. Evidence internationally does not support this approach.

For example, the World Health Organisation (WHO) has noted that health protection in prison involves the reduction of hazards in the prison environment which include the availability of harm reduction services. Given the commonality of drug use and sexual activity in prisons, the WHO recommends that health intervention packages include harm reduction interventions such as condoms and lubricants, needle and syringe programmes, opioid agonist maintenance therapy and naloxone for overdose management.¹⁰¹

¹⁰¹ WHO (2021) The WHO Prison Health Framework –A Framework for assessment of prison health performance, and WHO (2021) Recommended Package of Interventions for HIV, Viral Hepatitis and STI prevention, Diagnosis, Treatment and Care for People in Prisons and Other Closed Settings.

Furthermore, the European Monitoring Centre for Drugs and Drug Addiction notes “prisons can be a core setting for engaging with people who inject drugs and who may have been hard to reach in the community, allowing the provision of harm reduction, counselling, testing and treatment services before they return to the community”.¹⁰²

The approach to harm reduction in Cloverhill Prison at the time of inspection did not sufficiently align with international standards in the area of harm prevention in prison settings.

- 4.37** Given the largely transient patient population in Cloverhill Prison, there were challenges in ensuring continuity of care. Transfers between prisons and release into the community presented points of vulnerability for continuity.

Ongoing community-based/hospital care for prisoners was hindered due to many prisoners not having a fixed address or General Practitioner upon release. These factors acted as barriers and made lines of communication and medical scheduling difficult.

Furthermore, because the court release of remand prisoners was not predictable, it was difficult for healthcare services to communicate medical follow-up to the prisoner on day of release, or beforehand. The Inspectorate observed prisoners being released from the prison who did not know their medical follow-up and appointment dates.

Specialist / External Healthcare Services

- 4.38** Wait times for in-reach and external healthcare services were variable.

The wait time to access a dentist was reportedly a week. However, only 30% (26 of 88) of prisoner survey respondents reported they were seen by a dentist within a week. Plans were in place to instate a dental clinic in the prison.

The wait time for a chiropodist and optician was dependent on clinical need, and could take up to six months.

There were no formal chronic disease management clinics available in the prison.

- 4.39** In addition, there was a lack of access to other important specialist external healthcare services such as phlebotomy, physiotherapy and occupational therapy services.

In response to the Inspectorate’s *Thematic Inspection: An Evaluation of the Provision of Psychiatric Care in the Irish Prison System*,¹⁰³ the Irish Prison Service indicated funding was in place to secure an occupational therapy service in Cloverhill Prison.

- 4.40** Despite the needs of the prisoner population **the prison did not benefit from the services of a pharmacist, an occupational therapist, or a physiotherapist.**

¹⁰² European Monitoring Centre for Drugs and Drug Addiction (2023) *Prisons and Drugs: Health and Social Responses*.

¹⁰³ OIP (2023) *Thematic Inspection: An Evaluation of the Provision of Psychiatric Care in the Irish Prison System*, Recommendation MHT10.

Mental Healthcare

- 4.41** Mental healthcare services were provided to people in Cloverhill Prison by two full-time psychologists and the PICLS psychiatry team.

Of those prisoners who completed the Inspectorate's survey, 35% (50 of 142) reported being diagnosed with a mental illness and 66% (23 of 35) reported they did not receive adequate support for their mental illness.

Nearly three-quarters of prisoner survey respondents (72%, 98 of 137) indicated that they considered that Cloverhill Prison was ill-equipped to support them with their mental health needs. Prison staff survey respondents (62%, 49 of 79) also indicated they did not feel staff were well-equipped to manage the mental health needs of people in the prison.

Additionally, 42% of prison staff (36 of 85) rated the quality of mental health services for people in prison as poor. Similarly, more than half of staff survey respondents (54%, 45 of 84) indicated they considered that the quality of mental health services available to staff was poor.

- 4.42** Understaffing and overcrowding were identified as two contributing factors which negatively impacted on the mental health of both prisoners and staff. For example, D2 landing, which accommodated people with serious mental health disorders, was full to capacity over the course of the inspection. This meant there was insufficient space to accommodate all people with serious mental health disorders, and that often people with serious mental disorders were accommodated among the general prisoner population.

Members of prison staff highlighted the impact of accommodating mentally unwell people in the prison. One staff member said, "*Understaffing and overcrowding are having a detrimental impact on staff and prisoners mental health and is directly leading to other issues like prisoner assaulting one another*".

Psychology

- 4.43** The wait time to be triaged by Psychology Services was 14 weeks. Psychology Services had a target goal to reduce the wait time to 12 weeks.
- 4.44** At the time of inspection, there were 23 people on the psychology caseload and 44 people on the psychology service waiting list (of which 29 were awaiting triage).
- 4.45** There were staffing shortages on the psychology team in the prison. One of the Staff Grade Psychologist posts was long-term vacant, the other vacancy owing to the psychologist being temporarily promoted to cover a statutory leave (leaving a seconded acting Senior Psychologist and one Assistant Psychologist to cover the entire prison). There has also been a reduction in staffing in comparison to the previous year. In 2022, four Forensic Nurses were working in the prison, but this had reduced to three in 2023. An administrative support role was also vacant in 2023, but was in place in 2022.

Psychiatry

4.46 An assessment of psychiatric care for people in Cloverhill Prison was carried out by the Inspectorate in February - March 2023, as part of its thematic inspection *An Evaluation of the Provision of Psychiatric Care in the Irish Prison System*.¹⁰⁴ At the time of this inspection, there was one whole time equivalent (WTE) consultant psychiatrist in Cloverhill Prison. The Inspectorate recommended that a vacant 0.5 WTE consultant psychiatrist post be filled without delay. While the IPS accepted this recommendation, it attributed ownership of the implementation of this recommendation to the Health Service Executive.

The Inspectorate found in February - March 2023 that 50% of patients on the PICLS team were unhoused at the time of their committal to the prison, and that this impacted on their ability to access to community-based psychiatric care because of local catchment area qualification criteria.

In addition, the Inspectorate found at this time that there were delays in patient transfers from Cloverhill Prison to civil psychiatric hospitals. The Inspectorate recommended systemic changes be made to facilitate the transfer of minor offenders who have mental health disorders to local psychiatric hospitals and that this required a multi-agency approach.

The Inspectorate made a number of recommendations to address the challenges associated with treatment of people with serious mental disorders, several of which require input from other bodies aside from the Irish Prison Service to be effectively implemented. Commitments have been made by both the Irish Prison Service and the National Forensic Mental Health Service to address these recommendations.¹⁰⁵ **The Inspectorate would appreciate a status update on steps taken to advance implementation of these recommendations.**

4.47 At the time of the May 2023 General Inspection, the wait time to see a psychiatrist was dependent on clinical urgency. There were 43 people on the PICLS caseload. Of these, 22 were accommodated on D2 landing and 22 people were also on the waiting list to engage with the PICLS team.

4.48 There was a lack of long-term options for assisted-living for certain vulnerable groups of prisoners, such as those with intellectual disabilities. There have been instances where prisoners with severe intellectual disability remained in isolation in Special Observation Cells for weeks due to their high risk of self-harm and high care needs, while awaiting placement in an appropriate care institution.

4.49 There were four people in Cloverhill Prison on the waiting list for transfer to the National Forensic Mental Health Service Hospital – NFMHSH. In addition, four people were under consideration for referral by the psychiatry team.

4.50 The Inspectorate observed a particularly distressed man in a Safety Observation Cell who was under the care of the PICLS team. The man was severely unwell, had a history of self-harm, and in a number of instances had smeared his own faeces on his face. Prison staff working with this person were dedicated to his care and worked to ensure he was treated with dignity and respect.

¹⁰⁴ OIP (2023) *Thematic Inspection: An Evaluation of the Provision of Psychiatric Care in the Irish Prison System*.

¹⁰⁵ OIP (2023) *Launch of the Thematic Inspection: An Evaluation of the Provision of Psychiatric Care in the Irish Prison System*, 20 February 2023. In particular, the following recommendations: MHT5, MHT6, MHT7, MHT11, MHT14, MHT23, MHT24 AND MHT25.

Cloverhill Prison, and prison in general, was not an appropriate setting to provide the psychiatric care and treatment this person required.

Suicide and Self-Harm

- 4.51** The 2011 Irish Prison Service's *Health Care Standards - Health Care Standard 3: Mental Health Services*¹⁰⁶ sets out a recommended approach to the provision of mental health care in the prisons. This includes that within the prison there should be "appropriate implementation of, a) promoting and protecting mental health, b) policy on preventing self-injury among prisoners and, c) relevant mental health legislation".
- 4.52** Incidents of self-harm were recorded electronically on a standardised template and included the recording of prisoner explanation (if any) and required documentation of a planned intervention such as referral to an SOC or to the PICLS team. There was also a log of physical incidents and injuries to prisoners.
- 4.53** Between the period of 1 and 18 May 2023, there were six recorded self-harm attempts made by six individual people in the prison; three of these incidents occurred on D2 landing.
- 4.54** Nearly two-thirds of prisoner survey respondents (64%, 92 of 143) did not think prevention of self-harm and suicide was seen as a priority in the prison. In contrast, only 24% (21 of 86) of staff survey respondents characterised suicide prevention and risk management as poor.

Addiction

- 4.55** Substance use is common in most Irish prisons. In its 2011 report on Ireland, the Council of Europe's Committee for the Prevention of Torture (CPT) stated:

*"detoxification programmes with substitution programmes for opiate dependent patients should be combined with genuine psycho-socio and educational programmes. The setting up of a drug-free wing in prisons for certain categories of prisoners, inter alia, those having completed treatment programmes prior to or during imprisonment, might also be considered."*¹⁰⁷

The 2011 Irish Prison Service's *Health Care Standards - Health Care Standard 9: Drug Treatment Services*¹⁰⁸ provide guidelines on the use of opioid substitution therapy, for example methadone, including the need for specialist input, its administration, and the need for regular reviews by the medical team.

Clients availing of addiction services are referred by the General Practitioner to the Addiction Service typically at the committal stage. Opioid Replacement Therapy for prisoners suffering with opioid abuse is delivered through an addiction service which comprises an addiction specialist consultant and addiction counsellors.

- 4.56** There were no addiction nurses or addiction pharmacists working with the addiction counselling and support team. Previously these roles assisted with routine methadone dosage reviews and methadone dispensing.

¹⁰⁶ Irish Prison Service. (2011) Healthcare Standards.

¹⁰⁷ CPT (2011) Report to the Government of Ireland on the visit to Ireland, CPT/Inf (2011) 3.

¹⁰⁸ Irish Prison Service. (2011) Healthcare Standards.

Merchants Quay Ireland provided counselling provision in the prison, although the staff complement was far too small to meet the needs of the people in Cloverhill Prison.

- 4.57** A reported 55 people in the prison were engaged in a drug treatment programme, and a further 63 people were on the waiting list. The waitlist was three to four months at the time of the inspection. Given that approximately 87% of the prisoner population in Cloverhill Prison was either on remand or sentenced to less than 12 months imprisonment, this wait time did not allow for effective engagement with a large portion of people in the prison.

Approximately half of prisoner survey respondents (52%, 34 of 66) indicated they had to wait more than one month to engage with an addiction counsellor.

Advancement on the waiting list was contingent on prisoner releases. There was an insufficient complement of addiction counsellors to respond to the needs of the people in Cloverhill Prison. Demand for addiction support was high amongst the prisoner population. For example, rather than be released, one person expressed a desire to remain in the prison until he could be guaranteed a space in a drug treatment facility.

- 4.58** During the committal review with the General Practitioner, prisoners underwent a medication review, and were often taken off addiction-prone medications or those with a high risk of abuse. These were then substituted with medications less likely to have such side effects; for example replacing tramadol with ibuprofen. Changes made to medications were explained to the prisoner during the review. However, there were complaints raised by many prisoners around transitioning to replacement medications

- 4.59** Prisoners committed to the prison with a history of regular heroin use commenced a 21-day methadone detoxification programme. Additional safe-prescribing measures were put in place by the General Practitioner to prevent initial overdosing for committed prisoners who were already on methadone maintenance programmes in the community.

Many prisoners seeking to reduce their reliance on methadone stated that they did not receive equivalent healthcare support to that available in the community, with some stating:

“It’s gone to bits, no one will help me after coming off my methadone.”

“Medication denied, the doctor won’t help me. Doctor on outside helps but in here left on methadone, left to rot.”

Approximately half of prisoner survey respondents (49%, 68 of 140) consider that people coming into Cloverhill Prison with drug or alcohol problems were supported to detoxify safely, and 45% of staff surveyed (38 of 84) reported poor quality of drug addiction services in the prison.

- 4.60** On release, patients were referred to community clinics to be placed on a maintenance methadone dose. Prisoners could also commence medically-assisted detoxification programmes for benzodiazepine and alcohol addiction. However, transition to community care could be challenging, as stated by one person in prison: *“[You] have your qualifications and all that but you’re still going back to your area, to drugs.”*

- 4.61** There was suboptimal communication at points of transfer of care, including a lack of a mechanism to expedite access to addiction services upon release to the community. This

was a particular issue for those who may have already waited a considerable period for access whilst in prison.

- 4.62** Although prisoners had access to methadone treatment under the care of a designated doctor, there were no established drug treatment programmes or dedicated drug-free wings available in Cloverhill Prison. Established prison Drug Treatment Programmes (DTP) help prisoners remain drug-free after opioid detoxification¹⁰⁹ through a structured programme over several weeks that includes psychoeducation. It may be understandably difficult to run such a programme at Cloverhill, given it is primarily a transient healthcare setting.

Consideration should be given to the establishment of sustainable links with community services to enable people in Cloverhill Prison to commence a Drug Treatment Programme while in prison and then continue the programme in the community once released.

4.63 Healthcare Delivery Assessment

The organisation and management of primary and specialist healthcare delivery in the prison was poor.

The vacant Chief Nurse Officer position left a significant gap in the management of nursing staff, and the nursing complement was severely understaffed at the time of the inspection. There was no night nursing cover in the prison at the time of inspection. There was no scheduled rota for doctors cover at evenings or on the weekends.

The prison relied heavily on agency cover to provide nursing healthcare services to people in its care.

A number of key healthcare delivery positions were vacant in the prison, including: pharmacists, occupational therapists, addiction nurse, addiction pharmacist, and physiotherapy.

In light of the significant challenges facing healthcare provision in the prison, it was positive that operationalisation of the Regime Management Plan prioritised prison officer staffing to support delivery of healthcare services.

Access to mental health supports in the prison was very poor. Wait lists to see a psychologist were in excess of three months, and a significant number of people with serious mental disorders were not being provided with appropriate treatment due to being accommodated in a prison setting.

Given the profile and needs of the population, there was inadequate addiction support available to people in the prison; there were insufficient links with community drug treatment services to promote and ensure continuity of care on release of prison.

Healthcare service provision such as preventive healthcare was underdeveloped including chronic disease management, health promotion, and access to specialist services was limited. Some services such as physiotherapy, occupational therapy and chronic disease management were not available in the prison and required introduction into the prison.

¹⁰⁹ Extract from: Dáil Éireann Debate, Wednesday – 11 May 2022. Prison Service. Tithe An Oireachtas. 2023.

4.64 RECOMMENDATIONS

To the Director General of the Irish Prison Service:

Repeat Recommendation MHT1 (2023): It is recommended that the vacancies for IPS nursing staff in Cloverhill Prison be urgently filled (by recruitment or initially, partially, by redeployment). Recruitment may be enhanced by targeted recruitment events.

Repeat Recommendation MHT8 (2023): It is recommended that further formal training regarding the recognition, assessment, and treatment of prisoners with mental disorder, including regarding communication and risk issues, is offered to prison officers.

Repeat Recommendation MHT10 (2023): It is recommended that occupational therapists be employed by the Irish Prison Service, tasked with offering occupational therapy to mentally disordered prisoners. This will, of course, require them to be appropriately trained and there to be areas where they can safely work (including with sufficient prison officer presence to address safety issues).

Repeat Recommendation CHCT10 (2021): The Inspectorate reiterates the requirement for appropriate care and treatment for persons who are detained in Cloverhill Prison who require mental health care and treatment in an appropriate therapeutic environment.

Repeat Recommendation DG23-4 (also made in relation to Cork Prison): The healthcare service should ensure the development of an appropriate orientation programme for new medical staff, including locum doctors, and continued professional development, for example in the area of chronic disease identification and management.

Request for Information DGREQ23-1: The Inspectorate requests status updates on recommendations made based on findings from the 2023 *Thematic Inspection: An Evaluation of the Provision of Psychiatric Care in the Irish Prison System*, particularly those that were identified by the Irish Prison Service as requiring commitment and action from other bodies, including the National Forensic Mental Health Service. These recommendations are: MHT5, MHT6, MHT7, MHT11, MHT14, MHT23, MHT24 and MHT25.

To the Governor of Cloverhill Prison:

Recommendation CH23-14: Ensure a clear roster for an out-of-hours General Practitioner service is in place. The roster should make clear the clinical responsibility of nurse and General Practitioner cover, particularly for out-of-hours and weekend shifts.

Recommendation CH23-15: To meet the needs of the prisoner population, Cloverhill Prison should make efforts to improve access to the following healthcare services: in-reach physiotherapy, a dedicated phlebotomy service and occupational therapy. Routine care and review should be provided to a greater extent to people living with chronic diseases. Additionally, Cloverhill Prison should explore the implementation of additional harm minimisation strategies, such as provision of condoms and needle exchange programmes.

Recommendation CH23-16: Delivery of addiction services in Cloverhill Prison should be enhanced in such a way that waitlists to access counsellors and treatment are reduced, prisoners are provided with tandem medical and psychological supports and clear links are established with community drug treatment programmes to support sustainable continuity of care for people on release from prison. Consideration should be made to ensuring regular allocation of an addiction nurse to Cloverhill Prison.

C. Healthcare-Informed Decision-Making

4.65 Healthcare professionals working in prisons play a key role in assessing and informing decision-making relevant to individual prisoners, including at points of heightened vulnerability, such as on committal to the prison and when separated from the general prisoner population.

Upon committal, it is the responsibility of the prison doctor to examine a prisoner on the day of his or her admission for the purpose of diagnosis of any physical or mental illness, isolation on medical grounds, determination of a prisoner's fitness to work, the noting of any physical or mental health conditions, any indication of a prisoner's injuries and the recording of any prescribed medication.¹¹⁰ If a doctor is unavailable for a committal assessment, in exceptional circumstances, it is the responsibility of the nurse to conduct a preliminary committal screening.¹¹¹

The Governor of a prison should implement recommendations made by a prison doctor, in particular when the doctor determines there is a serious threat to the health of a prisoner and makes a recommendation on medical grounds.¹¹²

Prison doctors also have a duty to communicate with the Governor of a prison on any aspect of the prison environment or regime that may be harmful to the physical or mental health of any prisoner, any group of prisoners, any prison officer or anyone working or visiting a prison.¹¹³

In situations where medical professionals are involved in decision-making related to the isolation of a prisoner, the World Medical Association (2019)¹¹⁴ recommends that physicians should not participate in the decision making processes which determine whether an individual is "fit" to undergo solitary confinement. Further, the CPT states that "A prison doctor acts as a patient's personal doctor. Consequently, in the interests of safeguarding the doctor/patient relationship, he should not be asked to certify that a prisoner is fit to undergo punishment".¹¹⁵ The role of medical personnel includes a particular focus on the health of prisoners in solitary confinement, including visiting them daily, as well as a duty to inform the director of the prison when continued solitary confinement would put a prisoner's physical or mental health seriously at risk".¹¹⁶

¹¹⁰ Prison Rules 2007-2020, Rule 11(1) (a-f).

¹¹¹ Prison Rules 2007-2020, Rule 11(2).

¹¹² Prison Rules 2007-2020, Rule 103(1).

¹¹³ Prison Rules 2007-2020, Rule 104.

¹¹⁴ World Medical Association (2019) [Statement on Solitary Confinement](#).

¹¹⁵ CPT (1992) [Third General Report – Health Care Services in Prisons](#), (CPT/Inf (93)12) ¶73.

¹¹⁶ European Prison Rules (2020), Rules 43.2 and 43.3.

Healthcare Input

- 4.66** There was a good practice in place to ensure healthcare input into reviews of prisoners with particularly complex needs. The healthcare team participated in multi-agency meetings (MAMS), to discuss the needs of prisoners awaiting transfer to the CMH or those prisoners engaging in self-harm behaviours. The prison Governor, senior management team and healthcare from various disciplines attended these meetings. This meeting was also a forum for operational and healthcare staff to comprehensively review prisoners being held in Close Supervision and Safety Observation Cells to determine regime suitability and prioritisation of access to services.
- 4.67** There was no evidence of input by healthcare staff in relation to preventive healthcare for the prisoner population; for example, the development of nutritional or exercise programmes.

There was also an opportunity for more engagement with the healthcare team by prison management when programmes to develop healthcare facilities were being considered.

Committal Assessments

- 4.68** All prisoners committed to Cloverhill Prison were processed in the reception area of the prison. At times, the reception area was very busy as officers and healthcare staff processed the intake of new committals as well as managing the return of prisoners from court.
- 4.69** The initial committal screening process was carried out by a prison officer, who noted any scars or visible marks in the electronic recording system, Prisoner Information Management System (PIMS).

The officer communicated with nursing staff about any fresh cuts or marks, and at this point a member of nursing staff carried out a preliminary interview with each newly committed prisoner.

The objective of the nurse interview was to detect high-risk/vulnerable prisoners, such as those with physical or mental illness, those at risk of deliberate self-harm (DSH), those with substance abuse-related health issues, and to subsequently streamline them to an appropriate management plan.

The nurse interview was carried out in a room located in the reception area. This room was partitioned with a glass window and the nurse and prisoner spoke through the partition. The door to this room remained open throughout the course of the interview, with a prison officer standing just outside the open door in relatively close proximity to the prisoner being interviewed by the nurse. This had implications for the confidential nature of interactions between patients and healthcare professionals (see section 4.76).

- 4.70** Upon committal, prisoners were not provided with information relating to their healthcare entitlements. This did not align with the requirement set out in the *Prison Healthcare Standards* to ensure each prisoner is “provided with information in a format understandable to him/her to explain how health care services are provided and how to seek help”.¹¹⁷

¹¹⁷ See Standard 1, Section 1.1.10 of the 2011 Irish Prison Service Health Care Standard.

4.71 Rule 11 of the Prison Rules 2007-2020 sets out that, “save in the most exceptional circumstances” all prisoners “shall be examined separately by a doctor on the day of his or her admission to a prison”. **Given there was no General Practitioner working in the prison over the weekends, it was common practice, rather than exceptional circumstance, for prisoners to be assessed by a medical doctor outside of the one-day period. This was not appropriate and should be immediately addressed.**

4.72 Assessment of Healthcare-Informed Decision-Making

The MAMS meetings provided a useful forum for operational and healthcare staff to input into the care of prisoners with particular needs.

Insufficient General Practitioner coverage on the weekends caused delays in the medical review of newly committed prisoners; “exceptional” practices permitted by the Prison Rules 2007-2020 to delay committal medical reviews were the norm, rather than the exception.

Prisoners were not provided with information about the prison healthcare service upon committal to the prison.

4.73 RECOMMENDATION

To the Governor of Cloverhill Prison:

Recommendation CH23-17: Efforts should be made to ensure compliance with Rule 11(1) of the Prison Rules 2007-2020; all committals to Cloverhill Prison should be examined on the day of their admission to the prison, “save in the most exceptional circumstances”.

D. Patient Experience

4.74 All patients in prison should be treated with the same respect and dignity as any patient who is not in a prison.¹¹⁸ Many prisoners, including women, prisoners with disabilities, ethnic minorities, foreign national prisoners, LGBTIQ+ prisoners and elderly prisoners, have needs that require special healthcare considerations.¹¹⁹ These considerations may take account of cultural or ability needs, and as such all healthcare services provided to prisoners should be free from discrimination, promote equality of opportunity, and treatment and should protect the human rights of people to whom healthcare services are provided.¹²⁰

Patients should be encouraged to participate in decision-making about their own healthcare¹²¹ and information should be provided to facilitate patients to make informed healthcare decisions.¹²²

¹¹⁸ Prison Rules 2007-2020, Rule 100(1)(c).

¹¹⁹ WHO (2014) *Prisons and Health*, pgs 151-171.

¹²⁰ European Prison Rules 2020) Rule 40.3, and see Irish Human Rights and Equality Commission Act 2014, Section 42(1).

¹²¹ Prison Rules 2007-2020, Rule 100(1)(e).

¹²² Prison Rules 2007-2020, Rule 100(1)(f)

Medical consultations should respect the privacy of prisoners (i.e., these consultations should take place out of sight and hearing from others).¹²³ Requests made by prisoners to access healthcare consultation should be on a confidential basis and without selection barriers by non-medical staff. Information on how to access medical consultation and on the organisation of health care should be provided to every newly admitted person, preferably in written form.¹²⁴

Confidentiality

- 4.75** As noted, the Inspectorate was concerned with the practice of conducting preliminary nurse interviews with newly admitted prisoners within close proximity of prison officers. The nursing officer would reportedly gain assistance from another healthcare staff member and examine the patient with a fully closed door to maintain the prisoner's dignity, while ensuring staff safety.

International best practice establishes that all medical examination of prisoners should be conducted out of the hearing and – unless the doctor concerned requests otherwise - out of the sight of the prison officers.¹²⁵

- 4.76** Access to the Prisoner Healthcare Management System (PHMS) was restricted, and was not accessible by operational Irish Prison Service staff. However, Medical Assist Officers had unrestricted access to the PHMS system. It would be preferable for this task to be assigned to a healthcare team administrator.

- 4.77** To support non-English speaking prisoners, members of the healthcare team had access to a scheduled interpreter service. However, there was no on-call immediate interpretation access available for use. The lack of such a service led to occasions where doctors relied on other prisoners to assist in translating when carrying out urgent medical reviews. This practice was a breach of patient confidentiality and had potential data protection and personal safety implications.

The Inspectorate recommends (see section 2.86 and CH23-12) that ready access to interpretation and translation services be made available across the prison.

- 4.78** To request a healthcare appointment, people in Cloverhill Prison were first required to disclose their symptoms to a member of operational prison staff or a nurse on the prison landings. Essentially, prisoners were obliged to disclose medical symptoms and ailments in the presence of other prisoners in order to be scheduled for a healthcare appointment. Again, this practice was a breach of patient confidentiality, and had potential privacy and personal safety implications.

Patient Voice

- 4.79** Nearly two-thirds of prisoner survey respondents (64%, 88 of 138) reported that they did not feel they received good healthcare in the prison. Only 20% of prisoner survey respondents (27 of 138) indicated that they received good healthcare in the prison, and 61% (83 of 136) did not think prisoner officers took an interest in their health.

¹²³ Prison Rules 2007-2020, Rule 11(7).

¹²⁴ Council of Europe (2019) Organisation and Management of Health Care in Prison Guidelines, pg. 22.

¹²⁵ CPT (1993) Health Care Services in Prisons.

- 4.80** One in five prisoner survey respondents reported having a physical disability (20%, 29 of 143), and similarly approximately one-fifth reported having an intellectual disability (21%, 28 of 135). However, the vast majority of respondents reporting these disabilities (68%, 17 of 25 and 77%, 20 of 26, respectively) did not feel they were provided with the necessary supports.
- 4.81** Some prisoners reported they were not listened to by healthcare staff and that they experienced delays of weeks to access some primary healthcare services.

4.82 Patient Experience Assessment

There were a number of concerns identified related to patient confidentiality practices. Prison healthcare services relied on interpretation assistance by other prisoners during medical consultations in order to avoid delays in urgent reviews. Prisoners had to disclose medical symptoms to nursing staff on prison landings which could be overheard by other prisoners and prison staff.

Nearly two-thirds of prisoner survey respondents reported healthcare services in Cloverhill Prison were poor. Prisoners reported difficulties accessing medical treatment.

5 REHABILITATION & DEVELOPMENT

- 5.1 The Inspectorate assesses how prisons support people living in prison to rehabilitate and re-integrate into the community. Drawing on national legislation and international standards, the Inspectorate evaluates the prison's *Rehabilitation and Development* performance across three themes:
- A. **Purposeful Activity:** provision of and access to work training, library services, and exercise in the prison
 - B. **Education:** assessment of teaching and learning conducted by the Department of Education Inspectorate
 - C. **Contact:** prisoner experiences of meaningful human contact in prison, and contact with family and relatives
- 5.2 There was very limited emphasis placed on prisoner rehabilitation in Cloverhill Prison. The rationale provided by prison management for why this was the case was due to the transient nature of a remand facility which inhibits meaningful engagement with prisoners who spend only short periods in the establishment. Despite this, over half of prison staff survey respondents (59%, 53 of 90) said that prisoner rehabilitation was an important part of their job and 36% (27 of 75) indicated that inadequate rehabilitation programmes was one of the five main problems in the prison.

A. Purposeful Activity

- 5.3 The Prison Rules 2007-2020, Rule 27(3) set out that, in so far as is practicable, prisoners must be provided with five hours of structured activity on each of five days in a week. In defining “structured activity” the Prison Rules include work, vocational training, education or “programmes intended to increase the likelihood that a prisoner, when released from prison, will be less likely to re-offend or better able to re-integrate into the community.”

The concept of “structured activity” as referred to under Irish law¹²⁶ does not fully capture the potential impact that engagement with purposeful activity can have for people in prison. The notion of “purposeful activity” goes further and, alongside the aim of preparing people for re-integration into the community, promotes active community engagement by people in custody. Purposeful activity should benefit prisoners during their period of imprisonment, as well as support their rehabilitation and reintegration outcomes. The CPT has noted that “a wider definition of purposeful activity should be developed on the basis that purpose is defined by the impact on an individual, rather than the nature of the activity and as such a wider range of formal and informal, individual and group activities can be considered purposeful.”¹²⁷

¹²⁶ Prison Rules, 2007-2020, Rule 27(1).

¹²⁷ CPT (2022) Report to the United Kingdom 2021, ¶51.

Incentivised Regimes

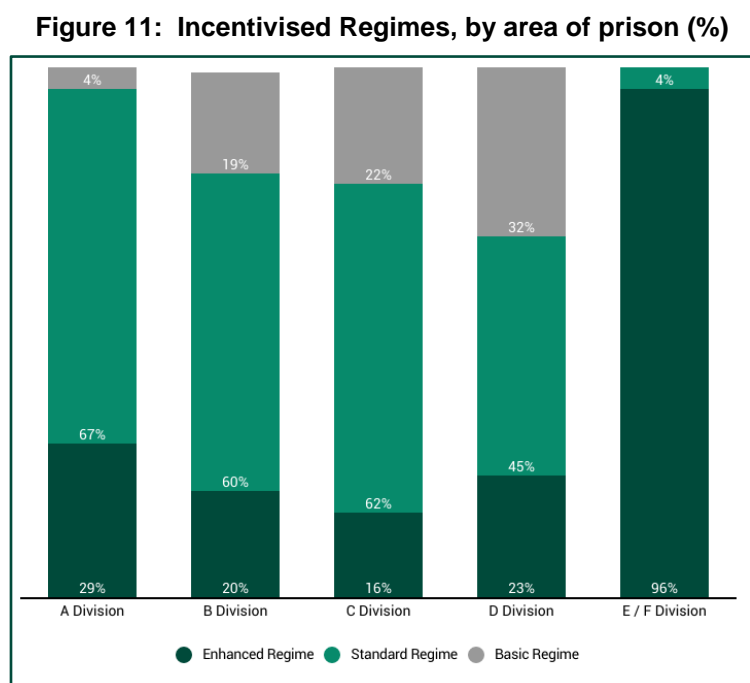
- 5.4 Engagement with purposeful activity directly relates to the IPS Incentivised Regimes Policy, which designates prisoners as being on either a Basic, Standard, or Enhanced regime.¹²⁸ The different regime levels correspond to prisoners' weekly phone call allocation, their cell assignment in the prison, and the weekly gratuity rate.

The Incentivised Regime Policy allows for flexibility in application across prisons, and defines engagement with services as:

“regular participation in education activities under the auspices of the prison education centre, work/training activities under the auspices of the Industrial Manager or equivalent and/or offender programmes and/or activities under the auspices of the Psychology and/or Probation Services or approved in-reach services. Certified attendance at activities outside the prison as part of an agreed programme will also confer eligibility.”

While the Irish Prison Service's Incentivised Regimes Policy does not allow for prisoners to be penalised if prison operations result in prisoners not being able to attend a scheduled activity, it does make clear that: “prisoners on waiting lists for structured activity will not be eligible for the enhanced regime.” Where access to activities is limited in a prison, there is a subsequent impact on access to the Enhanced regime, and therefore on access to family contact and gratuity payments.

- 5.5 In Cloverhill Prison, 31% of prisoners were on an Enhanced regime, 51% of prisoners were on a Standard regime and 17% were on a Basic regime. The majority of prisoners on the Basic regime were accommodated on C and D Divisions, and the majority of prisoners on the Enhanced regime were accommodated on E Division and F Block, which were designated as areas for people who participated in essential work in the prison (**Figure 11**).



¹²⁸ The IPS Incentivised Regimes Policy (2012) provides for differentiation of privileges between prisoners according to their level of engagement with services and quality of behaviour.

- 5.6 Prisoners on protection regimes were primarily accommodated on C Division, and due to their restricted regime had much less opportunity to participate in purposeful activity and subsequently to advance to the Enhanced regime. As noted in the 2021 Incentivised Regimes Policy, “Prisoners on protection may be restricted, for security and safety reasons, in their access to certain services”.

This means that the people in Cloverhill Prison who spent the least amount of time out of their cells engaged in purposeful activity, also had less contact with their families and less weekly gratuity.

Work Training

- 5.7 The Prison Rules 2007-2020 provide that work training activities should be available to ensure that individuals can effectively reintegrate into the community.¹²⁹ Work should be viewed as a positive element of the prison regime and prisoners should have the opportunity to choose the type of employment with which they would like to engage.¹³⁰ The 2020 European Prison Rules and 2015 UN Mandela Rules establish that a systematic programme of work should be in place, and that prisoners have the opportunity to work.¹³¹ Work should increase opportunities to earn a living after release.¹³²

Essential Work

- 5.8 Prisoners engaged in work essential to the daily operations of Cloverhill Prison. This included: waste management, industrial cleaning, kitchen and staff canteen catering, laundry, reception, and grounds work.

There were a total of 92 available work training positions in the prison, which included essential work and cleaning and painting on accommodation landings. Four of these positions were unfilled.

With the exception of 37 cleaners and painters who worked on their accommodation landings, essential work was primarily carried out by prisoners accommodated on E Division and F Block. Only 12% of the prisoner population were engaged in essential work off the prison landings; these prisoners had access to more than five hours of daily authorised structured activity.

Overall, only 19% of the prisoner population in Cloverhill Prison (88 of 457) participated in work training activities.

- 5.9 Two-thirds of prisoner survey respondents indicated they did not have a job in the prison, with 50% of these respondents (42 of 84) reporting they had signed up for work but not been assigned a job.

People in prison valued work opportunities, with one person stating “*otherwise this is a dead zone and people become institutionalised.*”

¹²⁹ Prison Rules 2007-2020, Rule 27(2).

¹³⁰ European Prison Rules (2020), Rule 26.6

¹³¹ European Prison Rules (2020), Rule 105.1 and UN Mandela Rules (2015), Rule 96.1

¹³² European Prison Rules (2020), Rule 26.3

5.10 Prisoners were offered limited opportunities to avail of accredited training in the prison. The nature of the prison, as primarily a remand facility with high-turnover and transfer rates, posed challenges for carrying out longer term certification programmes. However, a more structured approach to developing training and employment linkages across prisons as well as in the community could potentially address these challenges.

5.11 Industrial cleaners received certification in Clean Pass. In addition, a basic manual handling course was offered to people engaged in work across the prison. Neither of these certification programmes were sufficient to support people to acquire employment on release from prison.

There was no specific certification offered to prisoners working in other core areas such as the kitchen and laundry.

5.12 In 2022, the Inspectorate recommended that prison names be removed from work training certificates, as this could “increase a prisoner’s ability to earn a living after release”.¹³³
Despite a commitment made by the Irish Prison Service to remove prison names from certification documentation, training certificates issued to prisoners in Cloverhill Prison continued to display “Cloverhill Prison” in May 2023.

5.13 Furthermore, the Inspectorate recommended the Irish Prison Service should ensure all prisoners have access to externally accredited qualifications in all work training areas. The Inspectorate suggested that all certification should be labour-market tested and should be recognised by employers to improve employment prospects upon release.¹³⁴

While the Inspectorate welcomes the Irish Prison Service response to this recommendation – which includes increased engagement with partner organisations to review options for training pathways, and development of tender processes whereby Work Training Officers provide training that is certified by an external awarding body – it is also important to ensure training options provided to prisoners are suitable to employer needs and employment prospects.

5.14 Positively, all prisoners who worked in the prison were offered a minimum of one day of rest each week; this practice aligned with the standard set out in Rule 26.16 of the European Prison Rules (2020).

5.15 However, the gratuity amount provided to prisoners who worked in the prison was insufficient, and did not align with the CPT fair minimum wage standard, which is “inflation-adjusted and sufficient to allow all prisoners to afford basic items from the prison tuck shop”.¹³⁵

The Inspectorate recommended in 2022 that the Irish Prison Service review the *2012 Prisoner Gratuities and Private Cash Policy*, with a view to ensuring gratuity rates aligned with inflation rates in the community and were of an amount sufficient enough to afford products in prison shops. In 2023, the Irish Prison Service indicated a 10% increase in prisoner gratuity rates would be implemented across the prison estate in 2024.

At the time of inspection, the 2012 Prisoner Gratuities and Private Cash Policy had not been updated.¹³⁶

¹³³ OIP (2023) Education and Work Training Thematic Inspection, see Recommendation HQEDWT9.

¹³⁴ OIP (2023) Education and Work Training Thematic Inspection, see Recommendation HQEDWT7.

¹³⁵ CPT (2021) A Decency Threshold for Prisons - Criteria for Assessing Conditions of Detention, CPT/Inf (2021) 5.

¹³⁶ OIP (2023) Education and Work Training Thematic Inspection, see Recommendation HQEDWT5.

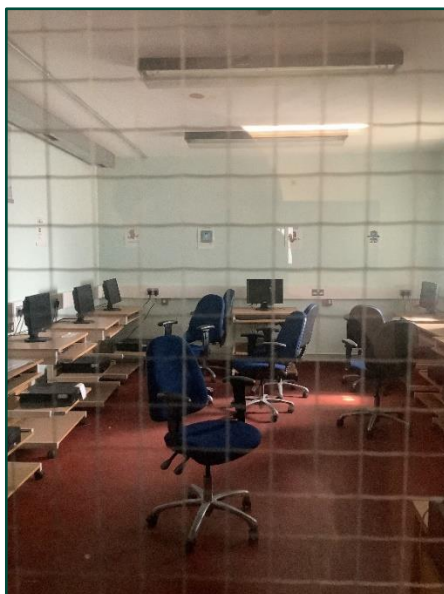
- 5.16** Despite a recommendation made in 2022 for the Irish Prison Service to develop and adopt a Work Training policy or strategy,¹³⁷ **no Work Training policy or strategy was in place at the time of the May 2023 General Inspection of Cloverhill Prison.**

Workshops

- 5.17** Although Cloverhill Prison is a remand prison, it accommodated a number of prisoners on a long-term basis, with 10% of the population on 23 May 2023 being in the prison for periods of more than 12 months. For these people, opportunities to engage in purposeful activity were essential to not only improve their prospects upon release, but to also provide structure and purpose to daily life in the prison.

Unfortunately, in addition to limited opportunities to engage in work training in the prison, **there were no opportunities for prisoners to participate in workshop activities.** Cloverhill Prison had designated spaces for soft skills and computer workshops (**Figure 12**), although both of these workshops were not operational and prisoners did not attend them.

Figure 12: Computer Workshop



- 5.18** Both prisoners and staff believed workshops would be a good addition to activities available to people in the prison. One member of staff stated, *“There’s no reason workshops can’t be done in here”* and another staff member said, *“The more they have when they get out the better chances they have.”*
- 5.19** Positively, the prison had plans in train to partner with universities to develop more work training opportunities in the areas of catering, baking, and front of house services. The Inspectorate welcomes such initiatives and encourages their immediate implementation.

¹³⁷ OIP (2023) Thematic Inspection on Education and Work Training April – June 2022, see Recommendation HQEDWT10.

Regime Management

- 5.20** The Regime Management Plan (RMP) sets out the order in which prison officer posts can be redeployed from their designated roles to other functions, in response to available staffing levels in the prison on a given day. When a workshop post was removed, the result could be that a Work Training Officer, trained to lead a workshop, would be redeployed to other operational areas of the prison.
- 5.21** The RMP designated the tasks in the prison in order of priority, with consideration to staff availability and what roles would be cut. While some essential work training staff posts were “high” on the RMP, such as catering and kitchen, other Work Training Posts were routinely “cut” from the RMP each day, including the computer workshop and soft skills workshops.

The Regime Management Plan (RMP) for Cloverhill Prison indicated that two members of staff were required to facilitate access to these workshops, and that if opened, the workshops could accommodate up to 16 prisoners at any one time.

- 5.22** **The Inspectorate has raised concerns about potential inefficiencies in the allocation of tasks to staff, in that they may not be maximised to ensure access to and engagement with purposeful activities.**¹³⁸ In response to this concern, the Irish Prison Service has committed to a task review in 2024, in coordination with the Prison Officers’ Association, under the auspices of the Workplace Relations Commission.

With respect to this review, the Inspectorate recalls recommendations made in 2022 to maximise prisoner capacity in work training and workshops,¹³⁹ and also for prisons to more effectively collaborate with Education and Training Boards to complement work training activities,¹⁴⁰ particularly in prisons where staff availability is a challenge.

Opportunities for Collaboration

- 5.23** There were plans to develop university partnerships to deliver training in areas of catering and baking, however, at the time of inspection no such joint ventures were in place in the prison.

Unfortunately, there were no examples of collaborative work training and education initiatives in Cloverhill Prison. Also, unlike many other prisons, there were no relationships existent between the prison and external employment organisations or enterprises in the community. **This deficit in joined-up collaborative work training, education and community partnership initiatives impacted negatively on prisoner outcomes, particularly for prisoners who were in the prison for extensive periods of time.**

Work Training and Benefits for Release

- 5.24** Work training opportunities for people in Cloverhill Prison were not sufficient to support positive prisoner outcomes on release from prison.

Prisoners reported there were very limited prospects for rehabilitation in the prison, and 43% of prisoners surveyed (60 of 139) by the Inspectorate indicated the education, work training and other activities offered in the prison would not benefit them upon release.

¹³⁸ OIP (2023) Thematic Inspection on Education and Work Training April – June 2022, see Recommendation HQEDWT4.

¹³⁹ OIP (2023) Thematic Inspection on Education and Work Training April – June 2022, see Recommendation HQEDWT3.

¹⁴⁰ OIP (2023) Thematic Inspection on Education and Work Training April – June 2022, see Recommendation HQEDWT15.

Prison staff highlighted the shortcomings of work training and overall access to purposeful activity in the prison, with one member of staff stating:

“Cloverhill is the men’s first introduction to prison. The potential to begin the rehabilitation process should begin here. The time the men spend here on remand could be used to upskill their training.”

5.25 Because Cloverhill Prison is a remand prison, it appears that an unfortunate preconception has developed that little can be done to improve future prospects for people accommodated in this prison. This is despite a number of people being held in the prison for extensive periods of time.

The Inspectorate does not concur, and agrees with many prisoners and prison staff who contend that **people in all prisons should be afforded opportunities to learn, grow and return to their communities in a way that is positive and future-focused.**

5.26 Work Training Assessment

With the exception of essential work, in which only one-fifth of the prisoner population participated, there were limited work training opportunities for the prisoner population. Only 12% of the population engaged in work that was based off of the prison landings.

There were no workshops available to people in the prison; this included no access to an equipped computer workshop.

Prisoners engaged in essential work were inadequately compensated, and the 2012 IPS Prisoner Gratuity and Private Cash Policy required review and updating.

While it was positive that prisoners trained in industrial cleaning received accredited certification, there was no certification available in any other work training areas in the prison.

There were no collaborative initiatives between work training, education, and external partner organisations; this hindered the potential for prisoners to engage in purposeful activity and to improve their employment and societal links on release from the prison.

5.27 RECOMMENDATIONS

To the Director General of the Irish Prison Service:

Repeat Recommendation HQEDWT4 (2022): The Irish Prison Service should ensure that all prison officer posts are maximised to ensure access to and engagement with purposeful activity for all persons in custody. Prison officer posts and associated tasks should be sufficiently flexible and to allow Governors to respond to changes in staffing structures.

Repeat Recommendation HQEDWT5 (2022): The Irish Prison Service should review and update its Prisoner Gratuities and Private Cash Policy to ensure it aligns with Rule 28.4 and Rule 105.4 of the revised European Prison Rules.

Repeat Recommendation HQEDWT7 (2022): The Irish Prison Service should ensure that all prisoners have access to externally accredited qualifications in all work training areas. Certification offered to prisoners should be labour-market tested and should be recognised by employers to improve employment prospects upon release.

Repeat Recommendation HQEDWT9 (2022): The Irish Prison Service should remove the name of prisons on certification obtained by persons in custody. This will increase a prisoner’s ability to earn a living after release in line with Rule 26.3 of the Revised European Prison Rules.

Repeat Recommendation HQEDWT10 (2022): In order to provide a consistent approach to managing education provision across the prison estate, the IPS should develop a policy on education and training in collaboration with all of the relevant stakeholders.

To the Governor of Cloverhill Prison:

Recommendation CH23-18: The Governor of the Prison should strive to increase access to work and training opportunities in the prison, in particular by developing sustainable collaborative initiatives with the school and external programmes and services.

Library

- 5.28** Under Rule 110(6) of the Prison Rules 2007-2020, a library and information centre should be provided for in each prison. There should be regular access to a wide range of informational, educational and recreational resources catering for the needs and interests of prisoners. Furthermore, Rule 110(7) states that each prisoner shall be entitled to avail of the library service at least once a week and “be actively encouraged to make use of it”. Rule 28.5 of the European Prison Rules (2020) sets out 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.”

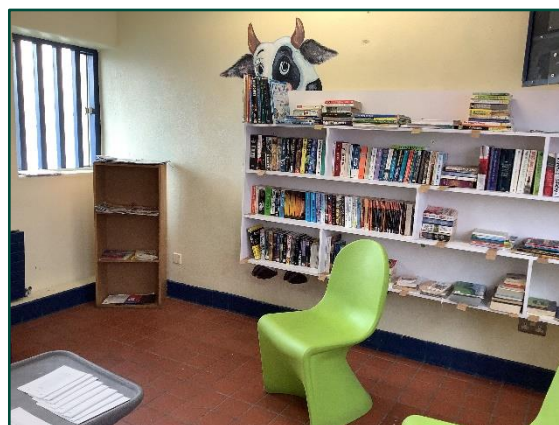
Findings

- 5.29** The main library in Cloverhill Prison was closed at the time of inspection, and had been closed since 2020, at the start of the pandemic. Instead, small satellite libraries were located on a number of prison landings (See Figures 13 and 14).

Figure 13: Satellite Library, A1 Landing



Figure 14: Satellite Library, D2 Landing



The satellite libraries were not left open throughout the day, and required staff availability for prisoners to access the library during “reserve” periods (17:30 - 19:00). Staff posts related to library tasks were cut on the RMP on three days of the inspection.

5.30 Books were available in several languages other than English in each of the satellite libraries.

However, there were no legal texts readily available in the libraries, as these had to be requested and ordered through Dublin City Council Library. The lack of access to legal texts for people in Cloverhill Prison is particularly significant, as the vast majority of people in this prison were unconvicted and actively involved in criminal legal proceedings.

5.31 A small number of prisoners supported a community librarian who attended the prison once a week. Prisoners who worked with the library service operated a book retrieval system whereby prisoners completed a library card and were able to request books from their cells.

Positively, the community librarian communicated with prisoners by using a notebook to convey requests and messages back and forth with prisoners. Although it would be preferable for prisoners to have ready access to both the library and a librarian, this work-around approach to engagement was welcome given the challenges associated with staffing availability and opening of the libraries.

5.32 Approximately half of prisoners (71 of 139) who completed the survey reported it was easy for them to access library books. However, 64% of people on C Division (27 of 42), where the vast majority of prisoners on protection regimes were accommodated, reported difficulties in accessing books from the libraries.

5.33 In 2021, the Inspectorate recommended that Cloverhill Prison increase access to libraries for people in the prison. **The Inspectorate commends efforts made since then to improve access through the establishment of satellite libraries and a book retrieval system.** In addition, a review of prison libraries and a new library policy was developed, with the aim of the policy being to provide full-time librarians to the prison on a pro rata basis. At the time of inspection, Cloverhill Prison had been assigned a part-time (0.8 FTE) librarian.

5.34 Library Assessment

Positively, a librarian attended the prison on a regular basis and engaged in ongoing communication with people in prison to support them in accessing library books.

The prison had put in place satellite libraries and a book retrieval system to improve access to books for people in prison.

Prisoners on protection regimes reported more difficulties accessing books than prisoners in the general prisoner population.

There were no legal texts available in the prison, despite the majority of people in Cloverhill Prison being unconvicted.

Exercise & Recreation

- 5.35** The Prison Rules 2007-2020 establish that prisoners should be provided with ample opportunities for outdoor exercise, a minimum one hour, and alternative indoor exercise arrangements should also be available.¹⁴¹ Access to exercise is a fundamental right, with the CPT highlighting access to one hour outdoor exercise as a criteria of a minimum decency threshold.¹⁴² Access to outdoor exercise is also crucial for the mental and physical well-being of prisoners who have limited access to natural light and fresh air, with few chances to socialise.¹⁴³

Yards

- 5.36** Given the low numbers of prisoners who had access to the school and work training activities, the primary daily activity available to prisoners in Cloverhill Prison was access to the exercise yards. In total, there were nine exercise yards in the prison. There were separate exercise yards for people on protection, as well as a separate exercise yard for people accommodated on D2 wing.

People in the general population, who were not assigned to carry out essential work in the prison, were offered access to the yard three times a day, amounting to a daily total of six hours. This meant that the allocation of time for outdoor exercise for the general prisoner population met, and far exceeded, the statutory legal requirement of Rule 32(1) of the Prison Rules 2007-2020: *“Each prisoner not employed in outdoor work or activities shall be entitled to not less than one hour of outdoor exercise in the open air each day, provided that having regard to the weather on the day concerned, that it’s practicable.”*

However, for people on protection regimes this was not the case. People on protection were offered far less time; with many in receipt of less than one hour in the yard each day. For instance, 50% of protection prisoner survey respondents (17 of 34) reported they received less than one hour in the yard on a daily basis.

- 5.37** Contraband entered the prison by way of the yards, and incidents of violence between prisoners occurred there. Prison staff were not physically present in the yards, and instead monitored prisoner activities from a ‘hub’ located near the entrance to each of the yards. This practice was attributed to staffing shortages and agreements reached with the staff representation organisation.

As access to the yard was the main activity available to large portions of the prisoner population, and there were incidents of violence, as well as very little to do in the yard, some prisoners elected to refuse time in the yard, despite being offered it.

Unlike the practice in some other prisons, people in Cloverhill Prison could leave the yard and return to the prison landings; this was a positive practice as it allowed people to return indoors during poor weather periods.

¹⁴¹ Prison Rules 2007-2020, Rules 32(1), 32(2), and European Prison Rules (2020) Rule 27.

¹⁴² CPT (2021) A Decency Threshold for Prisons-Criteria for Assessing Conditions of Detention.

¹⁴³ Association for the Prevention of Torture, Outdoor Exercise.

5.38 The exercise yards were grey and bleak (Figure 15).

Figure 15: Exercise Yard (General Prisoner Population)



Aside from the E Division yard, where prisoners were provided with footballs, there were no facilities provided to prisoners to participate in team sports and there was no exercise equipment available in any of the yards. Time spent in the yards consisted of walking in repetitive circles around the yard perimeter; this was not structured activity.

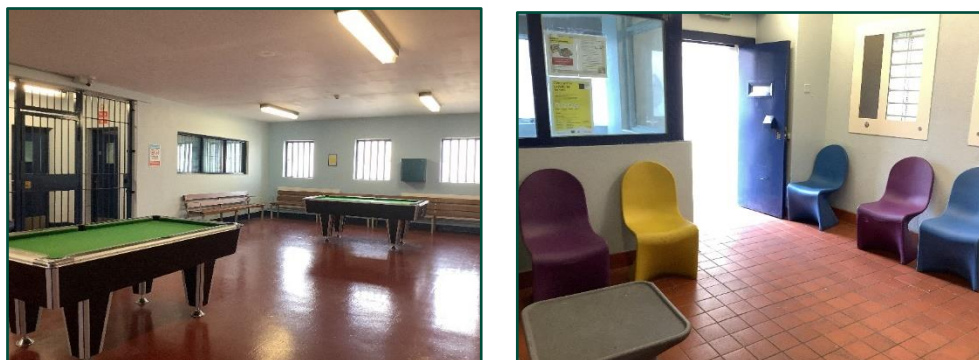
On the days of inspection, the yards were clean and toilet conditions were generally satisfactory. However, there were reports that conditions were not always clean in the yard. Toilets were sometimes occupied for purposes of drug use rather than used as sanitary facilities. There were benches and some shelter facilities available in the yards.

At the time of inspection, there had been no progress with regard to a previous recommendation made by the Office of the Inspector of Prisons to include green spaces in and around the yards.¹⁴⁴ In its most recent status update, the Irish Prison Service stated that works to one of the yards in Cloverhill Prison would be completed in the first half of 2024.¹⁴⁵

Recreational Areas

5.39 Many of the prison landings were equipped with a recreational area, although the quality varied across the prison. Some recreation areas had pool tables (Figure 16), however, there were no pool cues or balls available for use with the tables. Positively, there was a cinema area on D2 landing (for vulnerable prisoners), with films airing during the time of inspection.

Figure 16: Recreation Areas, Cloverhill Prison



¹⁴⁴ OIP (2021) COVID-19 Thematic Inspection of Cloverhill Prison 18-19 March 2021, Recommendation CHCT21.

¹⁴⁵ OIP Recommendation and Status Update

The recreation areas for Enhanced prisoners were very good. Prisoners in these areas of the prison had access to games and a comfortable communal living area (**Figure 17**). While this was positive, and of great benefit to the prisoners accommodated in this area, recreation halls on protection landings were often closed and inaccessible to prisoners.

Figure 17: Recreation Room, F-Block



Gym

5.40 There were two gyms in the prison. The main gym was used by the vast majority of the prisoner population, as well as some protection prisoners. A second separate gym was used to facilitate protection prisoners only. The main gym was spacious and offered a good range of gym equipment. There was a gym timetable in place, and while the majority of prisoners had good access to the gym (for example, prisoners on A Division were facilitated with access to the gym for seven sessions a week), no group had access to the gym on a daily basis. Prison staff also used the main prisoner gym during lunch periods.

Over a six-month period (November 2022 - May 2023), the main gym experienced nine morning closures and five evening closures.

The second gym used by the majority of protection prisoners was closed 84 days over the period of 1 November to 14 May; this means the gym was not accessible to these prisoners 43% of the time. When open, protection prisoners were only offered access to the gym in 40 minute sessions in order to accommodate rotational shower time. Some people on protection landings reported that, despite being scheduled to attend the gym six or seven times each week, in reality they attended three times a week. Another prisoner on protection indicated he was not permitted any time in the gym each week; he said, “*even the gym for 30 minutes would be nice*”. Given that protection prisoners experienced the least amount of purposeful activity and out-of-cell time in the prison, gym closures had a significant impact on their daily wellbeing.

5.41 Exercise Assessment

The general prisoner population had very good access to the exercise yards, with some prisoners offered six hours of daily yard time. However, there was little purposeful activity available in these yards, with prisoners spending the majority of their time walking in repetitive circles.

The quality of recreation areas varied across the prison, with protection prisoners having no access to a recreation area. Enhanced prisoners had access to games and entertainment.

The main gym was a great asset to the prison and the gym was one facility that offered access to purposeful activity for the general prisoner population. However, there were frequent gym closures for protection prisoners; this had a significant impact on a group of people who already had very limited access to purposeful activity in the prison.

5.42 RECOMMENDATIONS

To the Governor of Cloverhill Prison:

Repeat Recommendation CHCT21 (2021): The Inspectorate recommends that efforts be made to include green spaces in and around the yards.

Recommendation CH23-19: Prisoners accommodated under Rule 63 of the Prison Rules 2007-2020, should be facilitated to attend the gym facility at least every other day; access to the gym for protection prisoners is particularly essential as a measure to counter the often extensive periods of time these prisoners are locked back in their cells.

B. Education



An Roinn Oideachais
Department of Education

5.43 Context

Cloverhill Prison is a closed, medium security prison for adult males that primarily caters for remand prisoners from the Leinster area. There is a purpose-built Education Centre located off the prison circle, which is accessed through a dedicated corridor. Access to education provided by the centre is the main form of structured purposeful activity offered in the prison.

5.44 Introduction

The Department of Education (DE) Inspectorate formed part of the Office of Inspectors of Prisons (OIP) team, which conducted the General Inspection of Cloverhill Prison. The findings presented in this report were independently observed, assessed and drafted by the DE Inspectorate.

DE inspectors evaluated and reported under the following headings:

1. Quality of Teaching and Learning

- Meeting learner needs
- Providing worthwhile learner experiences
- Planning and delivering high quality lessons
- Working together as teaching professionals

2. Quality of Leadership and Management

- Managing the education centre within the prison context
- Facilitating and encouraging access to education and supporting inclusion
- Identifying learner needs
- Providing suitable facilities

5.45 Inspection Activities

Inspection Dates: 16 - 17 May 2023	
<ul style="list-style-type: none">• Lesson observations• Classroom visits• Review of resources and facilities• Review of students' work• Meetings with Head Teacher• Meeting with the Organiser of Education, CDET (City of Dublin Education and Training Board)	<ul style="list-style-type: none">• Discussion with teachers• Discussions with students• Feedback meeting with Head Teacher and teachers

5.46 Main Findings

- The overall quality of student learning in the lessons observed was very good. However, the remand nature of the prison, which meant that there was considerable movement of people in and out of the prison, posed a significant barrier to students' regular and consistent access to education.
- A very good range of educational options were available in the school with both credited and non-accredited courses offered.
- There was a very strong commitment on the part of the Education Centre to supporting students for whom English is an additional language.
- The quality of student participation and engagement in learning was very good in the lessons observed. Highly supportive relationships and interactions in classrooms created a very positive, co-operative, affirming, and productive learning environment.
- Teachers were highly skilled practitioners who demonstrated a very high level of dedication to supporting their students' learning and development.
- Prison management recognised education as a positive experience for people in prison, with huge potential to support students' wellbeing, personal development and provide opportunities to build life skills to support them on their release.
- There was a very good relationship between the Education Centre's management and the prison management.
- Access to the Education Centre was designated as a high priority on the regime management plan (RMP) and, commendably, there were very few closures.
- There was a very good relationship between the school officers and school staff to ensure the smooth transition of students to and from the Education Centre and between classes.
- The quality of facilities in the Education Centre were very good; the classrooms were very well resourced, and there was very good provision of specialised equipment to support learning.

- Education provided by the centre is the main form of structured purposeful activity offered in the prison, and it has capacity to cater for approximately ten percent of the population at any given time: this level of access to education is adequate.
- Due to the demand for educational services, prison management in conjunction with CDETБ and the Irish Prison Service (IPS) were at an advanced stage in planning for an expansion to the Education Centre of three additional classrooms. However, even with this additional capacity, a significant majority of the prison population will remain without access to education.

5.47 Areas for Improvement

- There is scope for the Education Centre to further explore how they could embed initiatives to support students' social, emotional, and physical wellbeing across the curriculum.
- It is recommended that the centre management explore opportunities for teachers to share very good teaching and learning practices with each other. Further continual professional learning (CPL) on teaching and learning approaches, including for special educational needs (SEN), to support adult learners should also be provided.
- It is recommended that the organiser of education, head teacher, and staff come together and engage in a process of self-evaluation and development of a school improvement plan. This plan should include key priorities for development, associated actions for the achievement of these priorities, and a process to monitor and review the implementation of the plan.
- It is important that the time students are brought to classes is monitored closely by prison management and the head teacher, to ensure optimal access and time in the centre for students.
- Opportunities to extend educational access through blended learning and the use of digital technologies for people who are on protection and for those that wish to attend the school but are on the waiting list, should be explored by the IPS and prison management in collaboration with CDETБ.
- In order to better manage the day-to-day changes in the cohort, centre management should conduct a review of the current structures for managing the integration of new students.
- There is a need to introduce more formal structures for sharing information on students' educational profile with teachers. As part of the induction process, centre staff should create an Adult Basic Education (ABE) plan with each student which outlines needs, interests, learning and future goals, and informs provision.
- Further planning is needed to safely facilitate the implementation of the proposed new subjects that will be in place following the expansion of the Education Centre. This planning should include a risk assessment to establish health and safety procedures that will need to be put in place to support effective engagement with teaching and learning in these subjects.

Teaching and Learning

5.48 Meeting Learner Needs

The overall quality of student learning in the lessons observed was very good. However, the remand nature of the prison, which meant that there was considerable movement of people in and out of the prison, posed a significant barrier to students' regular and consistent access to education. It is good practice that students have the autonomy to attend the school for personal or other reasons without working towards a formal qualification. There was a clear commitment by the Education Centre to ensuring that students engaged with subjects that matched their interests.

A very good range of educational options was available in the Education Centre with both credited and non-accredited courses offered. The range of programmes included, the Junior Cycle (JC), Leaving Certificate (LC), QQI (Quality and Qualifications Ireland) levels 2, 3, 4 and 5 and non-certified courses, such as, mindfulness. It was commendable that students could improve their numeracy and study Mathematics at different levels. There was also access to Open University (OU) courses, if students met the educational criteria and wished to engage at this level.

There were approximately eighteen nationalities represented amongst the student population. There was a very strong commitment on the part of the Education Centre to support students for whom English is an additional language. In lessons for the development of English language skills for speakers of other languages (ESOL), high quality resources supported student engagement and promoted very meaningful interactions amongst students and with their teacher.

Students spoke positively about their reasons for attending the school, the learning they hoped to gain and their ambitions for the future. For example, some spoke of using the time to better themselves and to be able to apply for courses and jobs on the outside. They praised the work of the teachers and the encouragement they received. For example, some students commented that with the support from their teachers they felt confident to take on JC and LC examinations.

5.49 Providing Worthwhile Learner Experiences

The quality of student participation and engagement in learning was very good in the lessons observed. Good relationships and interactions in classrooms created a very positive, co-operative, affirming, and productive learning environment. Students demonstrated high levels of motivation, and overall they enjoyed engaging with the learning tasks assigned during lessons.

There were very good opportunities for students to engage with the Creative Arts as part of the curriculum. Students of all abilities were accommodated in art and music lessons, from absolute beginners to more experienced artists and musicians. For example, art lessons provided opportunities for self-expression, calmness, and students were encouraged to experiment and take risks with their art. Similarly, in the music lessons observed, the teacher very skilfully supported equity of student participation.

For example, students had individual melodies to play and were supported by the teacher on an individual level and then performed as a collective group. In addition, digital technologies were used very effectively to support engagement with online learning during the music lesson to compose and record students' performances. Students clearly enjoyed participating and learner outcomes were high.

It was evident throughout the evaluation that students' wellbeing was very well supported by their attendance at school and involvement in initiatives such as the Red Cross. There was a strong commitment from all staff to ensure learners were welcomed and felt a sense of belonging in the school. It was highly commendable that students were involved in co-creating the artwork in the corridors resulting in a vibrant physical environment. The work of students was celebrated throughout the Education Centre with rich displays of their artwork and poetry. The students shared how they looked forward to coming to classes and described the feeling as they walk down the corridor, as being one of calm and a sense of belonging. Commendably, meditation was introduced to students as part of their English lesson.

During the evaluation, students described the importance of the gym to support their mental and physical wellbeing. As a result, the Education Centre had constructed their timetable to ensure that students could benefit from both access to the gym and attending lessons. Students can engage in a variety of QQI accredited health and fitness courses in the Education Centre and working closely with the gym officers, the physical education (PE) teacher also provides circuit-training classes in the gym.

However, the potential for the gym to support learning beyond physical fitness was not fully realised. A large number of people in the prison use the gym and there was scope to develop it as a way of encouraging more students to become involved in the wider educational services provided by the Education Centre. This could be achieved through the use of visuals to encourage students to avail of the additional services and to reinforce literacy and numeracy skills or to demonstrate posture, muscle extension, weights, nutritional value of food, for instance. There is scope for the Education Centre to further explore how they could embed initiatives to support students' social, emotional and physical wellbeing across the curriculum.

5.50 Planning and Delivering High Quality Lessons

The teachers in the Education Centre were highly skilled practitioners who demonstrated a very high level of dedication to supporting their students' learning and development. Teachers were highly committed to providing an inclusive, welcoming, and affirming learning environment. Lessons were characterised by respectful interactions between teachers and students and between the students themselves, with teachers listening to and respecting the opinions of students. Teachers were also very skilful at adapting their teaching to suit the students' needs.

In all lessons observed, teachers were very affirming of students' contributions. They provided them with constructive feedback and clear strategies for improved outcomes. This was evident, particularly, in the Mathematics lesson where students could understand the concept for Complex Numbers but were making errors in their calculations and the teacher supported the student to see the errors. In this instance, the teacher also effectively modelled a strategy

to guide the students on recording the calculations correctly. The students successfully used this strategy and had a clear sense of achievement by the end of the lesson.

Teachers were innovative and willing to take on new courses to meet the emerging needs and interests of students. For example, a new course in Spanish was recently made available and students were being facilitated to take Junior Cycle Spanish.

In all lessons, students presented with a wide variety of educational needs. Teachers managed this diversity in a number of ways. For example, they were highly organised and had individual folders and booklets available for all students, and they used effective questioning and graphic organisers to identify and build on students' prior learning. The very effective teaching approaches observed included, the use of, role-play, visuals, teacher demonstration and modelling. While these strategies were evident in most lessons, they were not present in all. **It is recommended that the centre management explore opportunities for teachers to share these very good practices and include further CPL on teaching and learning approaches, and on special educational needs (SEN), in the context of supporting adult learners.**

5.51 Working Together as Teaching Professionals

Examples of teachers working well together were noted in a few subject areas. In these instances, teachers had effective systems in place to record the progress of learners after each class, which informed planning for subsequent lessons. This system facilitated continuity of learning and was necessary because students may be shared across a number of staff over the course of a week.

Very effective parallel teaching, which involved two teachers working simultaneously in the same classroom, was observed during the evaluation to support students with either basic numeracy skills, and JC or LC Mathematics at both foundation and ordinary levels. This approach enabled students to be supported and challenged at an appropriate level. The Education Centre management should now provide all subject faculties with opportunities to share this very good practice.

Leadership and Management

5.52 The overall quality of leadership and management was good.

5.53 Managing the Education Centre within the Prison Context

The service provided by the Education Centre is highly valued by the leadership and management of the prison, the staff and learners. Education is recognised as an essential service by prison management, with huge potential to support students' wellbeing, personal development and provide opportunities to build life skills to support them on their release.

The school in Cloverhill prison is one of six prison schools under the management of City of Dublin Education and Training Board (CDETb). The CDETb works in partnership with the Irish Prison Service (IPS) and prison management to provide access to education for people in prison. The overall management of these schools is the responsibility of the Organiser of Education appointed by CDETb, in collaboration with the head teacher.

The Organiser of Education is responsible for areas such as, the allocation of teachers, the subjects offered as part of the curriculum, and providing for the CPL needs of teachers.

During the inspection, CDETБ confirmed that they were in the final stages of assigning new posts of responsibility as part of their management structure in the centre. It is praiseworthy that the identification of the needs for the post of responsibilities was carried out in a consultative manner with all staff.

Cloverhill Education Centre has a head teacher who is responsible for the day-to-day running of the school. Currently, there is a team of sixteen teachers working in a full-time or part-time capacity in the centre to provide an inclusive curricular programme. The core values of the centre, based on equality and respect for all, were evident in the mutually respectful interactions between all staff and students during the evaluation.

It was evident that the Education Centre has successfully implemented priorities identified, in consultation with staff, over the last three years. These included improving the physical environment of the centre, and ensuring that the curriculum was student-focussed and enabled to support basic educational needs. **It is now timely, with the allocation of new posts and the proposed expansion of the school that the organiser of education, head teacher, and staff come together and engage in a process of self-evaluation.** This process will assist in creating a shared vision for the centre and the creation of an action plan to guide their work in coming years. This process will involve a collaborative reflection, to include the student voice, on what has worked well for the centre and its students and assist in identifying agreed areas for improvement. **This plan should include key priorities for development, associated actions for the achievement of these priorities, and a process to monitor and review the implementation of the plan.**

The Education Centre management reported a very good relationship and appreciation for the support it receives from the prison management. The head teacher attends multi-disciplinary team meetings and works closely with the ISM officer in relation to students' attendance and engagement with the Education Centre.

5.54 Facilitating and Encouraging Access to Education and Supporting Inclusion

At the time of the evaluation, access to education provided by the Education Centre was the main form of structured purposeful activity offered in the prison. The centre has capacity to cater for approximately ten percent of the prison population at any given time and access to education was inadequate for a significant majority of the prison population.

Access to the Education Centre is designated high priority on the regime management plan (RMP) and commendably there are very few school closures. However, the prison is mainly for people who are on remand, and there is considerable movement of people in and out of the prison. This meant that, at the time of the evaluation, the number of students registered for classes and attendance changed on a continual basis. Good communication systems were in place through the use of the prisoner education management system (PEMS) to enable the head teacher to compile the most up-to-date class lists on a daily basis.

There was a very good relationship between the school officers and school staff to ensure the smooth transition of students to and from the school and between classes. There was a permanent school officer assigned to the school; three school officers assigned for three days and two for the other two days each week. When three officers were assigned, it was possible for new students to attend for their initial assessment interview.

Classes were scheduled to start at 09:30 each day. However, the start time for lessons could be affected by a number of factors outside the control of the school, which could result in a delay to classes beginning on time. **It is important that this is monitored closely by prison management and the head teacher to ensure optimal access and time in the centre for students is achieved.**

Referrals came mainly through word-of-mouth amongst people in prison and from ISM officers or Class Officers. Students could register their interest in attending the school with Class Officers assigned to each landing. Students reported that once their names were on the waiting list the length of time it took for them to be called for an initial assessment interview varied considerably; from a one-day or a week to a number of weeks. At times there could be very good reasons for delays in being assigned to the school. However, these reasons needed to be explained to the people on the waiting list to ensure that they understood that the process was clear, fair, and transparent.

At the time of the inspection, there was a waiting list for the services provided in the Education Centre. However, the centre management and staff endeavoured to support all learners who wished to attend the centre. Commendably, they reconfigured their timetable this academic year to ensure that people on protection could access the facilities two afternoons a week. This offering reflects the school's flexibility to be inclusive of all learners. In addition, the head teacher reported that, when requested, learning materials were supplied to people on protection who had limited or no access to the school. There was one section of the prison population who had no access to the Education Centre at all. The people who are in prison who do not have access to the Education Centre could benefit from having access to educational opportunities through the use of blended learning. **Opportunities to extend educational access through blended learning and the use of digital technologies for people who are on protection and for those that wish to attend the school but are on the waiting list, should be explored by the IPS and prison management in collaboration with CDETB.**

5.55 Identifying Learner Needs

The process in place for identifying learning needs was less than satisfactory. The head teacher conducted an initial assessment interview with each student to ascertain their educational profile and interests. This data was recorded on the prisoner education management system (PEMS). After this meeting students were immediately placed into classes. While teachers were very welcoming and encouraging of all people who joined their classes they had no immediate information on the student presenting. This information was informally shared by the head teacher after the student had engaged with classes on the first day. The head teacher confirmed that the school was in the early stages of planning an induction programme for new students. This programme should be prioritised.

In order to better manage the day-to-day changes in the cohort, centre management should conduct a review of the current structures for managing the integration of new students.

Additionally, the system of allocating students to classes without first providing them with an induction session, had a significantly negative impact on the flow of learning already taking place for other students. **There is a need to introduce more formal structures for sharing information on students' educational profile with teachers. As part of the induction process centre staff should create an Adult Basic Education (ABE) plan with each student which outlines needs, interests, learning and future goals, and informs provision.**

5.56 Providing Suitable Facilities

The quality of facilities in the Education Centre was very good. The centre was accessed through a bright and welcoming corridor with displays of students work exhibited. There was a very high level of practical support for the school from prison management. The classrooms were very well equipped, and there was very good provision of specialised equipment to support learning such as, musical recording equipment and a range of musical instruments, and fully resourced information technology (IT) room. Books were available in some of the classrooms which students were encouraged to borrow. The only access to library facilities was through satellite libraries, which were placed on the prison landings.

Due to the demand for educational services, prison management in conjunction with CDET B and the IPS were at an advanced stage in planning for an expansion to the Education Centre. This will involve the conversion of vacated space under the existing school, which is adjacent to the main gym, to provide three additional classrooms. This is a very welcome development.

Based on a needs analysis, informed by the views of learners, and school and prison management, it was reported that this new space would allow for the expansion of the curriculum to include subjects such as Home Economics, Pyrography, Mosaics, and fabric- and paper-based crafts. These subjects provide many benefits for learners, such as personal care, nutrition and diet, budgeting, craftwork and general life skills. **However, further consideration is needed in relation to planning for the implementation of these subjects.** Exploration is needed around the target student group for these subjects and the prerequisite skills that are needed before they can engage with learning. For example, to enable learners to engage with the cookery element of Home Economics they would need to have completed a Food Safety course. **It is recommended that a risk assessment is conducted to establish health and safety procedures that will be put in place to support effective engagement with teaching and learning in these subjects.**

C. Contact

5.57 Maintaining relationships, inside and outside of prison, is essential to both the experience of imprisonment and successful re-integration upon release from prison.

International human rights standards and national legislation set out requirements for how contact is to be promoted and maintained for people in prison, with the objective being to ensure a minimum level of meaningful engagement for prisoners with other people in prison and with family and friends outside of prison.

Meaningful Human Contact in Prison

5.58 The Irish Prison Rules 2007-2020 provide that all people in prison should have access to daily meaningful human contact, which is defined as “interaction between a prisoner and another person of sufficient proximity so as to allow both to communicate by way of conversation”.¹⁴⁶ As provided for under Irish law, all prisoners should have at a minimum two hours out-of-cell time with an opportunity during that period for meaningful human contact.¹⁴⁷

The University of Essex and Penal Reform International¹⁴⁸ expand on this to provide a guideline for what may be considered meaningful human contact in the context of the prison. Meaningful human contact:

- may be provided by prison or external staff, individual prisoners, family, friends, or a combination;
- is carried out directly, face-to-face, allowing for social interaction;
- must not be limited to interactions related to criminal investigations or medical necessity;
- does not constitute when prison staff deliver a food tray, mail or medication to the cell door; and
- does not include situations where prisoners are able to shout at each other through cell walls or vents.

Given this guideline, meaningful human contact cannot simply be equated with out-of-cell time, but rather an assessment of meaningful human contact must consider engagement with staff, prisoners and family or friends that is face-to-face, substantive and is not purely transactional.

5.59 Access to meaningful human contact varied across parts of the prison (**Figure 18**):

Prisoners on E Division and F Block (Enhanced Landings), as well as those on A and B Divisions (general prisoner population), reported the highest levels of daily engagement in meaningful human contact. While, prisoners on C and D Divisions, which accommodated prisoners on Rule 62 / Rule 63 restricted regimes, as well as those with medical needs, reported the lowest levels of access to meaningful human contact.

¹⁴⁶ Prison Rules 2007-2020, Rules 27(1) and 27(4).

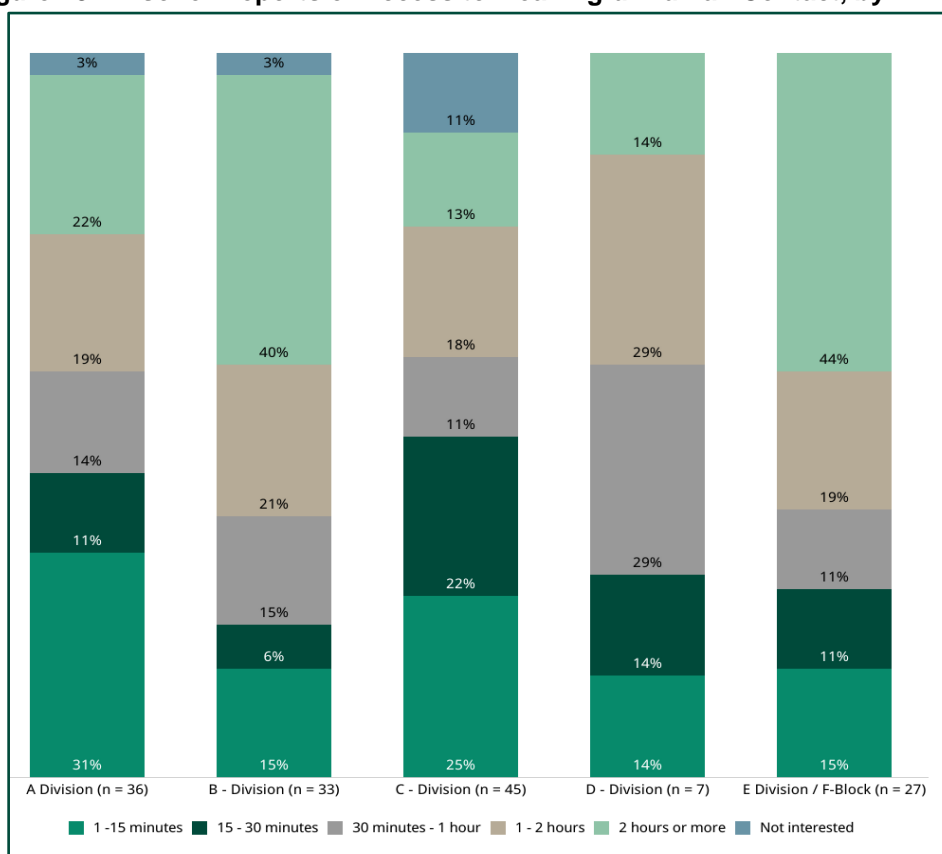
¹⁴⁷ See S.I. 276/2017 –Prison (Amendment) Rules 2017 Meaningful human contact is defined in the legislation as interaction between a prisoner and another person of sufficient proximity so as to allow both to communicate by way of conversation.

¹⁴⁸ Essex Paper 3 Initial Guidance on the Interpretation and Implementation of the UN Nelson Mandela Rules (2017)

Nearly half of prisoners (44%, 12 of 27) on E Division and F Block reported engaging in two hours or more of meaningful human contact, however only 13% of prisoners on C Division (6 of 45) and 14% of prisoners on D Division (1 of 7) reported similar.

Many prisoners on protection regimes (Rule 63) had no access to purposeful activities, as well as little-to-no engagement with services in the prison, which further reduced their opportunities for meaningful human contact.

Figure 18: Prisoner Reports of Access to Meaningful Human Contact, by Division



Prisoners in multi-occupancy cells did not necessarily engage in two or more hours of meaningful human contact each day. In situations where prisoners spent a minimum of 22 hours in their cell each day, despite being accommodated with other prisoners, they may also experience similar effects to that of solitary confinement.

- 5.60** Positively, the Inspectorate observed small groups of prisoners convening on prison landings in the evening period to converse and play games. In addition, the opening of recreation areas facilitated people in prison to engage in meaningful human contact with each other.
- 5.61** The Inspectorate **did not observe many examples of meaningful engagement between prisoners and prison officers working on landings**. Interactions were often limited to brief conversations consisting of prisoner requests for assistance and information.

Often times, these interactions were hurried, with prisoners trying to converse with prison officers when their cell door was briefly opened or when walking from the landings to the prison yards or activities.

5.62 Meaningful Contact in Prison Assessment

Overall people in Cloverhill Prison engaged in limited meaningful human contact.

Prisoners from the general prisoner population and those on Enhanced landings who worked in the prison reported higher levels of meaningful human contact than special categories of prisoners such as those on protection regimes.

While the inspectorate noted some positive interactions between prisoners on the landings and in recreation areas, these were more of an exception than the norm. In addition, the Inspectorate did not observe many instances of meaningful human contact between prison officers and prisoners on landings.

5.63 RECOMMENDATION

To the Governor of Cloverhill Prison:

Recommendation CH23-20: The Cloverhill Prison RMP should be reviewed to prioritise the availability of prison staff to engage in interactions with prisoners that amount to meaningful human contact. In particular, prison officers working on the landings should be actively encouraged to engage with prisoners in a more meaningful way.¹⁴⁹

Family Contact

5.64 The European Convention on Human Rights, Article 8, highlights the importance of the right of all people to a private and family life; this right is retained upon committal to prison. For people in prison, a core element of their capacity to re-integrate into society upon release from prison is their ability to maintain relationships with their family members.

International human rights law and standards also set out rights for the children of people in prison, which include the right to have their best interests protected, the right to development, the right to have their views respected and the right to maintain personal relations and have direct contact with their parents on a regular basis.¹⁵⁰

5.65 People in Cloverhill Prison were facilitated with family contact through in-person visits, video link calls, in-cell phones, and censored correspondence.

¹⁴⁹ Prison Rules 2007-2020, Rule 85(3)

¹⁵⁰ See UN [Convention on the Rights of the Child](#) and Council of Europe, [Recommendation CM/Rec\(2018\)5 of the Committee of Ministers to member States concerning children with imprisoned parents](#).

Calls

- 5.66** The Prison Rules 2007-2020, Rule 46(2) sets out that convicted prisoners, subject to the availability of facilities, shall be entitled to make not less than one telephone call per week to a member of their family or to a friend. For unconvicted prisoners, this entitlement is increased to no less than five telephone calls each week (Rule 46(4)).

The Inspectorate welcomes the installation of in-cell phone provision in Cloverhill Prison. However, the benefit of this development is compromised in that overcrowded cell conditions pose challenges for engaging in private conversation with family, and also with legal representation (see section 5.82).

The short duration of calls (six minutes or less) was ranked by prisoner survey respondents as the second most significant problem in the prison, with overcrowding identified as the primary problem.

- 5.67** All phone calls, including to legal representatives, were limited to six minutes in length. A prisoner on an Enhanced regime received two six-minute calls each day of the week; a prisoner on the Standard regime received one six-minute phone call each day; and a prisoner on the Basic regime received one phone call each week.
- 5.68** A large number of foreign national prisoners raised concerns about the difficulties they faced in setting up their phone cards. The application form provided to them on committal to set up contacts was only available in English. This meant that prisoners who did not speak English were forced to rely on other prisoners to help them complete forms which contained information about their relatives. The Inspectorate met with one foreign national prisoner who had not been able to make a phone call for six weeks.
- 5.69** While the prison confirmed all contacts prior to updating a prisoners' calling card, the lack of interpretation services available to prison staff meant they were not always able to communicate, and therefore verify prisoner contacts. This resulted in delays, and indeed considerable anguish for people newly committed to the prison, particularly because they were not able to make contact with their family members. One prisoner claimed, "*Nobody knows where I am*".
- 5.70** As connections with family and friends are essential to the successful and positive re-integration of people in prison into the community upon release, the Inspectorate considers that **the length and frequency of phone calls in Cloverhill Prison and all other prisons in Ireland, should be reviewed with a view to increasing same.**

Visits

- 5.71** The Prison Rules 2007-2020, Rule 35(1) establishes that convicted prisoners "shall be entitled to receive by prior appointment not less than one visit from relatives or friends each week of not less than 30 minutes duration." Rule 35(3) sets out that unconvicted prisoners "shall be entitled to receive 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."

5.72 Aside from family visits for Enhanced prisoners on Sundays, all visits in Cloverhill Prison were screened. This meant that up to 14 prisoners and their families and friends spoke to each other through a vented area along a long table, which was partitioned by a clear screen (**Figure 19**).

The visits area was large, and when occupied by prisoners and their relatives the noise and echo in the room made it nearly impossible to communicate. One prisoner explained, “*We don’t talk, we just sit there and say nothing.*”

The blanket screened visits policy was at variance with the rights of children to have regular and direct contact with their parent under Article 9(3) of the UN Convention on the Rights of the Child.

Figure 19: Screen Visits Area



5.73 All prisoners in Cloverhill Prison were permitted a weekly visit of not less than 30 minutes duration. However, remand prisoners were not facilitated to access their statutory entitlement of a 15-minute visit each day, six days per week (or at minimum of 3 days per week) in line with the Prison Rules 2007-2020, Rule 35(3).

In response to the Inspectorate’s concerns about the failure to provide unconvicted prisoners with their visits entitlement, the Governor of Cloverhill Prison outlined plans to schedule evening and weekend visits that would better consider school and working obligations. Consideration was also being given to weekend visits which would allow for one physical visit and two video calls each week.

5.74 Sunday family visits for Enhanced prisoners offered an opportunity for people in prison to engage more meaningfully with their families. However, there were limitations on the number of people who could attend a visit; this posed great difficulties for families with more than two children.

5.75 Prisoners raised concerns about the method for booking visits, particularly that it was difficult for families to get through to book a visit on the phone line.

- 5.76** Video link pods were installed in different areas of the prison (**Figure 20**) in late 2022, but were not in use at the time of inspection.

The intended aim of the installation of the pods was to facilitate private and quiet video calls with family members and solicitors. The pods were set up in the visit area of the prison, and were also located on some prison landings. After purchasing the pods, concerns were raised about potential safety implications for staff, and this resulted in their delayed use.

Figure 20: Video Link Pods



5.77 Correspondence

The Prison Rules 2007-2020, Rule 43, sets out that prisoners are entitled to send and receive letters from family and friends. Unconvicted prisoners, in addition, are entitled to send letters to other persons, as is necessary for the purpose of managing their affairs. Prisoners can send up to seven letters each week without cost.

- 5.78** Positively, the censor's office, where all prisoner mail is processed, was appropriately staffed and appeared to be working well to manage the amount of incoming and outgoing post for prisoners. In contrast to the inspection in 2021, where the Inspectorate found extensive delays in processing of prisoner correspondence,¹⁵¹ there were only a small number of reported delays during this inspection.

The Inspectorate commends efforts made by Cloverhill prison management to address this issue, and to fulfil the recommendation made by the Inspectorate in 2021 to ensure “all postal communications are collected and delivered to prisoners in a timely manner by prioritising the censor’s office in the daily Regime Management Plan”.¹⁵²

5.79 Family Contact Assessment

Positively, in-cell telephones were installed in Cloverhill Prison. However, the short, six-minute duration of all phone calls posed challenges for maintaining family contact.

Many foreign national prisoners faced challenges setting up their phone cards, and as a result experienced delays in communicating with their families. A lack of access to interpreter

¹⁵¹ OIP. COVID-19 Thematic Inspection on Cloverhill Prison - March 2021, p. 30.

¹⁵² OIP. COVID-19 Thematic Inspection on Cloverhill Prison - March 2021, CHCT12. See, implementation progress updates on the [OIP Inspection Recommendations Monitoring Database](#).

services for staff resulted in prisoners sharing sensitive information about their families with other prisoners.

With the exception of Enhanced prisoners who received contact visits once a week, all visits were screened.

Remand prisoners were not provided with the number of visits to which they were entitled under the Prison Rules 2007- 2020.

Videopods, which were acquired at considerable cost, were not in use due to concerns about staff safety.

Positively, the censor's office was adequately staffed and access to post had improved since the 2021 inspection of Cloverhill Prison.

5.80 RECOMMENDATIONS

To the Director General of the Irish Prison Service:

Recommendation DG23-10: The Irish Prison Service should review the practice of blanket screened visits in Cloverhill Prison taking into consideration of the rights of prisoners, as well as the rights of their children and their families.

Repeat Recommendation DG22-13 (*recommendation also made in relation to Mountjoy Men's Prison, Training Unit and Cork Prison*): In order to facilitate and strengthen the right to family contact, the Irish Prison Service should increase the length of phone calls.

Repeat Recommendation DG22-14 (*recommendation also made in relation to Mountjoy Men's Prison and Cork Prison*): The Irish Prison Service should review the application in practice of the Prison Rules 2007-2020, Rules 35(3) and 46(4) across the prison estate, to ensure the rights of unconvicted prisoners are fulfilled, particularly with respect to telephone calls and visits.

To the Governor of Cloverhill Prison:

Recommendation CH23-21: The Governor should ensure that, in line with Section 42 of the Public Sector Duty, foreign national prisoners have easy access to communicate with family, for example through the provision of information and materials in other languages to enable non-English speaking prisoners to set up their phone cards. This should be done alongside recommendation DG23-2, in which the Inspectorate recommends the Irish Prison Service should, within its policies and procedures, provide ready access to interpretation and translation services.

Recommendation CH23-22: The video pods acquired in late 2022 to facilitate access for prisoners to video calls with their relatives and legal representation should be brought into use.

Legal Matters

- 5.81** The United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules), outline a number of standards regarding access to legal representation, including that prisoners should have adequate opportunity to communicate and consult with a legal adviser (Rule 61.1).

The right to a fair trial is protected under Article 6 of the European Convention on Human Rights, and Article 14(3) of the International Covenant on Civil and Political Rights (ICCPR). Article 14(3) includes the following elements:

“In the determination of any criminal charge against him, everyone shall be entitled to the following minimum guarantees, in full equality:

(b.) To have adequate time and facilities for the preparation of his defence and to communicate with the counsel of his choosing;

(d.) To be tried in his presence, and to defend himself in person or through legal assistance of his own choosing; to be informed, if he does not have legal assistance, of this right; and to have legal assistance assigned to him, in any case where the interests of justice so require, and without payment by him in any such case if he does not have sufficient means to pay for it”.

The European Court of Human Rights has highlighted the importance of effective participation in remote court proceedings:

[A]s regards the use of a video link in the proceedings, the Court has held that this form of participation in proceedings is not, as such, incompatible with the notion of a fair and public hearing. However, recourse to this measure in any given case must serve a legitimate aim and the arrangements for the giving of evidence must be compatible with the requirements of respect for due process, as laid down in Article 6. In particular, it must be ensured that the applicant is able to follow the proceedings and to be heard without technical impediments, and that effective and confidential communication with a lawyer is provided for.¹⁵³

The 2020 Civil Law and Criminal Law (Miscellaneous Provisions) Act 2020 sets out parameters under which it is permissible to conduct remote Court hearings, including that:

- *“the application being heard without the relevant person being in the court would not thereby be prejudicial to the relevant person;*
- *the facilities provided by a live video link between the court and the place where the relevant person is located are such as to enable such interpretation or translation as may be necessary during the hearing;*
- *the relevant person and his or her legal representative are able to communicate in confidence during the hearing”.*

The manner in which remote court hearings were conducted in Cloverhill Prison at the time of inspection gave rise to concerns about the extent to which current practice of conducting legal hearings aligns with what is defined as acceptable under Article 14(3) of the ICCPR.

¹⁵³ European Court of Human Rights (2022), Guide on Article 6 of the European Convention on Human Rights, para 158.

5.82 Despite being the primary remand facility in the State, access to legal representation was lacking and required improvement. The infrastructure (both in-person and virtual) to facilitate information exchange between prisoners and their solicitors did not provide adequate and sufficient opportunities for people in prison to communicate and consult with a legal adviser.

Prisoners, regardless of conviction status, were only permitted to speak on the phone to their solicitors for up to six minutes each day (see section 5.67).

People in prison could also, in theory, communicate with their solicitors by way of video link. However, frequent delays and dropped video calls caused much frustration for solicitors and their clients alike. It was reported by staff that some solicitors had lost clients because they were not able to keep in contact with them, and lack of consistency in engagement created backlogs in solicitor video calls.

The prison had five video link booths (**Figure 21**), four of which were operational, to facilitate legal video calls. Video link pods installed in the prison were not operational at the time of inspection and were therefore not available to facilitate solicitor video calls (see section 5.76 and Recommendation CH23-24).

Figure 21: Legal Video Booth



Given the backlog in solicitor video calls, due to drop / connectivity issues, calls were booked “back-to-back”. This was done to ensure maximum access to video calls. However, the pressure on the system caused further connectivity issues. Of 36 video calls scheduled over five days in May 2023, 17 failed to connect.

5.83 Inconsistent video link access and limited telephone engagement with legal representation did not afford people in prison “adequate time and facilities for the preparation of (their) defence and to communicate with the counsel of (their) choosing” (as per ICCPR, Article 14(3)).

5.84 In 2021, at the height of the COVID-19 pandemic, the Inspectorate advised caution in how remote court proceedings were carried out on a long-term basis, and recommended “the Irish Prison Service should continuously monitor and engage with prisoners on the impact of remote court hearings on participation and the right to a fair trial”.¹⁵⁴ These concerns remained in 2023.

5.85 The environment in which court proceedings were carried out in Cloverhill Prison was not appropriate. It was noisy, with frequent movement and discussion in the hallways just outside the videolink booths.

Scheduling of videolink remote court proceedings was hectic and not structured. Courts ran late or did not connect on time, which resulted in issues for the prison in knowing when to bring people down from the prison landings to attend court.

Prior to entering the videolink booth, prisoners were brought down from the landings in groups and waited together in the visits area to be called to speak with their solicitor or to engage in court proceedings.

There were mixed opinions among prisoners as to their preferred mode for engaging in court proceedings. Some prisoners preferred remote court proceedings indicating this was because they were able to avoid long wait times in prison vans, handcuffing, and the lack of safety belts in the prison vans. However, other prisoners preferred to be in court as it allowed more opportunity to engage with their solicitor and to be seen as a real person. One person explained, “*personally I’d rather be in front of the judge because you’re a person, a person.*”

5.86 Some prisoners were brought to court proceedings, and sentenced, without any prior knowledge that they were to be sentenced that day.

5.87 On observation, the remote court hearing process was similar to watching television. The camera moved around the court room frequently and made it difficult to follow proceedings. One prisoner described the experience as “*We don’t talk, we just sit there and say nothing.*”

Should a prisoner have a question during a proceeding, or wish to speak privately with their solicitor, they were required to interject and interrupt proceedings. This was described by prisoners as intimidating and not something they actively sought to do.

The manner in which criminal proceedings were carried out in Cloverhill Prison had implications under the Civil Law and Criminal Law (Miscellaneous Provisions) Act 2020, particularly because the process operated to dissuade rather than enable defendants to “communicate in confidence during the hearing” with their legal representative.

5.88 **While acknowledging the value of remote court proceedings, particularly in that they reduce transport and holding time for people in prison, concerns remain for the Inspectorate about the ability of remote court proceedings to ensure a fair trial.** Indeed, research into remote court proceedings and sentencing outcomes would be of great benefit to understanding the long-term impact of this method of carrying out legal proceedings.

¹⁵⁴ OIP (2021) COVID-19 Thematic Inspection of Cloverhill Prison March 2021, pages 14-17, and Recommendations: CHCT4, LMCT5, PLCT5, SACT5, CKCT4, MDCT6, CRCT5 and. DOCT6.

5.89 Legal Matters Assessment

The combination of poor access to phone calls and video link communications with solicitors had detrimental impacts on the right of all people in prison to engage with their legal representation. Many prisoners did not feel they could communicate effectively with their legal representative during court proceedings.

The remote court videolink booth area in Cloverhill Prison was not an appropriate environment to carry out legal proceedings.

5.90 RECOMMENDATION

To the Director General of the Irish Prison Service:

Recommendation DG23-11: In collaboration with the Courts Service, action should be taken to study: (i) the impact of remote court proceedings on resources, particularly potential staffing implications involved in holding remote court sessions; (ii) challenges in place that limit the efficacy of engagement between the Courts Service and Irish Prison Service in carrying out in-person and remote court proceedings; and (iii) the difference, if any, and impact of in-person remote court proceedings on sentencing, including prevalence of alternative sanctions. [See also, CHCT5 (2021)]

6 RESETTLEMENT

- 6.1 The Prison Rules 2007-2020, Rules 61 and 75, establish a role for the Governor to advise and assist prisoners to prepare for release from prison.¹⁵⁵ As part of this responsibility, the Rules set out:

“The Governor shall co-ordinate the delivery of all services to prisoners and ensure, in so far as is practicable, the preparation and implementation of sentence management plans incorporating plans for their reintegration into society. The Governor shall endeavour to ensure that the persons engaged in the delivery of such services and the preparation and implementation of such plans co-operate with one another in such delivery, preparation and implementation.”

Similarly, Rule 85 sets out that prison officers have a duty to conduct themselves in such a manner as to contribute to the rehabilitation and reintegration of people in prison into the community.

Alongside prison staff, there are a number of in-reach agencies located in the prison which provided support to prisoners throughout their imprisonment and up until their release. These included the Probation Service (Rules 108 and 109), resettlement services such as IASIO, and addiction treatment specialists such as Merchants Quay Ireland.

- 6.2 Drawing on national legislation and international standards, the Inspectorate evaluates the prison’s *Resettlement* performance across two themes:
- A. **Preparation for Release:** provision of in-prison pre-release supports such as sentence planning and management, including engagement with services
 - B. **Release:** utilisation of early release schemes and the prison discharge process

A. Preparation for Release

In-Prison Pre-Release Support

Sentence Planning

- 6.3 Only 13% (56 of 436) of the population in Cloverhill Prison were sentenced prisoners, with 29 of these people serving sentences of less than 12 months. The Integrated Sentence Management (ISM) system was designed to support prisoners who were sentenced to a period of one year or more; therefore, the vast majority of prisoners in Cloverhill Prison were not eligible for support in developing and implementing a progression plan through the ISM procedure.

¹⁵⁵ Prison Rules 2007-2020, Rules 58 and 61.

Despite this, two ISM officers were allocated to the prison, with one of these posts unfilled. The one ISM officer in the prison was not frequently redeployed from their post, which was positive.

- 6.4** The official ISM caseload was small, with only 23 prisoners provided with a sentence plan (5% of the prison population). While the official role of the ISM officer was to support sentenced prisoners, the ISM officer in Cloverhill Prison also supported remand prisoners. For example, the ISM officer provided information about support services to remand prisoners upon discharge from the prison. Unfortunately, the Inspectorate encountered many prisoners who were not aware of the role of the ISM officer.

Despite efforts by the ISM officer to support prisoners on remand, **there was a clear intervention gap in official support services provided to remand prisoners while in the prison, and when released from prison.**

- 6.5** In 2021, the Inspectorate recommended that the ISM process be strengthened and broadly applied “so that all prisoners are actively engaged and contributing to their sentence and re-integration plan”. In response, the Irish Prison Service committed to developing a new ISM recording database and to purchasing tablet computers for use by ISM officers. While the database was put in place, ISM officers were not provided with digital tablets; this action remains outstanding.

In addition, the recommendation set out by the Inspectorate in 2021 calls for *all* prisoners to be facilitated to engage with a re-integration plan. As of March 2023, remand prisoners were not provided with re-integration plans, despite some spending extended periods in prison.

Pre-Release Planning

- 6.6** The Probation Service had limited presence in Cloverhill Prison. At the time of inspection, there was a vacancy for a Probation Officer to be located in Cloverhill Prison; this position was expected to be filled in July 2023.
- 6.7** There were no IASIO resettlement services present in Cloverhill Prison at the time of inspection; however, it was reported that Cloverhill Prison could avail of resettlement services allocated to Wheatfield Prison.

Housing First provided housing support to some people in the prison.

- 6.8** An estimated 9% of prisoners committed to the prison estate in 2022 had no fixed abode.¹⁵⁶ A lack of support services for unhoused prisoners on remand was of particular concern to the Inspectorate.

Some unhoused prisoners in Cloverhill Prison spent increased time on remand while awaiting determination of a temporary address, usually a hostel or other short-term accommodation solution. When released on bail, unhoused remand prisoners were not linked in with services to assist them in acquiring long term accommodation, nor were they assisted with access to services such as social welfare, addiction treatment and healthcare appointments.

¹⁵⁶ Irish Examiner (7 November 2023), *Almost 10% of People Sent to Prison Last Year were Homeless, New Figures Show.*

Unhoused prisoners with mental health disorders faced particular challenges in accessing treatment, as noted previously by the Inspectorate:

“some civil psychiatric hospitals would not even consider offering a bed to a homeless mentally ill minor offender, as they had no formal catchment area responsibility for the individual (as the system apparently relies heavily on allocating service responsibility through place of residence and Eircodes)”.¹⁵⁷

- 6.9** In preparing for release, remand prisoners expressed great anxiety and distress about the lack of support available to them in the prison to link in with housing and support services. One prisoner stated he was “*getting back out to nothing*”.

The current lack of release services for remand prisoners released on bail and prisoners sentenced for periods of less than 12 months constitutes an intervention gap that requires immediate intervention in order to mitigate against recidivism.

- 6.10** Of those surveyed by the Inspectorate, 37% (50 of 136) expected to be released from Cloverhill Prison with the next three months. While 31% of this group (15 of 49) stated that prison or service staff in the prison were assisting them to prepare for their release; 69% (34 of 49) reported they had not received support in the prison to prepare for their release.

In addition, only 25% (21 of 83) of staff reported that pre-release services provided to prisoners in Cloverhill Prison were good.

6.11 Preparation for Release Assessment

There were no resettlement support services or representation from the Probation Service present in the prison.

There were insufficient pre-release and re-integration support and planning services available to prisoners on remand, as well as prisoners sentenced to periods of less than 12 months. This constituted an intervention gap that requires immediate attention.

Remand prisoners, particularly those who were unhoused, could experience longer periods of imprisonment as a result of not having an address.

6.12 RECOMMENDATIONS

To the Minister for Justice:

Recommendation MDOJ23-3: In line with Ireland’s commitment to the Lisbon Declaration and the Government’s Housing for All Strategy, steps must be taken in partnership with relevant agencies to ensure that every person leaving prison has access to housing and pledged “intensive supports”.

To the Director General of the Irish Prison Service:

Repeat Recommendation DG23-12: Resettlement services should be formally extended to support (i) people held on remand, and (ii) people serving short sentences.

¹⁵⁷ OIP (2024) Thematic Inspection: An Evaluation of the Provision of Psychiatric Care in the Irish Prison System, February - March 2023.

B. Release

Early Release Schemes

- 6.13** The Criminal Justice (Temporary Release of Prisoners) Act 2003 allows the Minister for Justice to release persons from custody temporarily for a number of reasons, including assessing the person's ability to reintegrate into society upon release, as well as preparing them for release upon the expiration of their sentence of imprisonment.¹⁵⁸ The Minister for Justice may justify the release of a prisoner on health grounds or other humanitarian grounds.¹⁵⁹ Prisoners on remand are not eligible for Temporary Release.

In addition to Temporary Release, there were other forms of structured early release programmes available to prisoners, including the Community Return Scheme (CRS) and the Community Support Scheme (CSS).

6.14 *Community Support Scheme*

The Community Support Scheme (CSS) is a supervised early release programme introduced by the Irish Prison Service in 2011. The CSS was developed in collaboration with the Probation Service in order to alleviate overcrowding, with its aim being to address recidivism for prisoners serving short sentences.

The eligibility criteria for the Community Support Scheme was initially for prisoners serving sentences of between three to 12 months. However, in June 2023, the Minister for Justice broadened the criteria to include prisoners serving sentences of between three and 18 months.¹⁶⁰

- 6.15** Use of the Community Support Scheme was limited in Cloverhill Prison in both 2022 and 2023. Although primarily a remand facility, 29 prisoners in the Cloverhill Prison at the time of inspection were sentenced to a period of less than 12 months and were therefore eligible for consideration for release under the Community Support Scheme.

Of 6 prisoners nominated for the Community Support Scheme in 2022, four were assessed (two people declined), and of these four people, two were released on the scheme.

In July 2023, of seven prisoners assessed and nominated for the Community Support Scheme, two were released and provided with support from a community-based organisation.

6.16 *Community Return Scheme*

In 2012, the Director General of the Irish Prison Service announced the formal establishment of a new Community Return Unit,¹⁶¹ comprised of officials from both the Irish Prison Service and Probation Service. Through a selection process, prisoners eligible for this scheme could be granted temporary release in exchange for agreeing to partake in unpaid community work.

¹⁵⁸ Irish Statute Book, Criminal Justice (Temporary Release of Prisoners Act) 2003.

¹⁵⁹ See section 2(1)(b) (i.) (ii.) of the Irish Statute Book, Criminal Justice (Temporary Release of Prisoners Act) 2003

¹⁶⁰ This was confirmed in a letter from the Minister for Justice to the Chief Inspector of Prisons following an Immediate Action Notification (IAN) for Cloverhill Prison subsequent to inspection, received on 26 June 2023.

¹⁶¹ Irish Prison Service, Establishment of New Community Return Unit.

At the time of its introduction, the Irish Prison Service aimed to place 400 prisoners per annum in this scheme, with a maximum of 150 prisoners participating in the Community Return Scheme at any one time.¹⁶²

Initially, the Community Return Scheme was applicable to prisoners serving sentences of more than one year and less than eight years. Those selected and participating were granted renewable temporary release having served at, or over, 50% of their sentence, with a condition of their release being to undertake community service supervised by the Probation Service.¹⁶³

The Minister for Justice approved a change to the eligibility criteria of Community Return in mid-2023 which broadened access to Community Return for those serving sentences up to, and including, 18 months. It also allowed prisoners serving a sentence of between three and five years to be considered eligible for the Community Return Scheme at the halfway stage of their remitted sentence.¹⁶⁴

- 6.17** In both 2022 and 2023, no prisoners in Cloverhill Prison were assessed for participation in the Community Return Scheme.

Prison management noted there were limited supports available to prisoners in Cloverhill Prison due to the nature of the prison as, primarily, a remand facility.

Discharge from Prison

- 6.18** A lack of post-release supports for remand prisoners acted as a disincentive to take up bail. Prisoners on bail were not sufficiently supported upon their discharge from prison.

Resettlement and other support services did not engage with prisoners released from the prison on bail.

- 6.19** Some people were released from Cloverhill Prison with all of their belongings in clear plastic bags.

On one day of inspection, the Inspectorate observed prisoners being discharged from the prison on a Friday at 16:00; this timing was unfortunate as the majority of services, such as social welfare offices were soon to close and would not re-open until the following Monday.

The inspection team observed the discharge process for two prisoners released on bail on the Friday afternoon, both of whom were not provided with adequate supports to (i) avoid re-offending in the short term, (ii) access treatment; and (iii) secure safe and sustainable accommodation.

¹⁶² Irish Prison Service (2012) Establishment of New Community Return Unit

¹⁶³ Gov.ie, What Community Return is

¹⁶⁴ This was confirmed in a letter from the Minister for Justice to the Chief Inspector of Prisons following an Immediate Action Notification (IAN) for Cloverhill Prison subsequent to inspection, received on 26 June 2023.

6.20 Prisoner D - "Sean"

Sean was 19 years old and unhoused. He had a bail amount of 100 euro, and had been in the prison for more than 30 days. This was his second time in prison. Sean was addicted to alcohol, but had not been offered treatment for his addiction pre- or post-release.

Two days prior to his discharge from the prison, Sean explained to the inspection team that he was awaiting determination of an address from his solicitor so that he could be released on bail.

On the afternoon of his discharge, Sean's personal belongings was returned to him; his clothes were not clean and his shoes were much too large. All of his belongings fitted inside a small bag.

While sitting in the reception area awaiting transport to the General Office to complete the discharge process, Sean explained to the Inspection Team that he was not from the Dublin area and was anxious about how he would find his way to the city centre. He explained, *"I don't know how I'm going to get out of the area, I don't even know where I get off the grounds."*

Sean was not sure if his phone was charged and was also concerned that it did not have credit to be able to use satnav. He did not know the address of the hostel where he was intended to stay that evening, and hoped it would be provided to him by prison staff in the General Office before he was released.

When escorted to the General Office, where prisoners were provided with their release conditions, Sean waited in an open area while other prisoners had their bail conditions provided to them. An officer read aloud bail conditions to prisoners while other members of staff in the area conversed and laughed loudly in the vicinity, making it very difficult for prisoners to hear the conditions and information being provided to them.

There was a phone available in this area for use by people soon to be released; however, mobile phones were not returned to prisoners until they exited the main gate of the prison. This meant that prisoners may not have access to their contact information until after they left the prison.

When it was his turn, Sean approached the General Office counter and a member of staff read his bail conditions aloud to him. These included: Garda sign-on conditions, prohibitions on engaging with members of his family, information about the address where he was to stay that night and information about his court date. He was also informed that he had seven euro in his account, and this was returned to him. Other prisoners and staff in the area could hear this sensitive information.

Sean requested a map to find the nearest bus stop. The staff member did not have a map available to share, and instead provided verbal information.

Sean was escorted to the prison gate, given his phone and then walked away from the prison. He only had seven euros in his pocket, one set of clothing, an uncharged phone and limited information about how to get to the bus.

It was nearly 17:00 on a Friday, the social welfare offices were closed, and he did not know where his hostel was located in Dublin City centre. No support had been offered to him to manage his addiction to alcohol, and he had no long term employment or housing prospects.

Sean was discharged into homelessness and with no supports provided to him; essentially, increasing his risk of recidivism.

6.21 Prisoner E - "Patrick"

Patrick was in his thirties, had addiction issues and was in Cloverhill Prison on a bail amount of 100 euro.

The process for Patrick's release occurred hastily, and offered little opportunity for him to request and receive the information he needed. When he asked about the release process he was told by a prison officer "*pack up your kit and you're gone.*"

Once in the General Office, Patrick's bail conditions and personal information were read aloud in the presence of three other prisoners, Inspectorate staff, and prisoner officers in the area.

Patrick requested and was provided with his Certificate of Imprisonment, which he required to access social welfare. He also requested and received a transport ticket.

While waiting to be escorted to the main gate to leave the prison, Patrick asked another prisoner if he could assist him to locate services once they were released. Patrick hoped to make it to a social welfare office that evening, despite it being past 16:00 on a Friday.

Patrick was not sure where to locate a bus, and was not provided with a map to get to his destination. Instead a prison officer explained the directions verbally. Patrick was also concerned about how he would continue his drug treatment in the community, and asked "*How will I find out where I'll get my methadone?*"

Patrick was released late on a Friday afternoon, with limited opportunity to access social welfare until the following week. He was unsure of how to access drug treatment and did not know how to travel to his accommodation. Patrick was not sufficiently supported to ensure his successful release back into the community.

6.22 **Release Assessment**

Prisoners released on bail were not sufficiently supported during the discharge process. For example, they did not know how to get to their accommodation or how to access social welfare offices, or drug treatment services. For people released without sustainable accommodation, supports, and limited prospects of employment, there was an increased likelihood they would re-offend and once again return to prison. A lack of supports, both inside and outside of the prison, resulted in an intervention gap that requires immediate attention.

While it was positive to note there was a phone available for use in the general office during the discharge process, some prisoners were unaware of their phone numbers and could not access them until they left the prison.

The discharge area did not afford sufficient privacy and was not a suitable environment to share important, and sensitive information with people leaving the prison.

Some prisoners left the prison with all of their belongings in clear plastic bags.

6.23 RECOMMENDATIONS

To the Governor of Cloverhill Prison:

Recommendation CH23-23: Immediate practical steps should be taken to promote best release outcomes, including (i) the establishment of a private, calm and secure area for pre-release discussions, (ii) charging mobile phones of prisoners immediately prior to release; and (iii) provision of opaque bags to prisoners that are discreet and suitable for transporting their belongings in a dignified way.¹⁶⁵

Recommendation CH23-24: All prisoners, irrespective of their legal status, should be provided with a release pack (i.e., map, transport timetables) at the time of release.

¹⁶⁵ Prison Rules 2007-2020, Rules 61 and 75.

APPENDIX

A. Immediate Action Notification



Oifig An Chigire Príosún Office of the Inspector of Prisons

IMMEDIATE ACTION NOTIFICATION

FROM:	Mark KELLY, Chief Inspector of Prisons
TO:	Helen McENTEE TD, Minister for Justice Caron McCaffrey, Director General of the Irish Prison Service
DATE:	1 June 2023
REFERENCE:	OIP/IAN/CH/1/2023
SUBJECT:	Cloverhill Prison: Serious concern regarding degrading conditions in the cells

LIKELY IMPACT:	CRITICAL
PROBABILITY:	ALMOST CERTAIN
RISK LEVEL:	VERY HIGH

1. Section 31 (1) of the *Prisons Act 2007* provides that the Chief Inspector of Prisons “shall carry out regular inspections of prisons and for that purpose may—
[...]
(c) in the course of an inspection or arising out of an inspection bring any issues of concern to him or her to the notice of the Governor of the prison concerned, the Director-General of the Irish Prison Service, or the Minister or of each one of them, as the Inspector considers appropriate.”
2. In addition, the *Framework for the Inspection of Prisons in Ireland* provides that: “In the event that an Inspection Team identifies concerns, around either current performance or the risk of adverse impact on future performance, of such significance and consequence that an immediate intervention to mitigate is required, then the Chief Inspector may raise an Immediate Action Notification (IAN)”.¹
3. In the course of the full unannounced inspection of Cloverhill Prison, completed last week, my Inspection team has identified a **serious concern regarding degrading conditions in the cells.**

This concern relates, in particular, to conditions in the cells designed for three persons, certain of which are currently accommodating four prisoners, one of whom is obliged to sleep on a mattress on the floor.

¹ Framework for the Inspection of Prisons in Ireland, Office of the Inspectorate of Prisons, March 2020, paragraph 2.3.5.

4. At the beginning of the Inspectorate's visit to Cloverhill Prison, 152 people (one third of the prison's population) were being held four to a cell measuring less than 12 square metres, with one occupant sleeping on a mattress on the floor in each of these 38 cells. The in-cell lavatories are not partitioned and prisoners also eat breakfast, lunch and dinner in this highly-confined space.

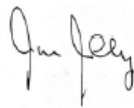
The design of the windows limits airflow in the cells, which are stuffy and malodorous. They are also excessively warm (temperatures in excess of 27C were recorded during the inspection) and reportedly become intolerably hot in high summer.

Inter-prisoner violence is the inevitable result of confining four adult men in degrading conditions of this nature. At least one serious in-cell assault took place during the inspection and it is almost certain that further severe attacks of this nature will result if prisoners continue to be held in these conditions at Cloverhill Prison during the summer months.

5. The Inspectorate of Prisons considers that the likely impact of this concern is **critical** and that the probability of this impact occurring is **almost certain**. Consequently, the Inspectorate deems the risk involved to be **very high**.
6. Given the gravity of this concern, I have decided to raise the following Immediate Action Notification:

*Having become aware of a serious concern regarding degrading conditions in the cells at Cloverhill Prison which is **almost certain** to have a **critical adverse impact** on people living there, the Chief Inspector of Prisons:*

- *Formally notifies the Minister for Justice and the Director General of the Irish Prison Service that this concern has been deemed by the Inspectorate of Prisons to involve a **very high risk**;*
- *Requests the Minister for Justice and the Director General of the Irish Prison Service to **intervene immediately** to mitigate the very high risk identified in this Immediate Action Notification;*
- *Requests the Minister for Justice and the Director General of the Irish Prison Service to inform him, at the latest by 5pm on 14 June 2023, of the steps that they propose to take to **mitigate** the very high risk identified in this Immediate Action Notification.*



Mark Kelly
Chief Inspector of Prisons

Dublin, 1 June 2023



Oifig An Chigire Príosún
Office of the Inspector of Prisons

Ms Helen McEntee TD
Minister for Justice
Department of Justice
51 St Stephen's Green
Dublin 2

Dublin, 1 June 2023

**Re: Immediate Action Notification - Cloverhill Prison - OIP/IAN/CH/1/2023:
Serious concern regarding degrading conditions in cells**

Dear Minister McEntee,

Warm congratulations on resuming your duties as Minister for Justice. My colleagues and I are very much looking forward to working with you again.

This is a very challenging time for the Irish prison system, as the Inspectorate of Prisons has again observed during its most recent unannounced full inspection, of Cloverhill Prison in Dublin, from 15-25 May 2023.

It is with regret that I am obliged to mark the resumption of your tenure as Minister by raising an Immediate Action Notification (IAN, attached)¹ regarding the degrading conditions observed by my team at Cloverhill. This concern relates, in particular, to numerous cells designed for three persons which are currently accommodating four prisoners, one of whom is obliged to sleep on a mattress on the floor.

Inter-prisoner violence is the inevitable result of confining four adult men in the degrading conditions described in the attached IAN. At least one serious in-cell assault took place during the Cloverhill inspection and it is almost certain that further severe attacks of this nature will result if prisoners continue to be held in these conditions during the summer months.

¹ Immediate Action Notifications are made under section 31(1) of the Prisons Act 2007 and paragraphs 2.3.5 – 2.3.9 of the Framework for the Inspection of Prisons in Ireland.

Oifig an Chigire Príosún, Oifigí Halla Pheambróg, 38-39 Cearnóg Mhic Liam Thiar, Baile Átha Cliath 2, D02 NX53

Office of the Inspector of Prisons, Pembroke Hall Offices, 38-39 Fitzwilliam Square West, Dublin 2, D02 NX53

Your officials may recall that I wrote to Minister Harris at the end of last year, expressing concern about the overcrowded conditions observed by the Inspectorate's team in Mountjoy Men's Prison. In that letter (also attached, for ease of reference), I recognised that the root cause of this problem is the rising number of people being held in prison in Ireland. Increases in the capacity of the prison estate might, in time, partially alleviate the problem; however, international experience has demonstrated that overcrowding cannot be tackled solely by building new prison places.

Consequently, the Inspectorate welcomes the Government's commitment to prioritise alternatives to imprisonment, such as those set out in the Review of Policy Options for Prison and Penal Reform 2022-2024. However, immediate action, such as imposing an enforceable ceiling on the number of people who can be held in each prison, is also required to de-escalate Ireland's burgeoning prison overcrowding crisis.

I should very much appreciate it if you could respond to the Inspectorate's Immediate Action Notification regarding Cloverhill Prison by close of business on 14 June 2023.

Of course, as ever, I am at your entire disposal should you wish to discuss this issue in greater depth.

Yours sincerely,



Mark Kelly
Chief Inspector of Prisons

Enclosed: Immediate Action Notification - Cloverhill Prison - OIP/IAN/CH/1/2023
Letter dated 23 December 2022 to Minister Simon Harris

Oifig an Chigire Príosún, Oifigí Halla Pheambróg, 38-39 Cearnóg Mhic Liam Thiar, Baile Átha Cliath 2, D02 NX53

Office of the Inspector of Prisons, Pembroke Hall Offices, 38-39 Fitzwilliam Square West, Dublin 2, D02 NX53



Oifig An Chigire Príosún
Office of the Inspector of Prisons

Ms Caron McCaffrey
Director General
Irish Prison Service
Ballinalee Road
Longford
N39 A308

Dublin, 1 June 2023

**Re: Immediate Action Notification - Cloverhill Prison - OIP/IAN/CH/1/2023:
Serious concern regarding degrading conditions in cells**

Dear Director General, dear Caron,

As already mentioned to you, it is with regret that I am obliged to raise an Immediate Action Notification (IAN, attached) regarding the degrading conditions observed by my team during the recent unannounced full inspection of Cloverhill Prison. This concern relates, in particular, to numerous cells designed for three persons which are currently accommodating four prisoners, one of whom is obliged to sleep on a mattress on the floor. The conditions observed are described in more detail in the IAN.

Inter-prisoner violence is the inevitable result of confining four adult men in these degrading conditions. At least one serious in-cell assault took place during the Cloverhill inspection and it is almost certain that further severe attacks of this nature will result if prisoners continue to be held in these conditions during the summer months.

As we have discussed on a number of occasions, the root cause of this problem is the rising number of people being held in prison in Ireland. Increases in the capacity of the prison estate might, in time, partially alleviate the problem; however, international experience has demonstrated that overcrowding cannot be tackled solely by building new prison places. I acknowledge the Government's stated commitment to promoting alternatives to imprisonment. Nonetheless, much more immediate action, such as imposing an enforceable ceiling on the number of people who can be held in each prison, is required to de-escalate Ireland's burgeoning prison overcrowding crisis.

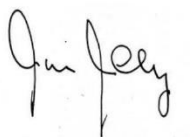
Oifig an Chigire Príosún, Oifigí Halla Pheambróg, 38-39 Cearnóg Mhic Liam Thiar, Baile Átha Cliath 2, D02 NX53

Office of the Inspector of Prisons, Pembroke Hall Offices, 38-39 Fitzwilliam Square West, Dublin 2, D02 NX53

I am fully conscious of the concerted efforts being made by the Irish Prison Service to respect the dignity of people in its custody. Nevertheless, it is clear to me that the current crisis cannot be resolved by the IPS alone. Consequently, the attached IAN has also been raised with the Minister for Justice, and I attach a copy of my letter to the Minister for your information.

I should very much appreciate receiving a response to the Inspectorate's Immediate Action Notification regarding Cloverhill Prison by close of business on 14 June 2023.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Mark Kelly', written in a cursive style.

Mark Kelly
Chief Inspector of Prisons

Enclosed: Immediate Action Notification - Cloverhill Prison - OIP/IAN/CH/1/2023
Letter to Minister Helen McEntee TD regarding OIP/IAN/CH/1/2023

Oifig an Chigire Príosún, Oifigí Halla Pheambróg, 38-39 Cearnóg Mhic Liam Thiar, Baile Átha Cliath 2, D02 NX53

Office of the Inspector of Prisons, Pembroke Hall Offices, 38-39 Fitzwilliam Square West, Dublin 2, D02 NX53



Mr. Mark Kelly
Office of the Inspector of Prisons
Pembroke Hall Offices
38-39 Fitzwilliam Square West
Dublin 2
DO2NX 53

26 June 2023

Dear Mark,

I want to thank you for your letter of 1 June 2023, and to take the opportunity to acknowledge the important work that is being undertaken at pace by your Office. My officials have engaged with the Director General of the Irish Prison Service, who I understand has provided a comprehensive response to the matters raised in your letter.

As you acknowledge, this is a very challenging time for the Irish prison system. You may be aware that earlier this year, Minister Harris brought a Memo to Government outlining the significant pressure that the IPS continues to experience as a result of growing prisoner numbers, the measures being taken to address the capacity issues, and the need to increase capacity in the system. To that end, I will be engaging with my colleague, the Minister for Public Expenditure, NDP Delivery and Reform, shortly to progress the four priority construction projects identified, including in Cloverhill.

Of course we recognise further capital investment will only assist in the medium term and you will also be aware of the Review of Policy Options for Prison and Penal Reform 2022-2024 which was published in August 2022, and makes clear that prison should be a sanction of last resort for the courts, and contains a number of actions aimed at diverting offenders away from the prison system. As part of this consideration, proposals to broaden access to the Community Return Scheme (CRS) for those serving sentences up to and including 18 months, to allow prisoners serving a sentence of between 3-5 years to be considered to be eligible for the CRS at half-way through their remitted sentence and a proposal to expand the eligibility criteria for the Community Support Scheme from the existing 3 month to 12 months to a new eligibility of 3 months to 18 months, have recently been approved.



In addition, a new capital plan for prisons is to be developed before the end of this year. That plan will set out how we will ensure that over the coming years we have sufficient capacity to accommodate all those that the courts send to prison but also that those facilities are of an appropriate and humane standard to support rehabilitation.

Finally, I would be glad of an opportunity to meet with you in the next few weeks to discuss your work. In the meantime, you can be assured that the overcrowding issue is absolutely a priority for the Department, and is a matter that the Department is engaging on with the Director General on an on-going basis.

Yours sincerely,

Helen McEntee T.D
Minister for Justice



Mr. Mark Kelly,
Office of the Inspector of Prisons,
38-39 Fitzwilliam Square West,
Dublin 2,
D02 NX53

Dear Inspector of Prisons,

I refer to your Immediate Action Notification dated 1st June, 2023 in which you raise concerns regarding the unsatisfactory conditions in the cells of Cloverhill Prison.

I can assure you that I am committed to providing safe and secure custody for all people committed to prison and to ensure a safe working environment for my staff.

Additionally, I and my staff in the Irish Prison Service continuously work to identify short, medium and longer term proposals to help manage capacity issues in our prisons as they arise.

However, as you will be aware, we must accept all prisoners committed by the Courts and as such I have no control over the numbers committed to custody at any given time.

Where the number of prisoners exceeds the maximum capacity in any prison, we make every effort to deal with this through a combination of inter-prison transfers and structured temporary release.

Cloverhill Prison is the primary remand prison for the Leinster area and it has been affected more significantly in terms of the increased number of committals we have witnessed particularly in recent months, as you will see from the table below. You will also be aware that prisoners detained on remand or awaiting trial are not legally entitled to be considered for temporary release and so our options for this cohort of prisoner are particularly limited.

Cloverhill Committals from May 2022 to May 2023

Month	Total Committals
May 2023	271
April 2023	220
March 2023	286
February 2023	288
January 2023	235
December 2022	186
November 2022	232
October 2022	228
September 2022	212
August 2022	185
July 2022	251



June 2022	243
May 2022	237

Measures taken to reduce Prison Overcrowding

The Irish Prison Service has witnessed a sustained increase in the number in custody since early 2022 following a return to normal activity within the criminal justice system;

- Provisional Irish Prison Service figures show there were 7,055 committals to prison in 2022 which is an increase of 919 (15%) on committal figures in 2021 (6,136).
- Throughout 2022 and into 2023 the number of people committed to custody has increased from 3,708 at the start of 2022 to 4,246 on the 31st December 2022.
- On the 14th June 2023 there were 4,654 people in custody, the highest ever in the history of the State.
- The Irish Prison Service has a bed capacity of 4,487
- On the 14th June 2023 there were 163 people on mattress across the prison estate including 26 people accommodated on mattresses on the floor of a multi-occupancy cell in Cloverhill Prison.

In the past 12 months, following a submission from the Irish Prison Service, the Minister for Justice approved a number of measures aimed at reducing capacity pressures in the system. These include broadening the eligibility criteria for the Community Return and the Community Support Schemes; amending criteria for considering Temporary Release; and expediting the Department of Justice's review of sentence remission.

Through engagement with the Probation Service, we have also introduced a Community Return Low Intensity Supervision Protocol which allows for greater scope where a prisoner is being considered for Community Return. We are also assisting the Probation Service to develop a plan to provide two dedicated Supervised Temporary Release teams initially in Dublin and Munster (Cork/Limerick). The Unit will enable the flexibility to respond to prison pressures and seamless transition of cases to community teams. This would allow for the restructuring and expanding of the Community Return Scheme, increasing the rolling figure from its current level of 75 prisoners to potentially 400 prisoners, who would be under Probation Service supervision while undertaking Community Service tasks as a condition of their Supervised Temporary Release.

In the year to date, 617 prisoners have been released from prison on reviewable temporary release from prisons across the estate to relieve overcrowding.

Number of individuals releases on Reviewable Temporary Release (RTR) to date in Year 2023

Establishment	Total
Castlerea Prison	34



Cloverhill Remand Prison	15
Cork Prison	97
Limerick Prison (Female)	38
Limerick Prison (Male)	78
Loughan House	7
Midlands Prison	76
Mountjoy Prison (Female)	74
Mountjoy Prison (Male)	138
Portlaoise Prison	3
Shelton Abbey Place	2
Training Unit	2
Wheatfield Prison	53
Total	617

Capital Investment

You will also be aware that the Government has provided significant capital funding to the Irish Prison Service to enhance our existing prison infrastructure.

The commissioning of new male prison in Limerick has recently provided an additional 90 spaces and the female prison accommodation in Limerick Prison will provide 22 additional female cell spaces when it opens in July. In addition, the refurbishment of the Training Unit in Mountjoy last year provided an additional 96 spaces. In respect of Cloverhill Prison the F Block has recently opened to specifically alleviate the overcrowding issue in this location and there are currently 23 prisoners housed in this Block.

The need to ensure the continued availability of modern prison facilities with adequate capacity will continue to be central to the work of the Irish Prison Service and will be core to the development of the new Irish Prison Service Capital Plan. The Irish Prison Service intends to seek funding as part of the 2024 Estimates Process for an accelerated capital programme. This programme includes the provision of additional capacity in Cloverhill Prison.

In this regard, as required by the Public Spending Code rules for capital development, the Irish Prison Service have submitted a Strategic Assessment Report (SAR) to the Department of Justice on the needs and deliverables for additional accommodation at Cloverhill Prison. This SAR was approved by the Department and is now nearing the completion of the Preliminary Business Case (PBC) stage of the progress. This PBC will be submitted to the Department in the coming weeks and once approved the detail design stage of the progress will commence. At this point the IPS are working and exploring the scope for 120 additional cells with the potential to accommodate up to 190 additional prisoners, however this is subject to detail design and



planning requirements etc. This will allow for a significant reduction in the number of 3 man cells in operation within the prison.

Penal Policy Reform

As you are aware the review of Policy Options for Prison and Penal Reform 2022-2024 was approved by Government in August, 2022.

This review seeks to find the balance between ensuring that people who commit serious crimes receive a punishment and a period of incarceration proportionate to that crime, while at the same time acknowledging that sometimes community-based sanctions are more appropriate in diverting offenders away from future criminal activity and that they have a role to play in addressing criminality, reducing reoffending and providing protection to the public, while holding the individual accountable.

The Department of Justice has commenced a policy review of the Criminal Justice (Community Sanctions) Bill 2014. As part of this policy review, due consideration is being given to facilitating the effective and efficient use of community sanctions by the courts, and to ensuring the courts have a range of appropriate options for dealing with people who have committed minor offences. Consideration of this matter is ongoing.

In addition, as you will also be aware the final report and recommendations of the High Level Task Force to consider the mental health and addiction challenges of those who come into contact with the criminal justice sector was published by Minister McEntee and the Minister for Health in September 2022.

The recommendations made by the Task Force aim to ensure better support for people at the earliest point at which they come into contact with the criminal justice system. They seek to divert people away from the criminal justice system where possible, while supporting them in their rehabilitation from addiction and in the recovery and management of their illness.

I trust the above sets out the steps that are being taken to alleviate the current situation in Cloverhill Prison. Given the restrictions, as outlined, within which the Irish Prison Service operates it is regrettable that it is not possible for me to take any additional steps to mitigate the high risk identified in your Immediate Action Notification for Cloverhill Prison.

Yours sincerely,

A handwritten signature in black ink, which appears to read 'Caron McCaffrey'. The signature is written in a cursive style.

Caron McCaffrey
Director General
14th June 2023

B. OIP Previous Recommendations Status Update

Inspection Recommendations

Rec ID	Recommendation	IPS Action Plan (02 September 2021)	Action Required / Owner	Timeline	IPS Details of Action Taken (1 September 2022)	IPS Details of Action Taken (Q1 / Q2 2023)	OIP Assessment May 2023
CHCT1 (Isolation / Quarantine Information) <i>Focus Area: Respect & Dignity</i>	In line with Rule 54 of the Nelson Mandela Rules, the Irish Prison Service must ensure that written and oral information is provided to prisoners, in a form they can understand, upon entering quarantine and on an ongoing basis over the course of quarantine.	The Irish Prison Service provides a comprehensive Prisoner Information Book to all new committals to prison. The Book is printed in several languages and gives basic information about regimes and services within prisons. A bespoke booklet titled "Covid-19 – Living in Cell" was developed by the Red Cross Volunteers to provide detailed information to prisoners on isolation/quarantine and gives specific information on the Covid-19 testing process.	The Irish Prison Service will continue to review the information for new committals on an ongoing basis. Prison management will ensure that this booklet is given to all new committals. ---- Corporate Services; Prison Management	In place and will be reviewed an augmented on an ongoing basis	Complete A 'Living in Cell' booklet has been provided throughout the covid-19 pandemic and has been updated on a number of occasions to reflect latest procedures. The booklet is circulated via the Covid-19 prison liaisons group. The document is developed in collaboration with the Prison Red Cross Volunteers and is approved by NALA. A new recording studio has been introduced in Loughan House and it is proposed that future communications will be broadcast via the Prisoner TV Channel. The Service continues to provide a comprehensive Prisoner Information Booklet to all new committals which is available in up to 7 different languages.	NA	COMPLETE People committed to Cloverhill Prison were no longer accommodated in quarantine.
CHCT2 (Foreign National Prisoners - Information) <i>Focus Area: Respect & Dignity</i>	In line with Section 42 of the Public Sector Duty, the Irish Prison Service must ensure that Foreign National Prisoners have equal access to the provision of information.	The Irish Prison Service provides a comprehensive Prisoner Information Book to all new committals to prison. The Book is printed in several languages and gives basic information about regimes and services within prisons. A bespoke booklet titled "Covid-19 – Living in Cell" was developed by the Red Cross Volunteers to provide detailed information to prisoners on isolation/quarantine and gives specific information on the Covid-19 testing process. This information booklet has been translated into several languages. Prisoner Information Newsletters have	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	Effective immediately	Complete The Irish Prison Service has developed a comprehensive Prisoner Information Booklet with extensive information about all aspects of prison regimes and services. The booklet is translated into a number of languages and is reviewed every two years, with the most recent update commencing in June 2022. A bespoke booklet titled "Covid-19 – Living in Cell" was developed by	NA	ONGOING Foreign National and non-English speaking prisoners continued to face challenges in accessing information in a language and form they could understand. Interpreters were not readily available at committal stages, or at points thereafter.

		been issued over the past 13 months, translated into multiple languages In Cloverhill Prison, the Assistant Governor also gives an oral briefing to all committals to try and facilitate improved understanding of the committal process for all Prisoners.			the Red Cross Volunteers to provide detailed information to prisoners on isolation/quarantine and gives specific information on the Covid-19 testing process. This information booklet has been translated into several languages and the booklet is updated regularly. Consideration is being given to creating an induction video, based on the Living in Cell Booklet, which will be broadcast via the prisoner TV Channel. The TV channel will be managed centrally to allow for consistent management of information across the prison estate.		
Rec ID	Recommendation	IPS Action Plan (02 September 2021)	Action Required / Owner	Timeline	IPS Details of Action Taken (1 September 2022)	IPS Details of Action Taken (Q1 / Q2 2023)	OIP Assessment May 2023
CHCT3 (Food - Meal Scheduling) <i>Focus Area: Respect & Dignity</i>	In line with the Nelson Mandela Rules, Rule 22 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 normal times: lunch (midday) and dinner (evening).	In 2019, the Irish Prison Service introduced a pilot alteration to the schedule of meal times in Castlereagh 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. However, the roll out of this initiative has been prevented due to industrial relations issues. The current prison day is structured in prisons to take account of the need to open cells on a landing basis due to Level 5 restriction. 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. The return to divisional unlock, following the lowering of the restriction level, will result in a return to more normal meal time schedule.	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 will reintroduce divisional unlock when Level 5 restrictions are eased. ----- Care and Rehabilitation Prison Management	Ongoing	Ongoing An alteration to the prison of the main meal was completed in Castlereagh Prison and the Mountjoy Prison Progression Unit. The Irish Prison Service has identified the review of prisoner mealtimes as a priority action in the Public Service Agreement 2021/2022 and continues to engage with the staff representative association in this regard. The Irish Prison Service will continue to engage with the staff representative association with regard to the alteration of the existing prisoner meal schedule.	Ongoing A Steering Committee gave oversight to the review process. A sub-committee comprising 2 members from Care & Rehabilitation and 2 members from the Staff representative association carried out the review in 2022 by visiting 4 prisons; Castlereagh Prison, Cork Prison, Wheatfield and the Progression Unit. The review was limited to reviewing the practicality of changes to the scheduling of the main daily meal, no changes are being proposed to the serving times or intervals between meals in prisons. The following were the recommendations from the review accepted by the steering Committee: 1. Revision and modernising of menu 2. Standardisation of the serving times across all prisons in line with standard prison day to maximise access to prisoner services. Prisoners will remain in their morning structured activity until at least 12:15pm and in the afternoon until at least 4:15pm. 3. Provide enhanced	ONGOING The Inspectorate welcomes efforts to amend the 28-day food menu, which includes a larger portion size for the final meal of the day. However, the mealtimes in Cloverhill Prison did not reflect the sequence of meals (breakfast, dinner, lunch) in the community. In addition, meals continued to be served at close intervals (12:00 and 16:00).

Rec ID	Recommendation	IPS Action Plan (02 September 2021)	Action Required / Owner	Timeline	IPS Details of Action Taken (1 September 2022)	IPS Details of Action Taken (Q1 / Q2 2023)	OIP Assessment May 2023
CHCT4 (Court - Remote Courts) <i>Focus Area: Respect & Dignity</i>	Videolink court access cannot be a long-term substitute for a prisoner's right to attend court. In line with Article 6 of the European Convention on Human Rights, all measures must be taken to ensure that a prisoner can effectively participate in remote court hearings.	The Civil Law and Criminal Law (Miscellaneous Provisions) Act 2020 allows for certain type of court hearings to be heard by video link. This includes arraignments, returns for trial, sentencing hearings and certain hearings in relation to surrender proceedings for extradition. While video link is not the default, the Act gives this authority to the Courts allowing them to make certain proceeding of their choosing by default. This authority is vested firstly in the Presidents of the Courts and subsequently in the Judges themselves. The IPS and the Courts Service are working to increase the capacity of video link. Infection control measures introduced during Covid-19 have resulted in the widespread use of video link for Court appearances. Approximately 60% of Court appearances are now taking place via video link. The use of video link will allow the Service to redirect vital resources into the provision of prisoner services.	The Irish Prison Service will continue to engage with Court Services as necessary. The Irish Prison Service will continue to explore the use of video link for the provision of other services such as Probation interviews, prisoner case conferences, education and remote learning. --- Operations Directorate	Reviewed on an ongoing basis	Ongoing The Irish Prison Service continues to enhance the physical infrastructure to support enhanced use of video link for prisoner attendance at Court. The Irish Prison Service will continue to engage with Court Services as necessary. The Irish Prison Service will continue to explore the use of video link for the provision of other services such as Probation interviews, prisoner case conferences, education and remote learning. Reviewed on an ongoing basis	Ongoing The Irish Prison Service continues to take steps to enhance physical and ICT facilities to support the use of video link for prisoner attendance at Court. The Irish Prison Service continues to engage with Court Services as necessary to continuously improve the operation of video-courts to ensure that the rights of prisoners are upheld. The Irish Prison Service will continue to explore the use of video link for prisoner engagement with therapeutic and other support services. All opportunities to use video-link to the benefit of prisoners are reviewed on an ongoing basis.	ONGOING Prisoners utilised video court links to attend court sessions, as required. There was no evidence that the prison monitored or engaged with prisoners on the impact of remote court hearings.

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<p>CHCT5</p> <p>(Environment – Cell Conditions)</p> <p><i>Focus Area: Respect & Dignity</i></p>	<p>The Irish Prison Service must ensure that all sanitary facilities in multioccupancy cells are fully partitioned and that multiple-occupancy cells meet, at least, the minimum CPT cell size requirements.</p>	<p>All cells in Cloverhill Prison (except Special Observations Cells) have in cell sanitation. Modesty screens are in place for privacy. Since 2017 the Irish prison system has seen an increase in the number of prisoners held on remand. The average number held on remand in 2017 was 584. This has increased to 677 in 2018 and in 2019 saw a further 4.5% increase to 707. As the State’s only remand facility at Cloverhill Prison has a bed capacity of 431, this requires remand prisoners to be spread across the prison estate. A further recent feature of remand prisoners is the increasing seriousness of the criminal charges they face. Many of these remand prisoners are required to be detained for much longer periods than was previously the case for remand prisoners, with increasing numbers of them requiring imprisonment at higher levels of security. Reducing the occupancy level of triple occupancy cells in Cloverhill Prison would result in the bed capacity of that prison being reduced by up to 100 and would require more prisoners to be dispersed across the prison estate leading to additional pressure being put on prisoner accommodation in those locations and an increase in the number of remand prisoners being accommodated with the sentenced cohort.</p>	<p>The ability to reduce the capacity of existing cells in Cloverhill is dependent on the construction of an additional remand facility or additional accommodation. This will be considered in the next Irish Prison Service Capital Strategy.</p> <p>----</p> <p>Finances & Estates Directorate; Department of Justice</p>	<p>End 2022</p>	<p>Ongoing</p> <p>To be considered in 2022 as part of the development of the new Irish Prison Service Strategic Plan 2023 - 2025 and subsequent Estimates process.</p>	<p>Ongoing</p> <p>The Building Service Division is exploring the use of a bespoke cell shower/toilet privacy curtain which would provide privacy without compromising the safety of cell occupants. The concept is currently being considered including the completion of appropriate risk assessments. A Strategic Assessment Report (SAR) has been completed on a proposed new wing development at Cloverhill Prison. The SAR has been reviewed by the Department of Justice who have sanctioned the IPS to move to next phase – preliminary Business Case. This will involve a more detailed analysis and overall scope deliverables and budget pertaining to the preferred options. It is planned that the Preliminary Business Case will be submitted to DOJ by end Q2 2023.</p>	<p>ONGOING</p> <p>Sanitary facilities in multi-occupancy cells were not fully partitioned and cells occupied by three and four people did not meet the CTP’s minimum cell size requirements.</p>

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CHCT6 (Bedding / Clothing) <i>Focus Area: Respect & Dignity</i>	In line with Rule 22 of the Irish Prisons Rules 2007 - 2020 requires that, prisoners be issued with bedding that is adequate for warmth and health. In accordance with this Rule, the Inspectorate recommends a full inspection of all mattress and pillows be conducted.	Cloverhill Prison has commenced a quality audit of all mattresses and pillows.	Prison Management	May 2021	Ongoing An audit of pillows and mattresses was completed in 2021. 200 new pillows have been received and are being issued for use. The replacement of mattresses is being considered. Any prisoner who wishes to have a replacement mattresses may request same from their ACO.	Ongoing Cloverhill Prison Management are satisfied that existing measures are in place to ensure prisoners consistently have adequate bedding and/or the ability to request reissue of same.	ONGOING While the OIP welcomes the 2021 audit of pillows and mattresses, and that records were kept of mattress and pillow distribution in 2023, the quality of bedding and mattresses in the prison was poor at the time of the 2023 inspection.
CHCT7 (Overcrowding - Reduce Population) <i>Focus Area: Safety & Security</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.	Cloverhill is a remand prison, resulting in limited control over prisoner numbers. In March 2020 the IPS took decisive action to reduce the prison population to ensure effective infection control measures. The IPS has continued to maintain the prison 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. The IPS has engaged with the DOJ to examine potential solutions to manage the prison population in a way that ensures effective infection control measures. 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.	In consultation with the Department of Justice the IPS will introduce a new Covid-19 Capacity in all prisons. The IPS will continue to review the Prison Population Management Plan and will introduce new measures to address prison overcrowding as necessary. Data analysis on the impact of increased committals to be completed. ---- Operations Directorate, Criminal Justice Efficiencies Committee	May 2021 Ongoing	Ongoing The Minister for Justice has published the Review of Penal Policy which includes actions to reduce reoffending and incorporate the principle of imprisonment as a last resort. The Training Unit has reopened in July 2022 providing an additional 96 prisoner spaces. An additional 90 male spaces and 22 female spaces are due to come on stream in late Q4 2022/Q1 2023 with the opening of new prisoner accommodation in Limerick Prison for male and female prisoners. (Subject to the availability of staffing resources).	Ongoing The Minister for Justice has approved amendments proposed by IPS to the Community Return Scheme and Community Support Scheme to allow for prisoners to be considered for both schemes at an earlier stage of their sentence. It should be noted that prison Governors are required by law to accept all prisoners into their custody who have been committed to prison by the Courts. The Irish Prison Service therefore has no control over the numbers committed to custody at any given time.	ONGOING Cloverhill Prison was overcrowded, at an average of 103% capacity over the duration of inspection. At one point during the inspection 38 prisoners were sleeping on mattresses on the floors. The size of the cells in which three or four prisoners were sharing living space did not meet the CPT's minimum living space requirements.

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CHCT9 (COVID-19 - Vaccination) <i>Focus Area: Health & Wellbeing</i>	The Inspectorate recommends that the Irish Prison Service continues its ongoing efforts to advocate for the prioritisation of COVID-19 vaccinations for people living and working in prisons.	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	Complete A bespoke Prison Vaccination Programme was introduced in April 2021 resulting in over 80% of prisoners being vaccinated; the highest prisoner vaccination rate in Europe. The IPS continues to engage with the Health Authorities regarding the provision of vaccines including the booster vaccine. To date over 2000 booster vaccines had been administered. In excess of 9,000 vaccinations have been administered across the system.	NA	COMPLETE The Irish Prison Service vaccination programme has been successful. There was a reasonably high vaccination rate among prisoners in Cloverhill Prison, with education campaigns ran to promote vaccination uptake.
CHCT10 (Mental Healthcare – Appropriate Treatment) <i>Focus Area: Health & Wellbeing</i>	The Inspectorate reiterates the requirement for appropriate care and treatment for persons who are detained in Cloverhill Prison who require mental health care and treatment in an appropriate therapeutic environment. The Inspectorate welcomes the recent establishment of the High Level Taskforce to Consider the Mental Health and Addiction Challenges of Persons Interacting with the Criminal Justice System.	The IPS Headquarters engages on a continuing basis with the prison and the Central Mental Hospital /HSE so that prisoners receive appropriate care and admission as required. The IPS is represented on the recently established Interdepartmental Task Force on Mental Health in Prisons and will support its work. The IPS Psychology Service provide mental health care via a stepped / layered model of care in Cloverhill Prison. It is intended to run a meta-cognitive training (MCT) group on D2 to support the needs of this group of people with significant mental health needs.	IPS continues to engage with the prison and Central Mental Hospital and participate actively on the Task Force. ---- Care and Rehabilitation	Q3 2021	Ongoing It is intended to pilot a meta-cognitive training (MCT) group to support the needs of people with significant (severe and enduring) mental health difficulties and this will commence in April 2022 if Covid-19 restrictions allow (primarily in relation to the mixing of people from different landings). The Psychology Service in Cloverhill completed a needs analysis and coordinated a training programme consisting of 10 modules specifically to support the needs of staff working on D2 landing. These modules commenced in May 2019. The topics cover a range of areas including supporting the physical well-being of people in custody, self-harm awareness, knowledge of physical disorders and mental health disorders, verbal de-escalation and managing burnout. Most modules were co-facilitated by representatives from Psychology, Psychiatry, Healthcare	Ongoing D2 Training: Staff support and training modules re-commenced in November 2022. Currently the Psychology and Psychiatry teams provide inputs and the GP input is to commence shortly. Meta Cognitive Training: Those currently engaged are completing the programme on a 1:1 basis as there are not sufficient numbers to run in group format. Groups will recommence when numbers are sufficient. Primary Care mental health support: Following the success of Mental Health Week, workshops will continue by the Psychology Service on a range of mental health topics. Assistant Psychologists also provide 1:1 Primary Care interventions (up to 12 sessions). The IPS is supportive of the work of the Task Force and has established a Group to review the organisation of mental health services within the IPS estate. The National Forensic Mental Health Service (NFHMS) is included on this group. In addition, the IPS is represented on the recently established	ONGOING People with serious mental health disorders were detained in Cloverhill Prison and required mental healthcare and treatment in an appropriate therapeutic environment.

					and tutors from the IPSC. Unfortunately, modules were stood-down due to the pandemic. However, panels have recently been updated on D2 and modules will begin again as soon as possible. Based on feedback, additional topics are being included.	HSE group tasked with the implementation of the Department of Health Policy "Sharing the Vision". This work will include a prevalence study on the levels of mental health and addiction across the prisoner population.	
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CHCT11 (Family Contact - Video Calls) <i>Focus Area: Health & Wellbeing</i>	The Inspectorate welcomes measures such as the introduction of video calls and in-cell phone provision to facilitate family contact. These measures should be maintained as forms of family contact beyond the COVID-19 pandemic, but should not replace in-person family visits.	In-person family visits have been temporarily suspended as a result of Level 5 Covid-19 restrictions. The Service will re-introduce physical family visits in line with the guidelines issued by the Government and the National Public Emergency Team. The IPS intends to retain the use of video visits post Covid-19 as an additional form of family visit. There are no plans for phone and video calls to replace in-person family visits.	To be reviewed as COVID-19 restrictions ease. --- Operations Directorate, NICT	Ongoing	Complete The facilitation of physical family visits has been subject to ongoing review throughout the pandemic and in person visits have been permitted when safe to do so. All visits were returned to pre-pandemic durations in November 2021. The number of visitors has returned to pre pandemic levels (3 adults and no limit on children). Consideration is being given to the restoration of weekly physical visits in Q3 2022 - subject to the availability of resources. The Irish Prison Service has continued to enhance access to in-cell telephony to enhance the ability of prisoners to communicate with family members. The provision of video visiting facilities has been retained as an additional option for visitation post pandemic and prisoners are able to avail of both video and in person visits as required.	NA	COMPLETE Video calls and in-cell phone provision facilitated family contact.

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CHCT12 (Postal Correspondence - Timely Delivery) <i>Focus Area: Health & Wellbeing</i>	In line with Article 8 of the ECHR, the Inspectorate recommends that all postal communications are collected and delivered to prisoners in a timely manner by prioritising the censor's office in the daily Regime Management Plan.	The IPS is piloting the use of eCorrespondence 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.	The Governor has resolved the postal delays in Cloverhill Prison and has verified this resolution with the Inspector. --- ICT Prison Management	End Q4 2021	Complete The pilot ecorrespondence system is operating in Cloverhill Prison and is operating effectively. Consideration is being given to extending the system to other locations.	NA	COMPLETE The censor's office was appropriately staffed and appeared to be working well to manage the amount of incoming and outgoing post for prisoners. The Inspectorate received very few reports of delays in receipt or sending of post.
CHCT13 (COVID-19 – Access to Showers) <i>Focus Area: Health & Wellbeing</i>	In line with the European Prison Rules Rule 19.4, prisoners in quarantine/ isolation must be permitted to shower, if not daily, at least two times in a seven day period.	Cloverhill 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 access to hot water and soap to maintain adequate hygiene. This is in line with the CPT, Statement of Principles relating to the treatment of persons deprived of their liberty in the context of the Coronavirus disease. The IPS 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.	The provision of showers during the quarantine period is under active consideration in light of reducing levels of community transmission. --- Care and Rehabilitation Directorate, Human Resources	Ongoing	Complete The Irish Prison Service introduced a new Standard Operating Procedure (10/08/2022) setting out the correct procedures for the showering of prisoners in quarantine/isolation. It was agreed to allow prisoners up to 2 showers in a seven day period.	NA	COMPLETE The Irish Prison Service introduced a new Standard Operating Procedure (10/08/22) setting out the correct procedures for the showering of prisoners in quarantine/isolation. As of December 2022, Cloverhill Prison no longer quarantined committal prisoners.

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			Care and Rehabilitation Directorate			€5m in 2023. The project will be expanded to include all seven ETBs.	
CHCT19 (Library – Access) <i>Focus Area: Rehabilitation & Development</i>	In line with Rule 110 of the Irish Prison Rules, Cloverhill Prison should consider how library services might be improved to encourage participation. 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.	In line with Rule 110 of the Irish Prison Rules, Cloverhill Prison should consider how library services might be improved to encourage participation. 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.	Prison Management	End Q2 2021	Ongoing Access to prison libraries have been restored however, closures of libraries may be experienced in line with the prison Regime Management Plan. The Local Government Management Agency has commissioned a review of Prison Libraries and the Report of the group is to be published in Q3 2022.	Ongoing Access to prison libraries have been restored however, closures of libraries may be experienced in line with the prison Regime Management Plan. The Local Government Management Agency has completed a review of Prison Libraries and work is underway to implement the recommendations from that report with a view to completing during 2023 and 2024.	COMPLETE Although not all prisoners can access the library each week, satellite libraries have been installed in different areas of the prison and are opened in the evening periods. A (0.8 FTE) librarian attends the prison and is supported by prisoners who carry out a book retrieval and delivery service for prisoners on the landings.
CHCT20 (COVID-19 – Mitigate COVID-19 Rule Amendments) <i>Focus Area: Rehabilitation & Development</i>	In line with the requirement to ensure “meaningful human contact”, the Inspectorate recommends that Cloverhill Prison develops and implements 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.	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. This is a regrettable consequence of the implementation of measures aimed at protecting the health and safety of prisoners. Efforts are already made to ensure that prisoners receive maximum out of cell time whilst restricting contact amongst prisoners. Due to Level 5 restrictions all prisoners are unlocked by landing from cells. This results in prisoners being unlocked on a rotational basis. In order to facilitate exercise some prisoners are unlocked on the reserve period which is shorter than other periods. Unlock on the reserve period is rotated amongst landings resulting in a fair distribution of out of cell time amongst groupings.	Prison management will continue to maximise out of cell time for all prisoners Prison management will reintroduce divisional unlock when it is deemed safe to do. --- Prison Management		Complete The introduction of rotational or landing unlock resulted in reduced out of cell time for prisoners during certain periods of restrictions in 2020 and 2021. As part of the unwinding of prison restriction divisional unlock was reintroduced in July 2021 across the estate.	NA	COMPLETE Limitations on access to exercise were not in place as a result of the imposition of Rule 32A of the Prison Rules 2007-2020, at the time of the 2023 general full inspection.

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		The return to divisional unlock with the easing of restrictions will result in a return to more normal unlock periods. The current average out of cell time for non-restricted regime prisoners in Cloverhill is 4 hours per day.					
CHCT21 (Environment – Green Space) <i>Focus Area: Rehabilitation & Development</i>	The Inspectorate recommends that efforts be made to include green spaces in and around the yards.	Consideration will be given to enhancing the aesthetics of the prison yards.	Prison Management; Finance & Estates Directorate	End 2021	Ongoing The Irish Prison Service intends to enhance the aesthetics of prison yards through its ongoing maintenance programme. Enhancement to prison yards will be subject to security considerations which are paramount.	Ongoing The IPS has commenced a program of yards upgrades including the installation of graphic packages to enhance the aesthetics of prison yards. Works have been completed in Cork Prison and the Training Unit. A tender is under way for a graphics package for Castlereagh and Cloverhill with works to be completed in both locations before the end of Q4. Additional works are planned for the Portlaoise A Yard, Cloverhill B Yard and new Unit based yards in Wheatfield, and graphic packages will be included in these works. It is hoped to complete works in Portlaoise in Q4 2023 with works in Wheatfield and Cloverhill progressing in the first half of 2024.	ONGOING Aesthetic improvements, including addition of green space, had not been made to exercise yards in Cloverhill Prison at the time of inspection.
CHCT22 (Integrated Sentenced Management - Resources) <i>Focus Area: Resettlement</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.	To further support the development of the ISM function in all prisons a new centralised recording database for ISM interviews and prisoner multi-disciplinary sentence management plans is currently at the user acceptance testing phase of implementation. This database will provide the resources necessary to improve oversight and reporting in relation to the ISM function at Cloverhill. A Resettlement Service is provided to sentenced prisoners at Cloverhill Prison by IASIO who assist with applications for housing, welfare	Database in testing phase. --- Care and Rehabilitation Directorate, Human Resources	End Q2 2021	Complete The IPS secured funding in the 2022 Estimates process to facilitate the purchase of Tablet computers for use by ISM co-ordinators. Enabling works are required out to facilitate the necessary technical access to support same and work is underway in this regard. It is hoped that the necessary enabling work will be completed when technical components have been delivered and are installed. Delivery has been delayed due to	NA	ONGOING There was only 1 ISM officer working in the prison. ISM officers had not yet been provided with digital tablets to carry out their work.

		and medical cards in preparation for release.			global supply chain issues however it is anticipated that the necessary components will be delivered in November at which point enabling works will be progressed.	
Rec ID	Recommendation	IPS Action Plan 09 February 2023	Action Required / Owner	Timeline	OIP Assessment May 2023	
HQEDWT5 <i>(Prisoner Accounts - Gratuity)</i>	The Irish Prison Service should review and update its Prisoner Gratuities and Private Cash Policy to ensure it aligns with Rule 28.4 and Rule 105.4 of the revised European Prison Rules.	Revision of Prison Rules and additional resources to give effect to this recommendation will be sought as part of Budget 2024 submission.	IPS will review Prisoner Gratuities and Private Cash Policy and update as appropriate. Care and Rehabilitation	Q3 2023	ONGOING	Although the Irish Prison Service informed the Inspectorate in December 2023 that a 10% increase would be applied to prisoner gratuities across the prison estate, the 2012 Prisoner Gratuities and Private Cash Policy had not been reviewed or updated as of May 2023.
HQEDWT9 <i>(Work Training - Prisoner Certification)</i>	The Irish Prison Service should remove the name of prisons on certification obtained by persons in custody. This will increase a prisoner's ability to earn a living after release in line with Rule 26.3 of the Revised European Prison Rules.	On 22 November 2022 all Teachers and Work Training Officers were instructed that "the name of the prison is no longer to include in education/work and training certification obtained by persons in custody."	Care and Rehabilitation Teachers Work and Training Officers	Completed	ONGOING	Certificates issued to people in custody in Cloverhill Prison continued to display the name of the prison on the certificate at the time of inspection – May 2023.
HQEDWT10 <i>(Work Training / Education – Policy Development)</i>	In order to provide a consistent approach to managing education provision across the prison estate, the IPS should develop a policy on education and training in collaboration with all of the relevant stakeholders.	The Irish Prison Service will undertake to develop a policy on education and training in collaboration with the relevant stakeholders. The Building Bridges work plan for 2023 will further progress collaboration.	A policy on education and training in collaboration with the relevant stakeholders will be developed in 2023. Care and Rehabilitation	Q3 2023	ONGOING	As of May 2023, the Irish Prison Service had not developed a policy on education and work training.

C. List of Repeat and New Recommendations

Each recommendation carries a recommendation code. The code is comprised of the action owner for the recommendation (for example: 'MDOJ' = Minister for Justice, 'DG' = Director General of the Irish Prison Service, 'CH' = Governor of Cloverhill Prison), the year the recommendation was first made, and the chronological recommendation number from that inspection activity. For example, MDOJ22-1 is a recommendation made to the Minister for Justice in 2022, and the first such recommendation. Where a recommendation has been previously issued and is then repeated, this has been indicated in the table.

Rec. Code	Recommendation
Minister for Justice	
<u>Repeat Rec.:</u> MDOJ22-1	<u>Repeat Recommendation:</u> The Minister for Justice should take urgent action to place an enforceable upper limit on the number of persons that can be committed to Mountjoy Men's Prison, as well as in all other prisons in Ireland. This should be accompanied by determined action to implement the alternatives to imprisonment foreseen in the 2022-2024 Review of Policy Options for Prison and Penal Reform.
<u>Repeat Rec.</u> MDOJ22-2 <i>(also made to IPS DG, see DG22-1)</i>	<u>Repeat Recommendation:</u> In line with Rule 21 of the European Prison Rules (2020), the Minister for Justice and the Director General of the Irish Prison Service must ensure that every person in custody has their own bed and that cell occupancy is in line with CPT living space standards (4m ² for each person, exclusive of sanitary facilities).
MDOJ23-1	The Minister for Justice should take urgent action to reduce the high number of prisoners, and prolonged lengths of time prisoners are held in pre-trial detention in Cloverhill Prison, as well as in all other prisons in Ireland. This should be accompanied by determined action to ensure that viable alternatives are available including the commissioning of research on the use of remand detention for people before the district court as well as the developments of a Supported Bail Service.
MDOJ23-2	The Minister for Justice should bring an end to the practice of immigration detainees being held in prisons.
MDOJ22-3	The Minister for Justice should take all possible measures to ensure the prompt review and adoption of the draft Statutory Instrument to amend the Prison Rules 2007-2020 Rule 57B. The amended Rule should take into account the requirements of a well-functioning complaint system, which includes independence, expediency and the opportunity for independent appeal.

<p>MDOJ23-3</p>	<p>In line with Ireland's commitment to the Lisbon Declaration, and the Government's Housing for All Strategy, steps must be taken in partnership with relevant agencies to ensure that every person leaving prison has access to housing and pledged "intensive supports"</p>
<p>IPS Director General</p>	
<p><u>Repeat Rec.</u> DG22-1 <i>(also made to Minister for Justice, see MDOJ22-2)</i></p>	<p><u>Repeat Recommendation:</u> In line with Rule 21 of the European Prison Rules (2020), the Minister for Justice and the Director General of the Irish Prison Service must ensure that every person in custody has their own bed and that cell occupancy is in line with CPT living space standards (4m² for each person, exclusive of sanitary facilities).</p>
<p><u>Repeat Rec.:</u> DG22-2</p>	<p><u>Repeat Recommendation:</u> The Director General of the Irish Prison Service should take steps to ensure that all multi-occupancy cells across the estate are equipped with fully-partitioned sanitary facilities.</p>
<p><u>Repeat Rec.:</u> CHCT5 (2021)</p>	<p><u>Repeat Recommendation:</u> The Irish Prison Service must ensure that all sanitary facilities in multi-occupancy cells are fully partitioned and that multi-occupancy cells meet, at least the minimum CPT cell size requirements.</p>
<p><u>Repeat Rec.:</u> DG22-3</p>	<p><u>Repeat Recommendation:</u> In the ongoing review of the Prison Rules 2007-2020, consideration should be given to amendment of Rule 27(1)(a) to increase the minimum amount of out-of-cell time, in line with the CPT's Decency Threshold for Prisons (2021), which sets out a goal of at least eight hours out-of-cell time engaged in purposeful activities for people in prison. Particular consideration should be given to safeguarding the minimum out-of-cell time for prisoners on restricted regimes.</p>
<p><u>Repeat Rec.:</u> CHCT3 (2021)</p>	<p><u>Repeat Recommendation:</u> Scheduling of meal times at Cloverhill Prison should be amended to ensure meals are served at reasonable intervals and at times that correspond to those in the community.</p>
<p>DG23-7</p>	<p>IPS Headquarters should conduct a review of the working/management culture at Cloverhill Prison with a view to identifying the underlying reasons for reported levels of low morale amongst certain staff. The review should also examine whether the operation in practice of current grievance procedures is dissuading staff and/or prisoners from pursuing legitimate complaints.</p>
<p>DG23-2</p>	<p>To ensure the protection of prisoners' personal data, and to facilitate effective communication, the Irish Prison Service should embed within its policies and procedures, ready access to interpretation and translation services. These should not only be provided "on request", but should be offered to prisoners at committal, and on an ongoing basis to ensure prisoners are able to communicate over the course of their imprisonment.</p>

<p>DG23-8</p>	<p>To promote effective handover processes, documentation of incidents in prisons, and notification and completion of restricted regime reviews, efforts should be made across the estate to digitalise all records and log books; this will require development and integration of digital technologies accessible to staff throughout the prison.</p>
<p><u>Repeat Rec.:</u> DG22-6</p>	<p><u>Repeat Recommendation:</u> The Director General of the Irish Prison Service should set out and make public a strategy to reduce the number of people accommodated under Rule 63 of the Prison Rules 2007-2020. This strategy should consider implementation of alternative measures, such as conflict mediation and restorative justice practices, to reduce prisoner tensions and concerns for safety. As part of this strategy, a review of the mechanisms by which prisoners sign-on and off protection should be conducted to ensure these processes are comprehensive and risk-assessed.</p>
<p>DG23-9</p>	<p>In line with the National Strategy on Drugs 2025-2027, and the Irish Prison Service’s commitment to support and treat people with substance use issues, the Inspector urges the Prison Service to increasingly adopt a harm reduction and health-led approach to respond to drug prevalence in prisons.</p>
<p>DG22-9 <i>(also made to Cloverhill Governor CH23-11)</i></p>	<p>The Director General of the Irish Prison Service and the Governor of Cloverhill Prison should ensure a clear demarcation between an incident recording system and the P19 (disciplinary sanction) recording system.</p>
<p><u>Repeat Rec.:</u> DG22-4</p>	<p><u>Repeat Recommendation:</u> To ensure accurate and effective record-keeping, the Director General of the Irish Prison Service should review the organisation of compliance functions across the prison estate.</p>
<p><u>Repeat Rec.:</u> MHT1</p>	<p><u>Repeat Recommendation:</u> It is recommended that the vacancies for IPS nursing staff in Cloverhill Prison be urgently filled (by recruitment or initially, partially, by redeployment). Recruitment may be enhanced by targeted recruitment events.</p>
<p><u>Repeat Rec.:</u> MHT8</p>	<p><u>Repeat Recommendation:</u> It is recommended that further formal training regarding the recognition, assessment, and treatment of prisoners with mental disorder, including regarding communication and risk issues, is offered to prison officers</p>
<p><u>Repeat Rec.:</u> MHT10</p>	<p><u>Repeat Recommendation:</u> It is recommended that occupational therapists be employed by the Irish Prison Service, tasked with offering occupational therapy to mentally disordered prisoners. This will, of course, require them to be appropriately trained and there to be areas where they can safely work (including with sufficient prison officer presence to address safety issues).</p>
<p><u>Repeat Rec.:</u> CHCT10</p>	<p><u>Repeat Recommendation:</u> The Inspectorate reiterates the requirement for appropriate care and treatment for persons who are detained in Cloverhill Prison who require mental health care and treatment in an appropriate therapeutic environment.</p>

<u>Repeat Rec.:</u> DG23-6	<u>Repeat Recommendation:</u> The healthcare service should ensure the development of an appropriate orientation programme for new medical staff, including locum doctors, and continued professional development, for example in the area of chronic disease identification and management.
<u>Repeat Rec.:</u> HQEDWT4	<u>Repeat Recommendation:</u> The Irish Prison Service should ensure that all prison officer posts are maximised to ensure access to and engagement with purposeful activity for all persons in custody. Prison officer posts and associated tasks should be sufficiently flexible and to allow Governors to respond to changes in staffing structures.
<u>Repeat Rec.:</u> HQEDWT5	<u>Repeat Recommendation:</u> The Irish Prison Service should review and update its Prisoner Gratuities and Private Cash Policy to ensure it aligns with Rule 28.4 and Rule 105.4 of the revised European Prison Rules. [See also, DOCT-5 (2021)]
<u>Repeat Rec.:</u> HQEDWT7	<u>Repeat Recommendation:</u> The Irish Prison Service should ensure that all prisoners have access to externally accredited qualifications in all work training areas. Certification offered to prisoners should be labour-market tested and should be recognised by employers to improve employment prospects upon release.
<u>Repeat Rec.:</u> HQEDWT9	<u>Repeat Recommendation:</u> The Irish Prison Service should remove the name of prisons on certification obtained by persons in custody. This will increase a prisoner's ability to earn a living after release in line with Rule 26.3 of the Revised European Prison Rules.
<u>Repeat Rec.:</u> HQEDWT10	<u>Repeat Recommendation:</u> In order to provide a consistent approach to managing education provision across the prison estate, the IPS should develop a policy on education and training in collaboration with all of the relevant stakeholders.
DG23-10	The Irish Prison Service should review the practice of blanket screened visits in Cloverhill Prison taking into consideration of the rights of prisoners, as well as the rights of their children and their families.
<u>Repeat Rec.:</u> DG22-13	<u>Repeat Recommendation:</u> In order to facilitate and strengthen the right to family contact, the Irish Prison Service should increase the length of phone calls.
<u>Repeat Rec.:</u> DG22-14	<u>Repeat Recommendation:</u> The Irish Prison Service should review the application in practice of the Prison Rules 2007-2020, Rules 35(3) and 46(4) across the prison estate, to ensure the rights of unconvicted prisoners are fulfilled, particularly with respect to telephone calls and visits.
DG23-11	In collaboration with the Courts Service, action should be taken to study: (i) the impact of remote court proceedings on resources, particularly potential staffing implications involved in holding remote court sessions; (ii) challenges in place that limit the efficacy of engagement between the Courts Service and Irish Prison Service in carrying out in-person and remote court proceedings; and (iii) the difference, if any, and impact of in-person remote court proceedings on sentencing, including prevalence of alternative sanctions.
DG23-12	Resettlement services should be formally extended to support (i) people held on remand, and (ii) people serving short sentences.

Governor of Cloverhill Prison	
CH23-1	Every prisoner should be provided with daily access to a shower in the interests of both personal and prison hygiene.
CH23-2	The Governor should take all the necessary steps to ensure people in Cloverhill Prison are facilitated to wear their own clothing, including by making laundry facilities available to prisoners to wash their clothing.
CH23-3	Prison managers should conduct regular and ongoing recorded audits of the availability of bedding, and where necessary, ensure the replacement of mattresses, duvets and pillows. All prisoners should each have a mattress in a good state-of-repair, a clean duvet, sheet, pillow and pillowcase, and a sufficient number of towels to meet their needs. .
CH23-4	Prison management should develop a recording mechanism to ensure that actual out-of-cell time is properly recorded for all prisoners in custody, with a particular emphasis on restricted regimes and out-of-cell time record-keeping. [see also, Recommendation CH23-9]
CH23-5	Cloverhill Prison should provide tuck shop pricing to prisoners and ensure prisoners are able to easily and privately access their financial accounts information.
CH23-6	In line with Rule 75(3) and Rule 86(1)(b) of the Prison Rules 2007-2020, the Governor of the prison and all staff should maximise opportunities to interact with prisoners in a manner that is meaningful and supports their general welfare.
CH23-7	A Governor grade staff member should conduct the daily Governor's Parade; delegation of this function to Assistant Chief Officers should cease.
CH23-8	In line with Section 42 of the Public Sector Duty, the prison should work towards eliminating all forms of discrimination within Cloverhill Prison, with due consideration to, inter alia, (i) clear communication of staff obligations under the Duty, (ii) provision of reasonable accommodations to ensure accessibility, (iii) and means to allow for the expression of one's identity and beliefs.
CH23-9	Records should be kept in relation to all restricted regimes, including in instances where prisoners are separated from the general population on a temporary basis. Records should be (i) comprehensive and detailed; (ii) maintained in sequential order in distinct log books; and (iii) include thorough explanations for the (ongoing) placement of prisoners on restricted regimes, as well as the services and supports offered to and availed of by prisoners during their placement on a restricted regime. It is axiomatic that every use of force and control and restraint must be scrupulously recorded and the Inspectorate would like to receive confirmation that this is now the case.
CH23-10	There is a duty of care on prison managers to ensure that all persons held in prison are kept safe. Increased efforts should be made to promote safe interactions in Cloverhill Prison, including application of conflict mediation and restorative practices to ease tensions amongst prisoners and staff.
CH23-11 <i>(also previously made to IPS DG, see DG22-9)</i>	The Director General of the Irish Prison Service and the Governor of Cloverhill Prison should ensure a clear demarcation between an incident recording system and the P19 (disciplinary sanction) recording system.

CH23-12	Senior management should regularly conduct and record audits of P19 sanctions to ensure consistency of approach and application of sanctions. To facilitate this audit process, the PIMS system should be reviewed and amended to reduce compartmentalised effects of siloed record-keeping and ensure appropriate safeguards are put in place.
CH23-13	The effectiveness of the ventilation system in Cloverhill Prison should be reviewed in order to provide a cleaner air environment. In the meantime, consideration should be given to accommodating smoking and non-smoking prisoners in different cells in order to reduce the risks associated with passive smoking.
CH23-14	Ensure a clear roster for an out-of-hours General Practitioner service is in place. The roster should make clear the clinical responsibility of nurse and General Practitioner cover, particularly for out-of-hours and weekend shifts.
CH23-15	To meet the needs of the prisoner population, Cloverhill Prison should make efforts to improve access to the following healthcare services: in-reach physiotherapy, a dedicated phlebotomy service and occupational therapy. Routine care and review should be provided to a greater extent to people living with chronic diseases. Additionally, Cloverhill Prison should explore the implementation of additional harm minimisation strategies, such as provision of condoms and needle exchange programmes.
CH23-16	Delivery of addiction services in Cloverhill Prison should be enhanced in such a way that waitlists to access counsellors and treatment are reduced, prisoners are provided with tandem medical and psychological supports and clear links are established with community drug treatment programmes to support sustainable continuity of care for people on release from prison. Consideration should be made to ensuring regular allocation of an addiction nurse to Cloverhill Prison.
CH23-17	Efforts should be made to ensure compliance with Rule 11(1) of the Prison Rules 2007-2020; all committals to Cloverhill Prison should be examined on the day of their admission to the prison, "save in the most exceptional circumstances".
CH23-18	The Governor of the Prison should strive to increase access to work and training opportunities in the prison, in particular by developing sustainable collaborative initiatives with the school and external programmes and services.
<u>Repeat Rec:</u> CHCT21	The Inspectorate recommends that efforts be made to include green spaces in and around the yards.
CH23-19	Prisoners accommodated under Rule 63 of the Prison Rules 2007-2020, should be facilitated to attend the gym facility at least every other day; access to the gym for protection prisoners is particularly essential as a measure to counter the often extensive periods of time these prisoners are locked back in their cells.
CH23-20	The Cloverhill Prison RMP should be reviewed to prioritise the availability of prison staff to engage in interactions with prisoners that amount to meaningful human contact. In particular, prison officers working on the landings should be actively encouraged to engage with prisoners in a more meaningful way.
CH23-21	The Governor should ensure that, in line with Section 42 of the Public Sector Duty, foreign national prisoners have easy access to communicate with family, for example through the provision of information and materials in other languages to enable non-English speaking prisoners to set up their phone cards. This should be done alongside recommendation DG23-2, in which the Inspectorate recommends the Irish Prison Service should, within its policies and procedures, provide ready access to interpretation and translation services.

CH23-22	The video pods acquired in late 2022 to facilitate access for prisoners to video calls with their relatives and legal representation should be brought into use.
CH23-23	Immediate practical steps should be taken to promote best release outcomes, including (i) the establishment of a private, calm and secure area for pre-release discussions, (ii) charging mobile phones of prisoners immediately prior to release; and (iii) provision of opaque bags to prisoners that are discreet and suitable for transporting their belongings in a dignified way.
CH23-24	All prisoners, irrespective of their legal status, should be provided with a release pack (i.e., map, transport timetables) at the time of release.

Requests for Information

No.	Information Request	Action Owner
<u>Repeat Req.:</u> MDOJREQ22-1	<u>Repeat Information Request:</u> The Inspectorate would appreciate receiving detailed information about the work of the Department of Justice to implement the recommendations of the Review, including the work of the proposed “multi-stakeholder taskforce to address the current accommodation crisis.’	Minister for Justice
<u>Repeat Req.:</u> DGREQ23-1	<u>Repeat Information Request:</u> The Inspectorate requests status updates on recommendations made based on findings from the 2023 <i>Thematic Inspection: An Evaluation of the Provision of Psychiatric Care in the Irish Prison System</i> , particularly those that were identified by the Irish Prison Service as requiring commitment and action from other bodies, including the National Forensic Mental Health Service. These recommendations are: MHT5, MHT6, MHT7, MHT11, MHT14, MHT23, MHT24 and MHT25.	Director General of the Irish Prison Service

D. Letter to Governor of Cloverhill Prison confirming the findings of the follow-up inspection in December 2024



Oifig An Chigire Príosún Office of the Inspector of Prisons

Governor Kevin O'Connell
Cloverhill Prison
Cloverhill Road
Clondalkin
Dublin D22 WC84

Dublin, 13 January 2025

Dear Governor O'Connell,

I am writing to wish you and your staff a very Happy New Year and, as promised, to provide you with the Inspectorate's preliminary findings from our follow-up inspection of Cloverhill Prison from 9 to 11 December 2024.

Thank you once again for the excellent cooperation we received throughout the follow-up inspection. These preliminary findings are presented under the headings of the inspection focus areas in our revised Inspection Framework.¹⁶⁶

1. *Respect & Dignity*

During our unannounced general inspection in May 2023, overcrowding in cells was the issue of primary concern. We note that the situation has degenerated since that time, with an increase in the proportion of the prison population sharing four man cells originally designed for triple occupancy (112 men on 18 May 2023, compared to 168 men on 11 December 2024). The number of people sleeping on mattresses on the floor has also substantially increased (38 people on 15 May 2023, compared to 68 on 9 December 2024). It remains the case that these people do not have a minimum living space of 4m² per person (exclusive of sanitary facility). As of 11 December 2024, 177/491 men (36%) were being held in cells above their intended designated occupancy.

¹⁶⁶ Office of the Inspector of Prisons (2024) A Framework for the Inspection of Prisons in Ireland.

Conditions in many cells remained very poor. Ventilation was insufficient and the temperature in triple occupancy cells that accommodated three and four men was uncomfortably warm (25-26C in December 2024).

The toilet areas in cells were not fully partitioned; this denies prisoners the dignity to which they are entitled. Men living three and four to a cell were particularly badly affected. As set out in the relevant standard of the Council of Europe's European Committee for the Prevention of Torture (CPT)¹⁶⁷ multi-occupancy cells should have fully partitioned sanitary facilities. We encountered numerous prisoners who were obliged to eat in their cells in close proximity to unpartitioned toilets.

Cells did not contain showers and, on larger landings, the one-hour allocated time was not sufficient to provide all prisoners with a daily shower. Access to showers was a difficulty raised by many prisoners. For example, on A1 landing, people are given time to shower and clean out their cells between 9.30 and 10.30am. At the time of inspection, there were only 5 working showers for 69 prisoners. A number of showers areas require improvement, including the broken showers found on A1, B1, and B2.

The distribution of clothing at Cloverhill Prison is another concern. The inspection team was informed that men received a weekly kit change of prison issue clothes but that, frequently this contained just one set of socks and underwear, which is insufficient. In consequence, men were washing and drying their clothes in their overcrowded, poorly-ventilated cells. It is axiomatic that this is unhygienic.

We reiterate the recommendation made on previous occasions that the prison should improve the laundry facilities available to prisoners. Management should consider (i) increasing the weekly kit allotted to prisoners, (ii) acquiring additional laundry machines, (iii) implementing individually marked kit bags for weekly laundering.

Out of cell time was not recorded, with the exception of restricted regime prisoners. Gaps were also observed in the records on C1 and C2, where the majority of restricted regime prisoners were held; these out of cell time records only captured the time out of cell offered and not the time of which people actually availed.

As during our May 2023 inspection, the conditions in which the vast majority of people are living in Cloverhill Prison are degrading. The only significant difference noted since May 2023 is that a higher proportion of prisoners are now being held in those conditions. This grave concern has already been raised formally by me with the Minister for Justice on two occasions, including in the context of a recent death in custody at Cloverhill.¹⁶⁸

¹⁶⁷ CPT/Inf (2015) 44 [Living Space per prisoner in prison establishments: CPT standards.](#)

¹⁶⁸ Letter dated 8 October 2024 from the Chief Inspector of Prisons to the Minister for Justice.

2. Safety & Security

We retain a positive view of the principles around which the prison's Regime Management Plan (RMP) is organised, which include prioritisation of prisoner-support roles, such as the school and escorts to medical appointments. We also welcome that the new RMP will assign extra staff to supervising visits and facilitating education. We would like to receive a copy of the new RMP, which was due to enter into force immediately after the follow-up inspection.

It remains the case that there is virtually no evidence of individual risk assessments taking place in relation to accommodation placement, particularly immediately after committal. Despite serious incidents of inter-prisoner violence occurring in the prison on a frequent basis, no violence diagnostic tool exists at Cloverhill or elsewhere in the prison estate. In this context, there is also scope to improve the committal interview process.

As you know, in early October 2024, I wrote to the Minister for Justice raising the concern that shortcomings in this area were contributing to life threatening conditions of detention in D1.¹⁶⁹ I will be reiterating this concern to the incoming Minister for Justice.

We acknowledge that there have been improvements in the rapidity with which NIMS forms are being issued and completed. This is welcome, although it remains our view that the NIMS system is not fit for the purpose of recording serious incidents in prisons and places a wholly disproportionate administrative burden on Chief Officers.

Prisoner complaints boxes were visible across the prison, and we welcome that Rule 44 letter boxes have been installed in all areas since the last inspection. However, neither complaints forms nor sealable envelopes are available in proximity to these boxes; this should be rectified.

3. Health & Well-Being

During our 2023 inspection, we expressed serious concern that the prison did not have a nurse on duty at night, and are pleased to note that this has now been rectified. However, given the increase in prisoner numbers, it is questionable whether one night nurse at Cloverhill Prison is sufficient.

The Inspectorate welcomes the appointment of a Chief Nurse Officer, filling a crucial vacancy found at the time of our general inspection in May 2023. It is also positive that there are now 2.5 GPs and weekend cover by a locum doctor. However, there were still some accounts by prisoners of difficulties in accessing a doctor.

¹⁶⁹ Letter dated 8 October 2024 from the Chief Inspector of Prisons to the Minister for Justice.

The Prison In-Reach Court Liaison Service (PICLS) caseload had nearly doubled since our 2023 inspection, from 43 to 70 prisoner-patients. There were 16 people awaiting diversion to the Central Mental Hospital and beds in the community. The situation on D2, which is housing a number of prisoner-patients who simply should not be in prison, remains critical.

There was a long waiting list to access addiction counselling services (69 people). Currently, the addiction counselling team is resourced with 0.8 full time equivalent staff, which is half the approved resource of 1.6. There is no dedicated Addiction Nurse. At this level of resourcing, many people who have a real need for addiction services can spend their entire time in Cloverhill without ever receiving the help that they need.

An on-call interpreter service for healthcare staff should be operational in Cloverhill Prison; this would greatly assist healthcare clients who are non-English speakers, and would be particularly beneficial when health care staff record medical histories during committal interviews. Of further note, the Inspectorate was informed that the door to the medical room on the reception area was left open during committal assessments, which fails to respect medical confidentiality.

4. Purposeful Activity and Resettlement

During the follow-up inspection, our team concentrated on the key issues that were noted during our unannounced general inspection in May 2023. The inspection team was assisted by two colleagues from the Department of Education (DE) Inspectorate.

In May 2023, the DE Inspectorate recommended that the time students are brought to classes be monitored closely by prison management and the head teacher, in order to ensure optimal access to, and time in, the school. From the records reviewed it was evident that, on most days, classes do not begin at the scheduled time of 9.30am. There were also frequent delays in the commencement of afternoon classes. Additionally, it was noted that the Centre was either fully or partially closed for 11 out of the 27 available education days in the month prior to the follow-up inspection. The school reported “operational reasons” for these closures.

The DE Inspectorate also recommended that opportunities to extend educational access through blended learning and digital technologies should be explored by the IPS and prison management in collaboration with CDETB. This would particularly benefit prisoners on protection and those on the school’s waiting list. Partial progress on this recommendation was observed: the Education Centre has implemented a recent initiative to provide a limited outreach programme to people in prison on protection. However, available technology was not being used to extend educational access through blended learning to the people who are currently not able to attend the Centre for various reasons. The IPS, prison management and CDETB should continue to work collaboratively to ensure the available technology is utilised more effectively to support the educational needs of people in prison.

The DE Inspectorate noted that further planning is needed to safely facilitate the implementation of the proposed new subjects that will be in place following the expansion of the Centre. This planning should include a risk assessment to establish health and safety procedures to support effective engagement with teaching and learning. There was good progress made on this in respect of risk assessments for the new classrooms in crafts and cookery.

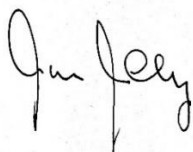
Opportunities for work training within the prison need to be strengthened. There are currently 104 prisoners engaged in work training, just 20% of the population. While additional spaces have been added to existing work posts since May 2023, this has barely kept pace with overcrowding; at 19%, the level of engagement observed in December 2024 remains virtually unchanged from that seen during the 2023 inspection.

It is positive to note that the prison's name does not appear on training certification, as recommended in the Inspectorate's Work Training and Education thematic report.¹⁷⁰ However, it is still the case that there are extremely limited opportunities for accredited training. Currently, the only available option for certification is through the kitchen. Avenues to expand the opportunities for certification should be explored.

It is positive to note that the quality of information provided to people on release has improved; they are now being provided with relevant contact information, and maps for local transport. People being released are also now permitted to make calls and to charge their mobile phones for use outside the prison gate. These developments are welcome.

This letter will appear as an Appendix to the Inspectorate's report on its 2023 unannounced general inspection and my team and I greatly look forward to our future engagement with you and your staff.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Mark Kelly', written in a cursive style.

Mark Kelly
Chief Inspector

¹⁷⁰ OIP (2023). Thematic Inspection on Education & Work Training.



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