

# Progress in the Penal System (PIPS)

*The need for transparency*  
(2021)

## Guiding Principles of Penal Reform

1. Imprisonment is viewed as a sanction of last resort
2. Recognition of the harms and costs associated with imprisonment
3. Adherence to the 'Deprivation of Liberty' principle where the loss of freedom is viewed as the punishment
4. Balance the security and protection of prisoners with provision of a safe and purposeful regime
5. Protection and promotion of human rights, equality and social justice
6. Focus on rehabilitation, desistance and reintegration.

## Values of the Penal System

- Safety, protection of life and a duty of care
- Respect, dignity and protection from inhumane, discriminatory or degrading treatment
- Accountability and transparency
- Consistency and promotion of fairness and equality
- Promotion and maintenance of good relationships between prisoners, staff and management



The Irish Penal Reform Trust is an independent non-governmental organisation campaigning for the rights of everyone in the penal system, with prison as a last resort.

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IPRT would like to express gratitude to Michelle Martyn, IPRT's former Policy and Research Manager, who worked tirelessly on shaping and developing the PIPS project from its genesis in 2016, and without whom this five-year anniversary edition would not have been possible.

Finally, IPRT would like to especially acknowledge and thank our outgoing Executive Director, Fíona Ní Chinnéide, for the leadership, passion, and vision she has brought to IPRT over the past 13 years. She has made a lasting contribution to the PIPS project in particular, which will continue to inform and inspire our approach to progress in the penal system in the future.

Responsibility for the content of the report lies solely with IPRT.

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## Executive Summary

This is the fifth edition of *Progress in the Penal System (PIPS)*.

Since the first *PIPS* publication in October 2017, the Irish Penal Reform Trust (IPRT) has seen significant changes in the Irish penal system, some positive and some negative. Most notably, of course, there has been the global COVID-19 pandemic, which has had a devastating impact on people in prison in Ireland.<sup>1</sup>

During this time, IPRT has also faced challenges in fulfilling the core purpose of the project, namely to monitor and assess progress towards achieving best practice in Ireland's penal system. These challenges have arisen primarily because of the fundamental information and data gaps regarding the Irish criminal justice and penal system. Our experience is one of positive engagement from the agencies from whom we request data, in particular the Irish Prison Service. However, criminal justice data should be available for public scrutiny at all times and not only on request.

Working on PIPS over the past 5 years has made very clear the lack of transparency from key agencies in the penal system; the inadequacies and delays in respect of those bodies responsible for monitoring prisons; and the failure of the State to provide consistent, robust and publicly available data on how people who come into contact with the criminal justice system are dealt with and treated. In the second year of the COVID-19 pandemic, now more than ever, this gap in information has become a major concern.

Last year, PIPS 2020 focused on reviewing 12 of the 35 IPRT standards for the penal system. This 5<sup>th</sup> edition of PIPS has continued in the same direction and focuses on 13 salient standards. Unlike previous years, PIPS 2021 performs a review of the overall progress of these specific standards since the project started in 2017. Where information relating to 2021 was readily available, it was included in the review. However, IPRT did not engage in the volume of direct data requests as in previous years. Our view is that comprehensive data should be published routinely by all relevant stakeholders.

Therefore, PIPS 2021 highlights key information gaps and sets data expectations for stakeholders to meet in order to address these barriers under the overarching theme of '*the need for transparency in the penal system in Ireland*'. The report further sets out four thematic areas under which the standards under review are grouped and discussed.

### Chapter 1: Monitoring the Use of Imprisonment

Imprisonment as a last resort should be the underlying principle of penal policy in Ireland yet there was regress in *Standard 2 – Imprisonment as a last resort* between 2017–2021 as people were continually sentenced to short terms of imprisonment rather than being diverted to alternative sanctions in the community. The lack of publicly available data that might help explain why the courts are choosing not to use alternative sanctions over prison sentences is concerning.

Between 2017 and 2021, the lack of information about the number of people in prison experiencing mental illness, coupled with the long waiting times for prison psychology services and the consistently high numbers on the waiting list for the Central Mental Hospital (CMH), indicates no change towards meeting *Standard 13 – Mental Healthcare*.

There was insufficient information on drug and alcohol use / treatment services in Irish prisons to make an adequate assessment of progress under *Standard 14 – Drug and Alcohol Treatment*. On the basis of the little information PIPS did manage to gather, however, there appeared to be no change in this standard between 2017 and 2021.

There was a mix of progress and regress under *Standard 32.1 – Women in Prison*, with an overall reduction in the period 2018–2021 in annual committals of women as well as the daily average of women in custody. However, there continues to be a lack of information on the availability and use of gender-sensitive community sanctions, and a general lack of research on the experience of women in the criminal justice system.

<sup>1</sup> See, Office of the Inspector of Prisons (OIP) & Maynooth University (MU), (2020). *Ameliorating the impact of cocooning on people in custody – a briefing*. [Online]. OIP. Available from: <https://www.OIP.ie/wp-content/uploads/2020/07/Ameliorating-the-impact-of-cocooning-on-people-in-custody-a-briefing.pdf>. [07 December 2021]. Also See, Office of the Inspector of Prisons (OIP), (2021). *Thematic and Functional Reports*. [Online]. OIP. Available from: <https://www.OIP.ie/publications/inspection-reports/thematic-and-functional-reports/>. [08 December 2021].

**Overall assessment of standards between 2017–2021:**

Standard	Theme	Assessment
S2	Imprisonment as a Last Resort	Regress
S13	Mental Healthcare	No Change
S14	Drug and Alcohol Treatment	No Change
S32.1	Women in Prison	Mixed

Data expectations in this chapter include: improved data from the IPS on the number of people repeatedly being committed to prison; improved recording of judicial decisions by the Courts Service (with a view to their possible publication); and publication of the Department of Justice planned review of the Criminal Justice (Community Service) (Amendment) Act 2011 and the use of short custodial sentences.

**Chapter 2: Assessing the Operation of the Prison**

There was overall regress in this chapter, which examined how life operates in Irish prisons. There was no change in *Standard 6 – Open Prison Provision*, with no development or expansion of open prison provision in Ireland in the period 2017–2021.

Single-cell accommodation is a long-term objective of the Irish Prison Service (IPS).<sup>2</sup> However, cell-sharing was common practice across the estate between 2017 and 2021 and the IPS has no designated policy on cell-sharing.<sup>3</sup> This indicates regress in *Standard 9 – Single-Cell Accommodation*.

On *Standard 16 – Out-Of-Cell-Time*, there was regress between 2017 and 2021. The IPS is far from achieving the standard of ensuring 12 hours out-of-cell time per day for people in prison and there is very little information available on the activities people on restricted regimes can access during the short amount of time they spend out of their cells.

Despite the IPS committing to the elimination of solitary confinement in 2017, the use of solitary confinement remained common practice across the estate in the period 2017–2021, indicating regress in *Standard 26 – Solitary Confinement*.

**Overall assessment of standards between 2017–2021**

Standard	Theme	Assessment
S6	Open Prison Provision	No Change
S9	Single-Cell Accommodation	Regress
S16	Out-Of-Cell Time	Regress
S26	Solitary Confinement	Regress

Data expectations in this chapter include: the publication of plans for the development of open prisons across the estate; publication of the number of available single cells in each prison in the Irish Prison Service quarterly *Census Report on Cell Occupancy and In-Cell Sanitation*; the development and publication of a quarterly *Census of Out-Of-Cell Time*; and publication of data on the lengths of time that people are held in isolation or separation by the Irish Prison Service.

**Chapter 3: Ensuring the Focus is on Desistance**

Overall, there was a mix of progress and regress in this thematic area between 2017–2021. For example, *Standard 11 – Family Contact* saw both progress and regress, with some developments across the prison estate in family visiting conditions and visiting hours (albeit these developments were slow and inconsistent). The COVID-19 pandemic, however, had a devastating impact on family contact. Despite

2 Single-cell occupancy as an estate-wide norm is cited as one of the 8 core and concurrent strategic objectives of the IPS. See, Irish Prison Service (2020). *Capital Strategy 2016-2021*. [Online]. IPS. Available from: [http://www.irishprisons.ie/wp-content/uploads/documents\\_pdf/capital\\_strategy\\_2016.pdf](http://www.irishprisons.ie/wp-content/uploads/documents_pdf/capital_strategy_2016.pdf). [06 December 2021]

3 Information obtained from the Irish Prison Service on 18 November 2021.

the IPS rolling out progressive alternative methods of contact, such as in-cell phones and video calls, in-person physical visits were cancelled for long periods in 2020 and 2021. Furthermore, there continues to be a lack of recognition and support for children and families affected by imprisonment in Ireland.

*Standard 18 – Life Skills* saw an overall modest increase in the number of Independent Living Skills Units (ILSUs) across the estate since 2017, but this period also saw an unfortunate decrease in access to communal dining for people in prison.

Between 2017 and 2019, there was information provided about successful community engagement initiatives across the prison estate, indicating some progress under *Standard 20 – Community Engagement and Involvement*. However, apart from information provided by the Irish Red Cross, there was scant information on the operation of such initiatives during the pandemic, which indicates regress.

Between 2017 and 2021, the recurring issue arising in respect of *Standard 19 – Education* was the persistent lack of data on education in Irish prisons. This has made it impossible to assess the progress of this PIPS standard.

#### Overall assessment of standards between 2017–2021:

Standard	Theme	Assessment
S11	Family Contact	Mixed
S18	Life Skills	Mixed
S20	Community Engagement and Involvement	Mixed
S19	Education	Insufficient Data

Data expectations in this chapter include: the development and publication of a quarterly *Census on Visits and Contact* by the Irish Prison Service; improved monitoring and publication of data on education and life skills courses across the Irish Prison estate; and the development and publication of a mapping exercise of all community engagement initiatives in operation across the estate.

#### Chapter 4: Supporting Return to the Community

There was progress between 2017 and 2021 in *Standards 34 & 35 – Reintegration*, with particular progress (albeit slow) towards improving the Irish spent convictions regime. The Criminal Justice (Rehabilitative Periods) Bill 2018, which aims to expand the circumstances in which a person's convictions may become spent, has successfully passed through the Seanad and is now making its way through the Dáil, with Government support.

The work of the *Interagency Group for a Fairer and Safer Ireland* in monitoring interagency co-operation around supporting people on release from prison is a further sign of progress under this standard.

#### Overall assessment of standards between 2017–2021:

Standard	Theme	Assessment
S34/35	Reintegration	Progress

Data expectations in this chapter include: the development and publication of research into employment opportunities available to people upon release from prison; further in-depth and detailed analysis of recidivism rates, which would inform an action plan for addressing the root causes of recidivism; improved mapping, monitoring and publication of data regarding accommodation available to people upon release from prison; and improved collation and publication of data relating to convictions and sentences.



**Conclusion:**

Review of progress since 2017 across the 13 IPRT standards paints a fairly disheartening picture, with clear progress achieved in respect of only one of the standards (*Standards 34 & 35 – Reintegration*) and the remainder showing regress, no change, a mixed picture or insufficient data to make an assessment. More recent updates in respect of the progress of these standards in 2021 (summarised at pp.15–13) further indicates little change or regress with the worsening of many aspects of prison life such as out-of-cell time and the use of solitary confinement, family contact, education and life skills. There has been strong commitment to addressing the issue of mental healthcare in prisons and the diversion of people with severe mental health issues from prison, but this commitment has yet to be met with action.

These concerns are further amplified by the numerous gaps in data and information arising in respect of each standard, which have made it difficult to monitor progress in the penal system and are indicative of the significant transparency gaps arising in our criminal justice system. The importance of good, robust, comprehensive data that is routinely made publicly available cannot be overstated. Such information enables monitoring bodies (both national and international) and civil society organisations, as well as the wider public, to understand what is happening in our prisons and the wider criminal justice system. The collection of such data in turn assists those agencies charged with delivering services to do so on an informed basis, with concrete evidence to help them identify problems and start devising solutions.

It will clearly take time to build capacity for the collection and dissemination of such data. In setting out our data expectations for the 13 standards addressed in this edition of PIPS, we hope to contribute to improvements in this area by setting out some initial examples of the type of information that is needed.



## Foreword

This year's Progress in the Penal Systems (PIPS) report marks 5 years of reporting on the realisation of a decent human rights based penal system in Ireland. The PIPS project was conceived as a catalyst to aid progressive penal reform. Five years on, there has undoubtedly been progress.

There is, in some quarters, increased sensitivity to the overuse of imprisonment; there is greater awareness of issues we have spotlighted, including the mental health of prisoners and issues affecting women prisoners. However, there is yet to be a step change in the realisation of a decent penal system. Five years of tracking and reporting indicates as much stagnation and regress as there is progress.

The lack of sustained progress is not attributable to individual staff in the Irish penal system. We engage with people working in the prison system who are doing their best to deliver a decent service within a constrained and systemically challenged criminal justice system.

We see these wider challenges as challenges of accountability, transparency, trust, and public confidence in our justice system. In recent years the Department of Justice launched a timely reorganisation plan, which included the goals of enhancing accountability, transparency, and trust. This was very welcome, and much work has been undertaken to give effect to these goals. However, issues of enhancing accountability and transparency apply equally to the bodies that the Department of Justice exercises oversight over, including the prison and probation services. There is a daily challenge to foster and embed a culture and practice of accountability and transparency in our penal system.

Challenges with accountability do not start and end inside prisons. The PIPS project promotes accountability in penal policymaking, in the courts, in the media, through to greater cross-departmental, inter-agency and wider societal accountability for failing to address social injustice that ultimately impacts our persistent reliance on the penal system. Robust accountability structures, alongside joined-up thinking and analysis, act as a stepping-stone to a fair and decent penal system.

Central to building accountability and transparency is the regular availability of performance information on how the Irish penal system is dealing with and treating people placed in its care. Over too many areas of policy and practice, good quality verifiable data is simply not available. This undermines evidence-based policy making. It also undermines evidence-based service provision on a day-to-day basis in prisons. Without this information, gaps arise between policy aspiration and the reality of practice on the ground.

In the absence of accountable and transparent performance information, other accounts of prison experience vie for credibility. This is compounded by limited published reports by oversight bodies, such as the inspectorate of prisons. In any well-functioning penal system, an independent inspectorate should be an authoritative and respected independent voice in the system. The evidence gathered over five years in PIPS indicates that this independent voice needs to be further strengthened in the Irish context.

Looking to the future, we urge the Department of Justice and its agencies to invest appropriately in systems and processes to provide accountable transparent information on the treatment of prisoners. We will review and refine the PIPS project in the years to come. We remain resolute to continue our focus on realising a decent humane penal system. Whilst working in constructive collaboration we will, where warranted, highlight and call out institutional and wilful neglect.

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Vice-chairperson of IPRT and Chairperson of the PIPS Advisory Group



## Introduction

This edition marks 5 years since IPRT initiated the *Progress in the Penal System* (PIPS) project in November 2016. In that time, we have seen significant changes in the Irish penal system, some positive and some negative. Most notably, we have seen the onset of the global COVID-19 pandemic, which has had a devastating impact on people in prison in Ireland.<sup>4</sup> Information on the day-to-day experience of men and women in prison in Ireland over the past 2 years has been scant.

From the outset, the overall purpose of PIPS has been to promote and assess progress across a broad range of issues in Ireland's penal system, guided by a set of 35 standards.<sup>5</sup> The reality is, however, that accessing data that relates to the various standards has often been time-consuming, difficult and, on occasion, impossible. A system for publishing routine, up-to-date and comprehensive data on key aspects of Ireland's criminal justice and penal system does not currently exist. In this vacuum, organisations such as IPRT are often reliant on direct approaches to criminal justice agencies and/or information provided in the Oireachtas in order to obtain basic information about what is happening in Irish prisons and other services.

The pandemic period in particular has highlighted how little we actually know about what is happening in our prisons. Without the provision of regular, robust and quality data, it is extremely difficult for organisations such as IPRT to understand to what extent the rights and wellbeing of some of the most marginalised people in our society are being protected, and to advocate accordingly.

IPRT welcomes recent initiatives to address these data gaps, such as the Department of Justice *Data & Research Strategy 2018-2020*<sup>6</sup> and commitments by the Probation Service to improve data collection and recording.<sup>7</sup> We also recognise the increase in data published by the Irish Prison Service since 2017, and the regular provision of information on request to IPRT. However, more needs to be

done. For this reason, PIPS 2021 sets out core data expectations that should be met in order to address these gaps. This will facilitate better scrutiny of policy and practice so as to ensure that Ireland's penal system not only meets, but exceeds, standards of international best practice.

In this five-year anniversary edition of PIPS, IPRT calls on all government departments and relevant agencies to commit to improving transparency in the criminal justice and penal system.

### Background of PIPS:

The PIPS initiative was first developed as a three-year project that would monitor and evaluate progress in the Irish penal system, and report on this progress in an annual publication. From its beginnings, PIPS aspired to be a leader in identifying international best practice for the protection and promotion of human rights in the penal system. PIPS set out to meet this aspiration through the development of 35 standards, informed by international human rights standards, and covering a number of key areas such as prison conditions, regimes, accountability and reintegration. These 35 standards were also developed in line with the Irish Penal Reform Trust's six guiding principles, which are as follows:

- 1) Imprisonment should be imposed as a measure of last resort.
- 2) There is a need to recognise the harms and

4 See, Office of the Inspector of Prisons (OIP) & Maynooth University (MU), (2020). *Ameliorating the impact of cocooning on people in custody – a briefing*. [Online]. OIP. Available from: <https://www.OIP.ie/wp-content/uploads/2020/07/Ameliorating-the-impact-of-cocooning-on-people-in-custody-a-briefing.pdf>. [07 December 2021]. Also See, Office of the Inspector of Prisons (OIP), (2021). *Thematic and Functional Reports*. [Online]. OIP. Available from: <https://www.OIP.ie/publications/inspection-reports/thematic-and-functional-reports/>. [08 December 2021].

5 Irish Penal Reform Trust (IPRT), (2017). *Progress in the Penal System: A Framework for Penal Reform*. [Online]. IPRT. Available from: [https://www.iprt.ie/site/assets/files/6431/progress\\_in\\_the\\_penal\\_system\\_compressed\\_.pdf](https://www.iprt.ie/site/assets/files/6431/progress_in_the_penal_system_compressed_.pdf). [16 November 2021]. PP.23-25.

6 Department of Justice (DoJ), (2018). *Data and Research Strategy 2018-2021*. [Online]. DoJ. Available from: [https://www.justice.ie/en/JELR/Pages/Department\\_of\\_Justice\\_and\\_Equality\\_Data\\_and\\_Research\\_Strategy\\_2018-2021](https://www.justice.ie/en/JELR/Pages/Department_of_Justice_and_Equality_Data_and_Research_Strategy_2018-2021). [07 December 2021].

7 The Probation Service, (2021). *Strategy Statement 2021-2023: Probation Works for Community Safety*. [Online]. Gov.ie. Available from: <https://www.gov.ie/en/publication/ba79c-probation-service-strategy-statement-and-action-plan-2021-2023/>. [08 December 2021].

costs of imprisonment.

- 3) The deprivation of liberty is the punishment.
- 4) The safety and protection of prisoners must be balanced against the need to ensure a humane regime.
- 5) The importance of protecting and promoting human rights, equality and social justice.
- 6) The importance of retaining an emphasis on rehabilitation.

In order to measure progress on the achievement of these standards, each standard was prescribed a set of indicators. These indicators were monitored annually over the initial three-year period to assess their outcome, with one of five outcomes possible:

- Progress
- Regress
- Mixed
- No Change
- Insufficient Data

PIPS also endeavoured to be practical in pushing progress by identifying short-term actions which would help stakeholders meet the standard in question.

### PIPS 2017–2019:

Over the initial three-year period of PIPS (2017-2019), the project monitored and assessed each of the 35 standards and indicators and found a mix of progress, regress and – in many areas – a lack of any change or insufficient data to monitor progress. PIPS 2017-2019 found that while change in policy was often slow, it was moving in the right direction. By contrast, change in practice was often fluctuating. One major achievement of PIPS 2017-2019, however, was the recognition of the 35 PIPS standards by relevant stakeholders across the penal system such as the Office of Inspector of Prisons (OIP) in its new *Framework for the Inspection of Prisons in Ireland*.<sup>8</sup>

### PIPS 2020:

While IPRT viewed all 35 standards as priority, and remains dedicated to achieving each standard, the onset of the pandemic meant it was not possible in 2020 to measure progress in the same way as previous years. IPRT accordingly used PIPS 2020 to focus on the early responses and effects of the pandemic on prisons and highlight the specific

issues arising so as to push for long-lasting change in these areas.

### PIPS 2021:

In this fifth edition of PIPS, the 2021 report reflects on the past five years of monitoring the Irish penal system – the progress made, the areas where little change has been effected, and the issues about which we still have a limited understanding due to a lack of data. While remaining committed to the achievement of all 35 standards, this edition of PIPS again focuses on a select number of interacting standards that track a person's journey through the penal system, from the point of imprisonment through to release.

PIPS 2021 carries out this reflective exercise under one unified theme: *The Need for Transparency in the Penal System*. The standards reviewed in PIPS 2021, organised by four interacting themes, are:

#### 1. Monitoring the Use of Imprisonment

- Standard 2: Imprisonment as a Last Resort
- Standard 13: Mental Healthcare
- Standard 14: Drug and Alcohol Treatment
- Standard 32.1: Women in Prison

#### 2. Assessing the Operation of the Prison:

- Standard 6: Open Prison Provision
- Standard 9: Single-Cell Accommodation
- Standard 16: Out-of-Cell Time
- Standard 26: Solitary Confinement

#### 3. Ensuring the Focus is on Desistance:

- Standard 11: Family Contact
- Standard 18: Life Skills
- Standard 19: Education
- Standard 20: Community Engagement and Involvement

#### 4. Supporting Return to the Community:

- Standards 34 & 35: Reintegration

PIPS 2021 strives to address the lack of and/or deficiencies in data for monitoring progress in the penal system by identifying specific areas of inadequate data under the above standards and setting realistic data expectations. The need for quality data collection, recording and publication is highlighted throughout this report and is crucial for the proper evaluation of progress in the penal system going forward.

8 Office of the Inspector of Prisons (OIP), (2020). *A Framework for the Inspection of Prisons in Ireland*. [Online]. OIP. Available from: <https://www.OIP.ie/wp-content/uploads/2020/09/OIP-Inspection-Framework-Single.pdf>. [15 November 2021].

## The Importance of Adequate Monitoring:

The importance of access to frequent and robust information on life in prison cannot be discussed without highlighting the critical role of monitoring bodies in supplying such information. Independent monitoring bodies play a crucial role in preventing torture, safeguarding human rights and encouraging best practice in prisons. The importance of the role of independent monitoring bodies is even more apparent during exceptionally difficult periods such as the COVID-19 pandemic, when people in prison faced even more restrictive measures for prolonged periods of time.

IPRT's work, and in turn, the PIPS project, is informed by data collected and published by monitoring bodies such as the Office of Inspector of Prisons (OIP) and the Prison Visiting Committees (VCs).

The key role of the OIP is to carry out regular inspections of the 12 prisons in the State and to present a report on each institution visited as well as an annual report to the Minister for Justice.<sup>9</sup> In 2021, IPRT welcomed the publication of eight COVID-19 thematic inspection reports conducted by the OIP.<sup>10</sup> These reports were among the few insights IPRT had into life in prison during the pandemic. However, these reports addressed just two thirds of prisons across the estate and half of the reports were not published until December 2021. Furthermore, these thematic reports are based on visits that took place between March and April 2021, providing no insight into conditions experienced during the earlier pandemic period in prison.

Aside from these COVID-19 thematic reports, there has been no report on a closed prison published since 2014,<sup>11</sup> which undermines public scrutiny and accountability of the State. The Inspectorate relies on the Department of Justice for funding, as well as for publication of their reports, which must first go through the Minister for Justice. While it occurs rarely, the Minister for Justice holds the power to redact information from the OIP Inspection Reports.<sup>12</sup> IPRT upholds that for the OIP's new inspection framework to be robust, the OIP must be resourced to carry out its function adequately and laws must be put in place that allow

the Inspectorate to publish reports independently of the Minister for Justice. This is essential to strengthen the independence of the office and meet OPCAT-compliance in future.

The Prison Visiting Committees (VCs) also have a role in the provision of information about prisons. IPRT has previously flagged a number of issues with the quality, consistency and timing of VC reports throughout the years. For example, in 2021, the Minister for Justice published VC Annual Reports from visits that took place during 2019.<sup>13</sup> These reports therefore do not include information on issues in prisons during COVID-19 lockdown, or any subsequent periods of heightened restrictions over the course of the year. Moreover, there is no information available on whether and how prisoners could make complaints in private to VC members during lockdown periods, how many such complaints were made per prison, how these were resolved, and whether inconsistencies in practice across prisons were brought to the attention of the Minister for Justice.

IPRT has consistently highlighted that delays in the publication of VC annual reports do not allow for real-time responses to both the good practice and the issues identified by the committees. To support transparency across the penal system, it is critical that the Prison Visiting Committees are reformed and that the Office of the Inspector of Prisons is strengthened in legislation and publishes inspection reports regularly.

## Summary of key developments in 2021:

The PIPS project remains dedicated to providing information that is as up to date and relevant as possible. PIPS 2021 therefore provides a summary of key penal reform updates that are relevant to the standards covered in this edition. You can find this summary of updates on pages 15–19.

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- 9 Department of Justice (DoJ), (2021). *Inspector of Prisons*. [Online]. DoJ. [https://www.justice.ie/en/JELR/Pages/Inspector\\_of\\_Prisoners](https://www.justice.ie/en/JELR/Pages/Inspector_of_Prisoners). [16 November 2021].
- 10 Department of Justice (DoJ), (2021). *COVID-19 Thematic Inspections of Prisons 2021*. [Online]. DoJ. Available from: <https://justice.ie/en/JELR/Pages/COVID-19-Thematic-Inspections-of-Prisons-17-December-2021>. [20 December 2021].
- 11 Department of Justice (DoJ), (2014). *Overview of Mountjoy Prison Campus with particular emphasis on the Separation Unit by the Inspector of Prisons Judge Michael Reilly*. [Online]. DoJ. Available from: <http://www.justice.ie/en/JELR/Pages/PB14000234>. [16 November 2021].
- 12 Section 31 (4) of Prisons Act 2007, <http://www.irishstatutebook.ie/eli/2007/act/10/enacted/en/html>. [16 November 2021].
- 13 Department of Justice (DoJ), (2019). *Prison Visiting Committee Annual Report 2019*. [Online]. DoJ. Available from: [https://www.justice.ie/en/JELR/Pages/Prison\\_Visiting\\_Committee\\_Annual\\_Reports\\_List\\_2019](https://www.justice.ie/en/JELR/Pages/Prison_Visiting_Committee_Annual_Reports_List_2019). [16 November 2021].

## **The Voices of People with Experience of the Penal System:**

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One of the major long-term goals of the PIPS project is to engage people with experience of the penal system as co-creators and a central component of monitoring progress into the future. Part of this goal is an objective to include the voices of people with experience of the penal system, as well as their family members, in our reporting. Comprehensive consultation with people who have experience of the penal system was not possible in the ongoing context of the COVID-19 crisis. For this reason, for the purposes of this edition of PIPS and as a short-term stepping-stone towards realising our overall goal, IPRT carried out informal, semi-structured interviews with a small number of people with experience of the penal system. The voices of these individuals, are included throughout this document to provide some (albeit limited) perspective from those most directly affected by our penal system. It is hoped that this is an aspect of the PIPS project that can be further developed in future years.



## Summary of key developments in 2021

PIPS 2021 examines the overall progress towards human rights and best practice in Ireland's penal system since the first edition in 2017. However, here we present a short summary of key updates and developments during 2021, drawn from information available publicly. The updates are organised according to the 13 standards under review.

### Monitoring the Use of Imprisonment:

#### Standard 2: Imprisonment as a Last Resort

On 10 December 2021, there were 3,779 people in custody in Irish prisons<sup>14</sup> – this has not changed significantly since 2020 (there were 3,762 people in custody on 10 December 2020).<sup>15</sup>

In 2020, a cross-sectoral group was established including the Head of Criminal Justice Policy, the Director-General of the Irish Prison Service and the Director of the Probation Service. This group has been tasked with the review of the Criminal Justice (Community Service) (Amendment) Act 2011 and the use of short custodial sentences. The review is underway and due for completion by the end of 2021.<sup>16</sup>

The Parole Act has been commenced, establishing an independent Parole Board and increasing the amount of time before life-sentenced prisoners may be considered for parole from 7 years to 12 years.<sup>17</sup>

#### Standard 13: Mental healthcare

In April 2021, IPRT welcomed the establishment of a High-Level Task Force (HLTF) to consider the mental health and addiction challenges of people interacting with the criminal justice system by four Ministers: Ministers for Justice and Health and the Ministers of State with responsibility for Mental Health and the National Drugs Strategy.<sup>18</sup> IPRT welcomed the opportunity to present our initial observations on the Terms of Reference of the HLTF in July 2021.<sup>19</sup>

On 23<sup>rd</sup> December 2021, there were 23 people in prison on the waiting list for transfer to The Central Mental Hospital (CMH) with a yearly average of 21 people on the waiting list for transfer to the CMH in 2021.<sup>20</sup> In 2021, there were 43 people diverted from prison to supports in the community by the Prison In-reach and Court Liaison Service (PICLS) and 14 people diverted from prison to the CMH by PICLS.<sup>21</sup>

On 23<sup>rd</sup> November 2021, the national ratio of psychologists to people in prison was 1 psychologist to every 257 prison beds.<sup>22</sup> Also, on 23<sup>rd</sup> November 2021, the range of wait times for assessment/intervention by the IPS Psychology Service was between 0 (for psychological first aid) and 1,732 days (4 years) (for the *Pathways to Change* Group).<sup>23</sup> According to the Irish Prison Service, the range in waiting times is skewed as the intervention is

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- 14 Irish Prison Service (IPS), (2021). *Prisoner Population on Friday 10<sup>th</sup> December 2021*. [Online]. IPS. Available from: [https://www.irishprisons.ie/wp-content/uploads/documents\\_pdf/10-December-2021.pdf](https://www.irishprisons.ie/wp-content/uploads/documents_pdf/10-December-2021.pdf). [20 December 2021].
- 15 Ibid.
- 16 Houses of the Oireachtas, (2021) *Sentencing Policy: Dáil Éireann Debate, Wednesday - 24 November 2021*. [Online]. Houses of the Oireachtas. Available from: [https://www.oireachtas.ie/en/debates/question/2021-11-24/155/#pq\\_155](https://www.oireachtas.ie/en/debates/question/2021-11-24/155/#pq_155). [20 December 2021].
- 17 Parole Act 2019, <https://www.irishstatutebook.ie/eli/2019/act/28/enacted/en/html> [20 December 2021].
- 18 Department of Justice (DoJ), (2021). *Establishment of a High Level Taskforce to consider the mental health and addiction challenges of persons interacting with the criminal justice system*. [Online]. DoJ. Available from: <https://www.justice.ie/en/JELR/Pages/PR21000071>. [20 December 2021].
- 19 Irish Penal Reform Trust (IPRT), (2021). [Press Release] *IPRT presentation to High Level Task Force on mental health and addiction*. [Online]. IPRT. Available from: <https://www.iprt.ie/latest-news/iprt-to-present-to-high-level-task-force-on-mental-health-and-addiction/>. [20 December 2021].
- 20 *Information obtained from the National Forensic Mental Health Service on 23<sup>rd</sup> December 2021*.
- 21 Ibid.
- 22 *Information obtained from the Irish Prison Service*.
- 23 Ibid.

planned around sentence management decisions i.e. readiness and other treatments required and the length of sentence.

A recent report by the Mental Health Commission (MHC) found that those in the prison system who are mentally ill often do not receive the treatment they need in order to recover.<sup>24</sup> The lack of diversion services was highlighted as a particular issue.

### Standard 14: Drug and alcohol treatments

In 2021, patients who wished to avail of drug treatment services in Irish prisons had access to counselling, treatment and training. However, there were limited harm reduction options available to people in prison. The primary harm reduction intervention in Irish prisons was in the form of consultations with healthcare professionals around drug use and the prescription, dispensing and administering of opioid substitution treatment.<sup>25</sup> Further to this, harm reduction education was carried out by the Irish Red Cross. However, people in Irish prisons had no access to needle exchange facilities or naloxone (except for on release from prison and in emergency situations).<sup>26</sup>

### Standard 32.1: Women in prison

In 2021, there were still no plans for an open prison for women. The development of a new facility for women in Limerick Prison is underway and due to be completed in Q2 of 2022.<sup>27</sup> According to the Minister for Justice, the design of the new women's prison has been based on international best practice, to support normalisation, rehabilitation and reintegration and will have a medium security level.

## Assessing the Operation of a Prison:

### Standard 6: Open prison provision

In 2021, there were still no plans to develop a new open prison in Dublin. However, according to the *National Development Plan 2021 – 2030*, the Government intends to upgrade, improve and provide additional capacity at the already established open prisons between 2022 and 2025.<sup>28</sup> IPRT will be monitoring the progress of this commitment.

### Standard 9: Single-cell accommodation

In 2021, 54% of people in custody in Irish prisons were accommodated in a single cell.<sup>29</sup> Mountjoy Male Prison maintained their standard of single-cell accommodation across the prison in 2021.<sup>30</sup> The Irish Prison Service reported having no designated policy on cell-sharing despite 46% of people in prison sharing cells.<sup>31</sup>

COVID-19 Thematic Inspection Reports by the Office of the Inspector of Prisons (OIP) highlighted that some prisoners were concerned about having to share a cell throughout quarantine due to health conditions and “*the stress of the unknown*” i.e. that the person with whom they are sharing a cell could have COVID-19.<sup>32</sup>

24 Mental Health Commission, (2021). *Access to Mental Health Services for People in the Criminal Justice System - Dr Susan Finnerty, Inspector of Mental Health Services With special support from Ms Patricia Gilheaney, Inspector of Prisons*. [Online]. MHC. Available from: <https://www.mhcirl.ie/publications/access-mental-health-services-people-criminal-justice-system>. [13 December 2021].

25 Kildare Street, (2021). *Written answers: Thursday, 25 November 2021 - Department of Justice and Equality Prison Service*. [Online]. Kildare Street. Available from: <https://www.kildarestreet.com/wrans/?id=2021-11-25a.818>. [20 December 2021].

26 Ibid

27 Houses of the Oireachtas, (2021). *National Development Plan - Dáil Éireann Debate*, Tuesday - 12 October 2021. [Online]. Available from: <https://www.oireachtas.ie/en/debates/question/2021-10-12/414/>. [20 December 2021].

28 Government of Ireland, (2021). *National Development Plan 2021-2030*. [Online]. Available from: <https://www.gov.ie/en/publication/774e2-national-development-plan-2021-2030/>. [14 October 2021]. P.154

29 Irish Prison Service (IPS), (2021). *Census Prison Population July 2021 – Cell occupancy – In-Cell Sanitation*. [Online]. IPS. Available from: [https://www.irishprisons.ie/wp-content/uploads/documents\\_pdf/July-2021-In-Cell.pdf](https://www.irishprisons.ie/wp-content/uploads/documents_pdf/July-2021-In-Cell.pdf). [20 December 2021].

30 Ibid

31 *Information provided by the Irish Prison Service on 18 November 2021 following a data request by IPRT*.

32 Office of the Inspector of Prisons (OIP), (2021). *Covid-19 Thematic Inspection of Limerick Prison*. [Online]. OIP. Available from: <https://www.OIP.ie/wp-content/uploads/2021/08/Limerick-Prison-COVID-19-Thematic-Inspection-Report-2021.pdf>. [13 December 2021]. P.31.

### Standard 16: Out-of-cell time

In 2021, the average out-of-cell time for prisoners in closed prisons (not including prisoners on restricted regimes or in solitary confinement) was less than 6 hours per day – this is just one hour more than those on restricted regimes and 50% less than the PIPS standard of 12 hours per day. The table below provides a breakdown of the average out-of-cell time for prisoners in each of the closed prisons:

Prison	Estimated daily average time out-of-cell for prisoners (excluding prisoners on a restricted regime) in 2021
Arbour Hill	8
Castlerea	5
Cloverhill	5.4
Cork	5
Limerick	8
Midlands	5.5
Mountjoy Male	4.5
Mountjoy Female	5
Portlaoise	6
Wheatfield	7
<b>Average Out-of-Cell Time</b>	<6

Census snapshot data for 2021 suggests an average of, 759 people (20% of the average number of people in custody) were held on a restricted regime, a 4% increase on 2020.<sup>33</sup> Published data for 2021 indicates that, at any time, between 166 and 298 people were held under Rule 103 relating to COVID-19 isolation and quarantine.<sup>34</sup> However, the majority (approx. 70%) were held under Rule 63 for reasons of protection.

### Standard 26: Solitary confinement

In 2021, an average of 317 people were held on either 22-hour (average of 156 people) or 23-hour (average of 161 people) lock-up.<sup>35</sup> Furthermore, in 2021, there was an average of 32 people on 24-hour lock up (ranging between 15 people and 74 people).<sup>36</sup> These figures are derived from snapshot data published by the IPS. Information on the number of people in prolonged solitary confinement (for more than 15 days) was not available.

In the COVID-19 Thematic Inspection reports published in 2021, the OIP expressed concern over people in prison being subject to de facto solitary confinement as a COVID-19 quarantine measure as they were confined for 23 hours or more each day and had less than two hours meaningful human contact. The Inspector reinforced that solitary confinement should not be used as a means to prevent transmission of COVID-19 in prisons when safer alternatives exist in the community.<sup>37</sup>

33 Irish Prison Service, (2017-2021). *Census of Restricted Regimes Reports (January to October 2021)*. [Online]. IPS. Available from: <https://www.irishprisons.ie/information-centre/statistics-information/census-reports/>. [14 January 2022]

34 Irish Prison Service (IPS), (2021). *Census of Restricted Regimes Report (January to October 2021)*. [Online]. IPS. Available from: <https://www.irishprisons.ie/information-centre/statistics-information/census-reports/>. [14 January 2022]. January 2021: 289 people under Rule 103; April 2021: 167 people under Rule 103; July 2021: 166 people under Rule 103; October 2021: 196 people under Rule 103.

35 Irish Prison Service (IPS), (2021). *Census of Restricted Regimes Reports (Jan to Oct 2021)*. [Online]. IPS. Available from: <https://www.irishprisons.ie/information-centre/statistics-information/census-reports/>. [14 January 2022].

36 Irish Prison Service (IPS), (2021). *Census of Restricted Regimes Reports (Jan to Oct 2021)*. [Online]. IPS. Available from: <https://www.irishprisons.ie/information-centre/statistics-information/census-reports/>. [14 January 2022].

37 Office of the Inspector of Prisons (OIP), (2021). *Covid-19 Thematic Inspection of Limerick Prison*. [Online]. OIP. Available from: <https://www.OIP.ie/wp-content/uploads/2021/08/Limerick-Prison-COVID-19-Thematic-Inspection-Report-2021.pdf>. [13 December 2021]. P.31.

## Ensuring the Focus is on Desistance

### Standard 11: Family contact

As of November 2021, 2,238 children had physically visited an adult in prison during 2021.<sup>38</sup> This represents an almost 80% decrease on the earlier stage of the pandemic, with 11,079 children physically visiting prison in 2020, despite information in August 2021 indicating that 71% of the prison population were fully vaccinated at this point.<sup>39</sup>

Physical visits were suspended from 23 December 2020 until July 2021. From July 2021, they were restored on a phased basis,<sup>40</sup> were shorter in duration, were limited to a maximum of two people including one child, and were non-contact only with additional restrictive measures such as screens and mask-wearing.<sup>41</sup> In 2021, the Irish Prison Service committed to the continuation and expansion of additional measures introduced during COVID-19 such as the provision of in-cell telephones and additional calls and video visits.<sup>42</sup> On 18 November 2021, all cells in Cork, Cloverhill, Castlerea and Limerick Prisons (excluding special observation cells and close supervision cells) were equipped with in-cell phones.<sup>43</sup>

### Standard 18: Life skills

There was no update published or received on the status of life skills courses in Irish prisons in 2021.

Information received from the IPS in November 2021 showed that fewer than 200 people had

access to communal dining across the prison estate (all 88 prisoners in Loughan House, all 92 prisoners in Shelton Abbey<sup>44</sup> and 17 prisoners in Wheatfield Prison), a regress on previous years.<sup>45</sup> According to the IPS, there are no plans to expand communal dining facilities across the estate.<sup>46</sup>

### Standard 20: Community engagement and involvement

The Probation Service made a commitment in its *Action Plan 2021–2023* to strengthen collaboration and engagement with statutory, voluntary and community partners.<sup>47</sup>

### Standard 19: Education

In November 2021, the participation rate in education in Irish prisons was 31.2%.<sup>48</sup> The participation rate in virtual education was not available.

In 2021, schools in prisons were closed from the beginning of January to mid-April due to COVID-19 national guidelines.<sup>49</sup> However, from the beginning of March 2021, teachers had access to students who were studying for the Leaving Certificate to support exam preparation. During the period in which schools were closed due to COVID-19, there were in-cell education services offered to some students. Literacy students were provided with material so that they could continue with their reading and writing skills and students engaged in the Junior/Leaving Certificate process or Open University courses were provided with educational materials to support their progression with their studies. Further to this, an in-cell TV channel was developed with short courses which had

38 Kildare Street, (2021). *Written answers: Wednesday, 24 November 2021 - Department of Justice and Equality*. [Online]. Kildare Street. Available from: <https://www.kildarestreet.com/wrans/?id=2021-11-24a.313> [20 December 2021].

39 The Irish Times, (2021). *Coronavirus: All prisoners have now been offered vaccine (14 August 2021)*. [Online]. The Irish Times. Available from: <https://www.irishtimes.com/news/crime-and-law/coronavirus-all-prisoners-have-now-been-offered-vaccine-1.4646541>. [20 December 2021].

40 Kildare Street, (2021). *Written answers: Wednesday, 24 November 2021 - Department of Justice and Equality*. [Online]. Kildare Street. Available from: <https://www.kildarestreet.com/wrans/?id=2021-11-24a.313>. [20 December 2021].

41 Irish Prison Service (IPS), (2021). *The Resumption of Physical Visits - September 14<sup>th</sup>, 2021*. [Online]. IPS. Available from: <https://www.irishprisons.ie/resumption-physical-visits/>. [20 December 2021].

42 Information received in a meeting between the *Action for Children and Families of Prisoners Network* and the Irish Prison Service on 8 September 2021

43 Information obtained from the Irish Prison Service on 18 November 2021.

44 There were 92 people in Shelton Abbey in November 2021. See, Irish Prison Service (IPS), (2021). *Irish Prison Service Monthly Information Note – November 2021*. [Online]. IPS. Available from: [https://www.irishprisons.ie/wp-content/uploads/documents\\_pdf/November-2021.pdf](https://www.irishprisons.ie/wp-content/uploads/documents_pdf/November-2021.pdf). [13 January 2022].

45 Information obtained from the Irish Prison Service on 18 November 2021.

46 Ibid.

47 The Probation Service, (2021). *Strategic Statement 2021-2023 Action Plan – Probation Works for Community Safety*. [Online]. DoJ. Available from: <https://www.justice.ie/en/JELR/Probation-Service-Strategy-Statement-2021-23.pdf/Files/Probation-Service-Strategy-Statement-2021-23.pdf>. [13 December 2021].

48 Information obtained from the Irish Prison Service on 18<sup>th</sup> November 2021.

49 Information obtained from the Irish Prison Service on 14<sup>th</sup> January 2022.

been created by teachers to support continued learning.<sup>50</sup>

In 2021, there were also a number of school closures across the prison estate due to staff shortages with the highest numbers of school closures related to staff shortages in Limerick Prison (30 days), Mountjoy Male Prison (30 days) and Mountjoy Progression Unit (19 days), based on information made available by the IPS.<sup>51</sup>

In 2021, the Mountjoy and Maynooth University (MJMU) partnership was launched by Minister for Justice, Helen McEntee TD and Minister for Further and Higher Education, Research, Innovation and Science, Simon Harris TD. This partnership aims to promote access to third-level education for people in prison and in turn, support their reintegration upon release.<sup>52</sup>

## Accountability Post-Release

### Standards 34 and 35: Reintegration

In November 2020, the Department of Justice in collaboration with the Probation Service and the Irish Prison Service, published the *Working to Change Social Enterprise Strategy – 2021–2023* which aims to increase access to employment for people with criminal convictions through social enterprise, general employment and entrepreneurship. The strategy underpins the importance of interdepartmental and interagency co-operation in achieving the goals of the strategy.<sup>53</sup>

In June 2021, the Criminal Justice (Rehabilitative Periods) Bill 2018 passed through the Seanad.<sup>54</sup> The next step is for the Bill to be considered, examined, and debated in the Dáil. Minister of State Hildegard Naughton stated “*in principle, the Government and the Minister are very supportive of the Bill and I note that this support is shared by all sides in this House*”.<sup>55</sup> If the Bill is passed through the Dáil in its current form, not only will thousands of people who have been impacted by minor old convictions benefit, but society will benefit from people who have previously been excluded from the workforce and from active participation in society across many fronts.

50 Ibid.

51 Ibid.

52 The Irish Times, (2021). *Prison university project to ‘bring third-level to those furthest away from it’*. (19 April 2021). [Online]. The Irish Times. Available from: <https://www.irishtimes.com/news/social-affairs/prison-university-project-to-bring-third-level-to-those-furthest-away-from-it-1.4541128> [13 December 2021].

53 Government of Ireland, (2020). *Working to Change: Social Enterprise and Employment Strategy 2021 – 2023*. [Online]. Gov.ie. Available from: <https://www.gov.ie/en/publication/76b9e-working-to-change-social-enterprise-and-employment-strategy-2021-2023/>. [20 December 2021].

54 Houses of the Oireachtas, (2021). *Seanad Éireann debate - Monday, 28 Jun 2021: Criminal Justice (Rehabilitative Periods) Bill 2018: Report and Final Stages*. [Online]. Houses of the Oireachtas. Available from: <https://www.oireachtas.ie/en/debates/debate/seanad/2021-06-28/17/>. [20 December 2021].

55 Ibid.

## Overall Progress 2017–2021

### Thematic Area 1: Monitoring the Use of Imprisonment

Standard	Theme	Assessment	Rationale
S2	Imprisonment as a Last Resort	<b>Regress</b>	The principle of imprisonment as a last resort has seen no legislative commitment. There has been a decrease in short-term sentences but no comparable increase in the use of Community Service Orders (CSOs). The average number of people in prison has risen since 2017.
S13	Mental Healthcare	<b>No Change</b>	There has been no improvement in the number of people awaiting transfer to the Central Mental Hospital. There has also been no improvement in the ratio of psychologists to people in prison. While the new High Level Task Force may increase the number of people with serious mental health issues being diverted from prison, they have yet to publish their high-level implementation plan.
S14	Drug and Alcohol Treatment	<b>No Change</b>	There is a consistent lack of data on drug and alcohol treatment options or harm reduction options available to people in prison.
S32.1	Women in Prison	<b>Mixed</b>	There has been a reduction in annual committals of women to prison. However, the average daily number of women in custody has increased. A step-down facility for women has been established but there is a consistent lack of data on the availability of gender-specific community sanctions and research on women in prison.

### Thematic Area 2: Assessing the Operation of the Prison

Standard	Theme	Assessment	Rationale
S6	Open Prison Provision	<b>No Change</b>	There has been no change in the provision of open prisons in Ireland and there is still no open prison facility for women.
S9	Single-Cell Accommodation	<b>Regress</b>	Despite COVID-19, the number of people in prison in single cells has remained largely the same. Despite continued cell-sharing across the estate, the IPS has no designated policy on cell-sharing.
S16	Out-of-Cell Time	<b>Regress</b>	There has been a reduction in out-of-cell time for all people in prison and an increase in people held on a restricted regime. There is also a lack of information on educational, vocational, and work programmes for people in prison.
S26	Solitary Confinement	<b>Regress</b>	The number of people in prison on 22–24-hour lock-up has increased. There is a lack of data on the lengths of time that people in prison are held in solitary confinement.

### Thematic Area 3: Ensuring the Focus is on Desistance

Standard	Theme	Assessment	Rationale
S11	Family Contact	Mixed	There have been some improvements in child-friendly visiting conditions in prisons. Weekend visiting hours are available across some of the prison estate. COVID-19 has led to an increase in the use of video and phone calls, but a decrease in in-person visits. There is still a lack of support for children affected by parental imprisonment.
S18	Life Skills	Mixed	A number of Independent Living Skills Units have been provided in prisons. However, there has been a decrease in access to communal dining for people in prison.
S19	Education	Insufficient Data	Participation rates in education have fluctuated, with a decrease in in-person participation. There is little information on access to education for those on restricted regimes, or for prisoners completing higher education.
S20	Community Engagement and Involvement	Mixed	A number of external community-linked projects have been put in place in prisons, but there is insufficient data on the number of these operating across the prison estate, or how they have been affected by COVID-19.

### Thematic Area 4: Supporting Return to the Community

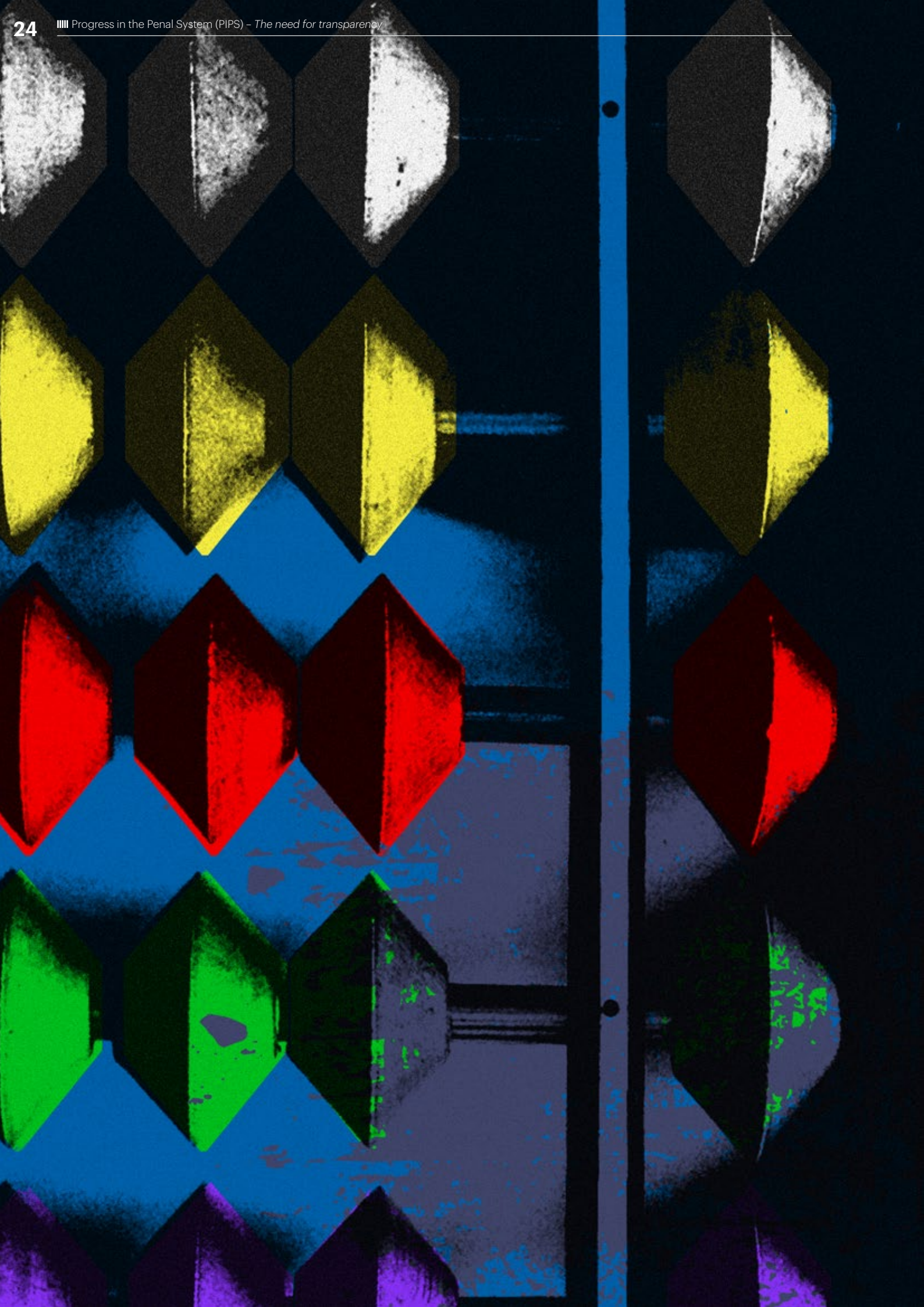
Standard	Theme	Assessment	Rationale
S34 /S35	Reintegration	Progress	There has been some progress in the expansion of spent convictions legislation. Improvements have also been seen in terms of reintegration, with medical card applications encouraged before release, and an education and training pilot scheme in the works. However, concerns around issues such as housing provision and mental health services post-release remain.

## The 35 PIPS Standards

<b>Standard 1:</b>	Penal policy is continually monitored, implemented, evaluated and evolving.
<b>Standard 2:</b>	Imprisonment is used as a last resort. This principle is enshrined in domestic legislation, with focus on the promotion and proportionate use of alternatives to custody.
<b>Standard 3:</b>	Every closed prison is operating at least 10% below its recommended maximum capacity.
<b>Standard 4:</b>	Each prison is limited to a maximum prisoner population of 250.
<b>Standard 5:</b>	Prisoners are detained in the least restrictive prison security setting, as determined through risk assessment.
<b>Standard 6:</b>	Open prisons comprise 30% of the prison estate.
<b>Standard 7:</b>	Every prisoner is treated with respect, dignity and humanity and has access to decent living conditions.
<b>Standard 8:</b>	Every prisoner has 24-hour access to toilet facilities that respect the dignity and privacy of the individual.
<b>Standard 9:</b>	Every prisoner has access to single-cell accommodation.
<b>Standard 10 (Updated):</b>	Pre-trial detention as an exceptional measure.
<b>Standard 11:</b>	Every prisoner is encouraged and facilitated to maintain positive family and close, significant relationships.
<b>Standard 12:</b>	The healthcare needs of individual prisoners are met. Every prisoner has access to healthcare that goes beyond the 'equivalence of care' principle, with a full range of preventative services and continuity of healthcare in the community.
<b>Standard 13:</b>	People with serious mental health issues are diverted from the prison system and receive the appropriate treatment and supports in a timely manner.
<b>Standard 14:</b>	People with drug and alcohol addictions are diverted from the criminal justice system to receive appropriate treatment. Where imprisonment is the only appropriate response, treatment must be made available within prison, with a continuum of care upon release.
<b>Standard 15:</b>	A prisoner's right to privacy, and that of his/her family members, is respected and protected.
<b>Standard 16:</b>	Every prisoner is unlocked for a minimum of 12 hours per day, including a minimum of five hours per day engaged in structured meaningful activity for five days a week.
<b>Standard 17:</b>	Every prisoner and his/her family members, where desired, are facilitated and actively involved in his/her sentence planning from the beginning of sentence through to the point of release.
<b>Standard 18:</b>	Prisoners are encouraged and facilitated to develop and maintain life skills and assume personal responsibility while in prison.
<b>Standard 19:</b>	Every prison provides each prisoner with access to a wide range of educational activities that meet the individual's needs and interests and take into account their aspirations.



<b>Standard 20:</b>	Civil society access to prisons is encouraged and there are opportunities for prisoners to participate and engage in the community through structured forms of temporary release.
<b>Standard 21:</b>	Prisoners are encouraged to engage with their political and civic rights.
<b>Standard 22:</b>	Prisoners have access to a robust and effective complaints mechanism. All complaints are dealt with in a timely manner, and the outcome of a decision is clearly communicated to the prisoner, with a satisfactory resolution if the complaint is upheld.
<b>Standard 23:</b>	Prisoners have access to an external, independent complaints and appeal mechanism, including access to a prisoner ombudsman or equivalent.
<b>Standard 24:</b>	Structures are in place for the regular inspection and monitoring of prisons. Inspection reports are made publicly available within a clear timeframe.
<b>Standard 25:</b>	The death of, or serious incident involving, a prisoner is investigated by an independent body immediately, and the investigation report published promptly.
<b>Standard 26:</b>	Solitary confinement is used as a last resort and only in exceptional circumstances. It is used for the shortest period possible, and for a maximum of 15 days. Reasons for and lengths of time a prisoner is held in solitary confinement must be recorded.
<b>Standard 27:</b>	Prisoners and everyone in the prison system feel safe and protected from violence in the prison environment.
<b>Standard 28:</b>	The health and welfare of prisoners is prioritised while they are under escort.
<b>Standard 29:</b>	All staff receive relevant ongoing training and supports in order to effectively carry out their duties to a high standard.
<b>Standard 30:</b>	Good relationships between management, staff and prisoners are facilitated and encouraged. Management ensures that a positive working culture is created in the prison.
<b>Standard 31:</b>	Prison protocols emphasise de-escalation and conflict resolution approaches. Use of force and restraint are a measure of last resort.
<b>Standard 32:</b>	Management in the prison system takes a proactive approach towards protecting anyone who is at risk of discrimination due to their age, gender, ethnicity, sexuality, disability or other.
<b>Standard 32.1:</b>	A gender-sensitive approach should be adopted across the criminal justice system to respond to the distinct needs of women who offend. Women have a unique set of needs that require a distinct set of responses.
<b>Standard 33:</b>	The parole system is fair, transparent and removed from political control.
<b>Standard 34:</b>	All prisoners have comprehensive preparation and structured plans for release. National policy and legislation provide for a structured release system.
<b>Standard 35:</b>	Protocols are in place for inter-agency co-ordination in order to ensure the successful reintegration of prisoners on release.



## CHAPTER 1:

# Monitoring the Use of Imprisonment

While Ireland's imprisonment rate is lower than the European median, Ireland's rate of admissions to and releases from prison is higher, indicating that many people are being admitted on short sentences.<sup>56</sup> For example, in 2020 the majority, 78%, of committals under sentence to prison in Ireland were for a relatively short period of imprisonment, with sentences of less than 12 months.<sup>57</sup> It is likely that, in many cases, these people should and could have been given non-custodial sanctions.

Overcrowding in Irish prisons remains an ongoing issue and one that is in a constant state of flux.<sup>58</sup> It is also clear that overcrowding is a risk if the courts continue to commit men and women to short-term custody. Overcrowding in Irish prisons undermines the ability of the IPS to meet basic standards in the provision of accommodation, healthcare, mental healthcare and appropriate prison regimes, to name a few. IPRT maintains that reducing the prison population will have a positive ripple effect on other aspects of prison life ensuring that these standards are not just met but surpassed.

At the beginning of PIPS in 2017, IPRT set the goal for Ireland to reduce its prison population from 79 per 100,000 to 50 per 100,000.<sup>59</sup> This goal, ambitious but achievable, would position Ireland as the country with the lowest imprisonment rate

in Europe – with dividends for communities and public safety. Between 2017 and 2020, there has been a lot of fluctuation in Ireland's imprisonment rate, increasing steadily between 2017<sup>60</sup> and 2020.<sup>61</sup> As of the third quarter of 2021, Ireland's imprisonment rate has decreased to 76 per 100,000. However, this is still nowhere near the goal set by PIPS in 2017.

This chapter highlights the key standards which, if met and surpassed, could have a significant and positive impact in reducing Ireland's prison population. However, in order to address key issues under each of the standards, there needs to be increased transparency in data and information around the use of imprisonment in Ireland, particularly for groups of people such as people imprisoned for less-serious, non-violent offences; people with mental health issues; people with addiction issues; women; and minority groups. This chapter highlights how data deficiencies are hindering progress in how imprisonment is used in Ireland.

56 Council of Europe (CoE), (2020). *Council of Europe Annual Penal Statistics – Prison Populations – SPACE I 2020*. [Online]. CoE. Available from: [https://wp.unil.ch/space/files/2021/04/210330\\_FinalReport\\_SPACE\\_I\\_2020.pdf](https://wp.unil.ch/space/files/2021/04/210330_FinalReport_SPACE_I_2020.pdf). [16 November 2021].

57 Irish Prison Service (IPS), (2020). *Irish Prison Service Annual Report*. [Online]. [IPS]. Available from: [https://www.justice.ie/en/JELR/IPS\\_Annual\\_Report\\_2020.pdf/Files/IPS\\_Annual\\_Report\\_2020.pdf](https://www.justice.ie/en/JELR/IPS_Annual_Report_2020.pdf/Files/IPS_Annual_Report_2020.pdf). [15 November 2021]. P.34.

58 See for example recent Census figures from July 2021, which show that 195 people in Cloverhill Prison were being accommodated in a triple cell, despite warnings from the CPT that such cells should house two prisoners at most, see: IPS, (2021). *Census Prison Population July 2021 – Cell occupancy – In-Cell Sanitation*. [Online]. IPS. Available from: [https://www.irishprisons.ie/wp-content/uploads/documents\\_pdf/July-2021-In-Cell.pdf](https://www.irishprisons.ie/wp-content/uploads/documents_pdf/July-2021-In-Cell.pdf). [3 December 2021]; and Council of Europe (CoE), (2020). 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. [Online]. CoE. Available from: <https://rm.coe.int/1680a078cf>. [16 November 2021]. P.38-39. By contrast, reports from other agencies indicate that Ireland's prison density is relatively low, see Council of Europe (CoE), (2020). *Council of Europe Annual Penal Statistics – Prison Populations – SPACE I 2020*. [Online]. CoE. Available from: [https://wp.unil.ch/space/files/2021/04/210330\\_FinalReport\\_SPACE\\_I\\_2020.pdf](https://wp.unil.ch/space/files/2021/04/210330_FinalReport_SPACE_I_2020.pdf). [16 November 2021].

59 Irish Penal Reform Trust (IPRT), (2017). *Progress in the Penal System: A Framework for Penal Reform*. [Online]. IPRT. Available from: [https://www.iprt.ie/site/assets/files/6431/progress\\_in\\_the\\_penal\\_system\\_compressed\\_.pdf](https://www.iprt.ie/site/assets/files/6431/progress_in_the_penal_system_compressed_.pdf). [16 November 2021].

60 Ireland's Imprisonment Rate stood at 76 per 100,000 in 2017 and 80 per 100,000 in 2018 see, World Prison Brief (WPB), (2021). *Ireland, Republic of – World Prison Brief Data*. [Online]. WPB. Available From: <https://www.prisonstudies.org/country/ireland-republic>. [16 November 2021].

61 Ireland's Imprisonment Rate stood at 81.2 per 100,000 in 2019 and 81.6 per 100,000 in 2020 see, Statista, (2021). *Incarceration rate in Ireland 2008-2020*. [Online]. Statista. Available from: <https://www.statista.com/statistics/1022642/incarceration-rate-in-eire/>. [16 November 2021].

## Standard 2: Imprisonment as a last resort

**Standard 2:**  
Imprisonment is used as a last resort. This principle is enshrined in domestic legislation, with focus on the promotion and proportionate use of alternatives to custody.

Prison is damaging to the individual as well as their families and wider communities. Imprisonment can lead to family breakdown<sup>62</sup> and can in many circumstances perpetuate the cycle of poverty and social exclusion which lead an individual to engage in criminal behaviour in the first place.<sup>63</sup>

Prison also creates barriers to accessing social supports such as housing and employment which are pivotal in reintegration and rehabilitation.<sup>64</sup> Short-term sentences have been shown to be particularly ineffective in deterring further crime insofar as exposing an individual to a chaotic transition into prison and back to the community over a short period is disruptive and challenging.<sup>65</sup> IPRT firmly endorses the use of

community sanctions over prison sentences. In contrast to prison sentences, community sanctions can provide people with a sense of purpose, heightened self-esteem and an opportunity to make a contribution to their communities or in some way “pay back” for any harm that they have caused.<sup>66</sup>

As well as being more beneficial to the individual, family, and wider community, community sanctions are also significantly less expensive than the cost of imprisonment.<sup>67</sup>

### ► Indicators for Standard 2

PIPS sets out the following indicators to measure progress under *Standard 2 – Imprisonment as a Last Resort*:

- 2.1** Principle of imprisonment as a last resort enshrined in domestic legislation
- 2.2** Committals under sentence of less than 12 months, excluding fines
- 2.3** Daily average number of prisoners in custody
- 2.4** The use of alternatives to custody as a substitute for short-term sentences

62 For example, we know that having a parent in prison is recognised as one of the ten Adverse Childhood Experiences (ACEs) which can have a lasting impact on people into adulthood, see Children of Prisoners Europe (COPE), (2019). *Adverse Childhood Experiences: A Briefing Paper*. [Online]. COPE.

Available from: [https://childrenofprisoners.eu/wp-content/uploads/2019/09/ACEs\\_briefing.pdf](https://childrenofprisoners.eu/wp-content/uploads/2019/09/ACEs_briefing.pdf) [21 July 2021]

63 Irish Penal Reform Trust (IPRT), (2012). *The Vicious Circle of Social Exclusion and Crime: Ireland's Disproportionate Punishment of the Poor*. [Online]. IPRT. Available from: [https://www.iprt.ie/site/assets/files/6264/position\\_paper\\_final.pdf](https://www.iprt.ie/site/assets/files/6264/position_paper_final.pdf) [21 July 2021].

Indeed imprisonment has been proven in many cases to have a criminogenic effect, see Cullen, F.T., Jonson, C.L. Nagin, D.S. (2011). Prisons Do Not Reduce Recidivism: The High Cost of Ignoring Science. *The Prison Journal*, 91(3): 48-65; Hamilton, M., (2021). *The Effectiveness of Sentencing Options: A Review of Key Research Findings*. [Online]. Sentencing Academy. Available from: <https://sentencingacademy.org.uk/wp-content/uploads/2021/04/The-Effectiveness-of-Sentencing-Options.pdf> [21 July 2021].

64 Council of Europe Development Bank (CEB), 2019. *Thematic Review - Doing More with Less: Prisoner Rehabilitation in Ireland*. [Online]. CEB.

Available from: [https://coebank.org/media/documents/Doing\\_More\\_with\\_Less\\_Prisoner\\_Rehabilitation\\_in\\_Ireland.pdf](https://coebank.org/media/documents/Doing_More_with_Less_Prisoner_Rehabilitation_in_Ireland.pdf) [21 July 2021].

65 Cracknell, M. (2018) 'Post-release reforms for short prison sentences: Re-legitimising and widening the net of punishment', *Probation Journal*, 65 (3): 302-315. <https://doi.org/10.1177%2F0264550518776779>

66 O'Hara, K. (2016). *Examining the comparative use, experience, and outcomes of community service orders as alternatives to short prison sentences in Ireland*. [Online]. College of Arts and Tourism School of Languages, Law and Social Sciences Dublin Institute of Technology.

Available from: [https://www.drugsandalcohol.ie/27991/2/KOH\\_Community\\_Service\\_In\\_Ireland\\_PhD\\_THESIS.pdf](https://www.drugsandalcohol.ie/27991/2/KOH_Community_Service_In_Ireland_PhD_THESIS.pdf) [13 July 2021]. P.192.

67 For example, in 2020, there were 162,829 hours worked through CSOs in lieu of 593 years in prison and a total €1.6 million worth of unpaid work carried out which benefited communities nationwide, see The Probation Service, (2020). *Probation Service Annual Report 2020*. [Online]. The Probation Service.

Available from: [http://www.justice.ie/en/JELR/IPS\\_Annual\\_Report\\_2020.pdf/Files/IPS\\_Annual\\_Report\\_2020.pdf](http://www.justice.ie/en/JELR/IPS_Annual_Report_2020.pdf/Files/IPS_Annual_Report_2020.pdf) [21 July 2021]. P.3. Also, the cost of an “available, staffed prison space” was 2020, €80,445, see Irish Prison Service (IPS), (2020). *Irish Prison Service Annual Report 2020*. [Online]. IPS.

Available from: [https://www.justice.ie/en/JELR/IPS\\_Annual\\_Report\\_2020.pdf/Files/IPS\\_Annual\\_Report\\_2020.pdf](https://www.justice.ie/en/JELR/IPS_Annual_Report_2020.pdf/Files/IPS_Annual_Report_2020.pdf). [16 November 2021]. P.12.

### Overall status of progress under *Standard 2 – Imprisonment as a Last Resort* since 2017:

2017	2018	2019	2020	Overall Status 2021
Standard Set	Regress	Regress	Mixed	Regress

#### Reviewing the Indicators:

##### 2.1 Principle of imprisonment as a last resort enshrined in domestic legislation

No Change

Since the establishment of PIPS in 2017, there has been no progress in enshrining the principle of imprisonment as a last resort into domestic legislation. This is despite the PPRG recommending that “*imprisonment be regarded as a sanction of last resort*” as far back as 2014,<sup>68</sup> as well as repeated calls by PIPS to enact this recommendation. In the most recent Department of Justice Statement of Strategy 2021-2023, a commitment to the use of “*alternative community-based sanctions to prison*” has been made.<sup>69</sup> Although this commitment is a positive step in the right direction, there has yet to be any official commitment to the principle of imprisonment as a last resort in Ireland.

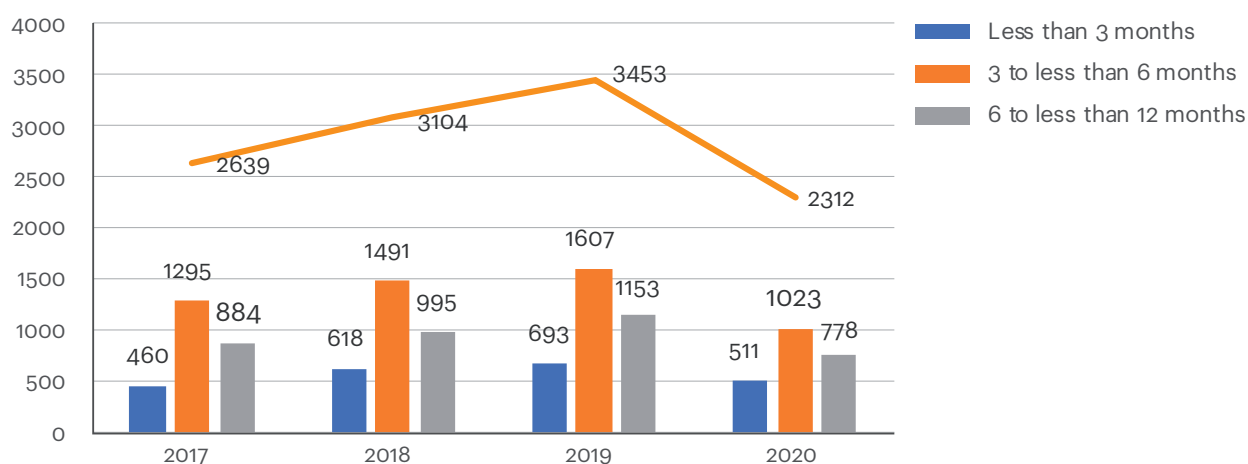
##### 2.2 Committals under sentence of less than 12 months, excluding fines

Progress

Since 2017, PIPS has measured progress on the use of imprisonment as a last resort by examining the percentage of short sentences (excluding committals for non-payment of a court-ordered fine) of less than 12 months handed out on an annual basis. There has been some fluctuation, as displayed in the chart below.<sup>70</sup>

Between 2017 and 2019, there was a steady increase (approximately 31%) in committals on sentences of less than 12 months. Within this figure, there was also a 31% increase in committals on sentences of less than 6 months. This is despite repeated recommendations within PIPS 2017-2020 calling for the imposition of CSOs in the place of sentences of less than 12 months. This was also recommended by the Oireachtas Joint

#### Annual Committals Under Sentence of Less than 12 Months



68 The Department of Justice (DoJ), (2014). *Strategic Review of Penal Policy, Final Report*. [Online]. Department of Justice. Available from: <http://www.justice.ie/en/JELR/Strategic%20Review%20of%20Penal%20Policy.pdf/Files/Strategic%20Review%20of%20Penal%20Policy.pdf> [21 July 2021] P.9

69 The Department of Justice (DoJ), (2021). *A Safe, Fair and Inclusive Ireland Statement of Strategy 2021 – 2023*. [Online]. DoJ. Available from: [http://www.justice.ie/en/JELR/Department\\_of\\_Justice\\_Strategy\\_Statement\\_2021\\_-\\_2023.pdf/Files/Department\\_of\\_Justice\\_Strategy\\_Statement\\_2021\\_-\\_2023.pdf](http://www.justice.ie/en/JELR/Department_of_Justice_Strategy_Statement_2021_-_2023.pdf/Files/Department_of_Justice_Strategy_Statement_2021_-_2023.pdf) [21 July 2021]. P.17.

70 Information from chart obtained from Irish Prison Service (IPS), (2017 – 2020), *Irish Prison Service Annual Report*. [Online]. IPS. Available from: <https://www.irishprisons.ie/information-centre/publications/annual-reports/>. [16 November 2021]. *Figures on chart represent numbers committed on sentence in each year excluding fine defaulters, see P. 27 of IPS Annual Report 2017; P. 25 of IPS Annual Report 2018; P.25 of IPS Annual Report 2019; P.31 of IPS Annual Report 2020. Language used in the Annual Report 2020 is slightly different to previous years, however, we have taken the figures to refer to the same metric.*

Committee on Justice and Equality in their 2018 *Report on Penal Reform and Sentencing*.<sup>71</sup>

The graph also demonstrates that there was a 33% decrease (3,453 to 2,312) in committals on sentences of less than 12 months between 2019 and 2020. While this suggests progress on this indicator, the reduction is a result of the COVID-19 pandemic rather than being linked to any long-term policy change. Nonetheless, IPRT views this short window of change as somewhat of an achievement and calls on all criminal justice stakeholders, from legislators to the judiciary, to maintain this reduction in the numbers of committals to prison under short sentences.

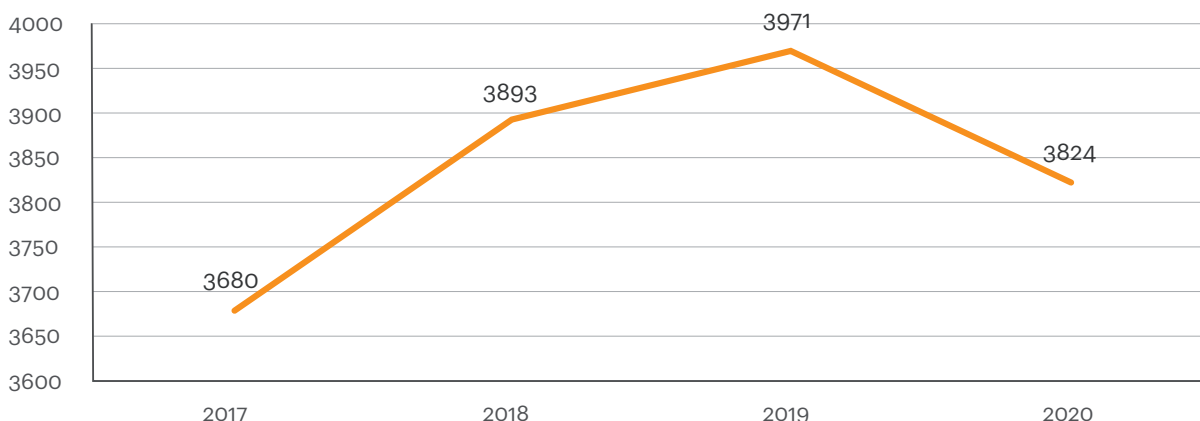
Another accomplishment, although short-lived, during this review period was the 79.8% decrease in committals to prison for non-payment of fines between 2017 and 2018. This dramatic decrease

was linked to the commencement of the Fines (Payment and Recovery) Act 2014.<sup>72</sup> Regrettably, numbers began to gradually increase again thereafter.<sup>73</sup> However, this window of significant and rapid change highlights how policy and legislation, when implemented properly, can have a profound impact on the prison population.

**2.3 Daily average number of prisoners in custody** | **Regress**

As demonstrated by the graph below, between 2017 and 2019, there was a steady increase by some 8% in the daily average number of people in custody.<sup>74</sup> This figure took a dip in 2020, with a 3.7% decrease in the average number of prisoners between 2019 and 2020. In 2021, the daily average number of people in custody was 3794, which indicates a further slight decrease of less than 1%.<sup>75</sup> Nonetheless, the figure remains higher than in 2017, which points to overall regress on this indicator.

**Daily Average Number of Prisoners in Custody**



71 Houses of the Oireachtas, (2018). *Joint Committee on Justice and Equality Report on Penal Reform and Sentencing May 2018*. [Online]. Houses of the Oireachtas. Available from: [https://data.oireachtas.ie/ie/oireachtas/committee/dail/32/joint\\_committee\\_on\\_justice\\_and\\_equality/reports/2018/2018-05-10\\_report-on-penal-reform-and-sentencing\\_en.pdf](https://data.oireachtas.ie/ie/oireachtas/committee/dail/32/joint_committee_on_justice_and_equality/reports/2018/2018-05-10_report-on-penal-reform-and-sentencing_en.pdf) [13 July 2021].

72 Department of Justice (DoJ), (2019). *Minister Flanagan publishes Irish Prison Service Annual Report 2018*. [Online]. DoJ. Available From: <https://www.justice.ie/en/JELR/Pages/PR19000162>. [16 November 2021].

73 "After some years of decline following the introduction of the Fines (Payment and Recovery) Act 2014, there has been an almost doubling of the number of committals for the non-payment of court ordered fines, from 455 in 2018 to 861 in 2019.", see, Irish Prison Service (IPS), (2019). *Irish Prison Service Annual Report 2019*. [Online]. IPS. Available from: [https://www.irishprisons.ie/wp-content/uploads/documents\\_pdf/IPS-Annual-Report-2019-Web.pdf](https://www.irishprisons.ie/wp-content/uploads/documents_pdf/IPS-Annual-Report-2019-Web.pdf). [16 November 2021]. P.25.

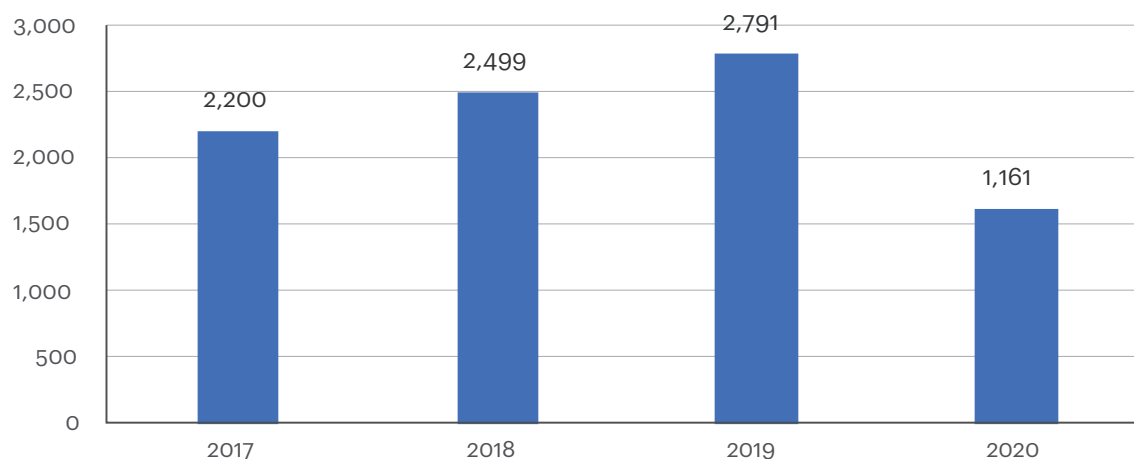
74 See heading, 'Daily Average Number of People in Custody', Irish Prison Service (IPS), (2017 – 2020), *Irish Prison Service Annual Report*. [Online]. IPS. Available from: <https://www.irishprisons.ie/information-centre/publications/annual-reports/>. [16 November 2021]. (P. 29 of IPS Annual Report 2017; P. 26 of IPS Annual Report 2018; P.25 of IPS Annual Report 2019; P.31 of IPS Annual Report 2020).

75 The figure of 3,794 for average number of people in custody was obtained by calculating the average of the monthly averages of people in custody. See, Irish Prison Service (IPS), (2021). *Irish Prison Service Monthly Information Note January – December 2021* [Online]. IPS. Available from: <https://www.irishprisons.ie/information-centre/statistics-information/monthly-information-note/> [14 January 2022].

## 2.4 Use of alternatives to custody as a substitute for short-term prison sentences

Regress

### The Number of Community Service Orders Imposed



As demonstrated by the chart above, between 2017–2019, the number of CSOs managed in the community increased by approximately 27% (from 2,200 to 2,791).<sup>76</sup> However, by the end of 2020 the number of CSOs managed in the community had decreased overall (from 2017 to 2020) by approximately 47% (to 1,161).<sup>77</sup> According to the *Probation Service Annual Report 2020*, the reduction in the number of CSOs can be attributed to the impact of COVID-19, as the pandemic affected the flow and volume of referrals from the courts system. The operation of community service was also affected by the pandemic as it relies heavily on group-based, on-site activity which was negatively impacted by social distancing requirements and restrictions on indoor working. The most recently available figures from the Probation Service suggest that the number of CSOs being managed has increased slightly (to 2,024 in December 2021);<sup>78</sup> however, this is still fewer than the numbers of CSOs seen in 2017.

As is evident from the above figures, despite legislation being in place in the form of the Criminal Justice (Community Service) (Amendment) Act 2011, as well as recommendations made in successive editions of PIPS (2017–2020), more short-term

custodial sentences of less than 12 months are handed down by the courts every year than CSOs. There has not been a comparable increase in the use of CSOs to coincide with a reduced use of short-term custodial sanctions, which raises questions around the court's confidence in their effectiveness.

### Areas of Insufficient Data

#### Committals Data:

The IPS provides information relating to committals to prison on a monthly and annual basis. While information is provided on the number of persons committed and the number of committals, the number of repeat committals are not represented in this data. Data on repeat committals helps us to understand the full impact of recidivism on the prison population and on the community, and target interventions. The Central Statistics Office *Prison Reoffending Statistics 2011 to 2018* report that 47% of prisoners released in 2018 re-offended within one year.<sup>79</sup> Court outcomes for these people should be tracked.

There has been discussion in Ireland around the

76 The Probation Service, (2017-2019). *Probation Service Annual Report*. [Online]. The Probation Service. Available from: <http://www.probation.ie/EN/PB/sectionpage?readform>. [16 November 2021]. (see, P. 12 in 2017 annual report; P.8 in 2018 annual report; P. 6 in 2019 annual report; P.3 in 2020 annual report).

77 Ibid.

78 The Probation Service, (2021). *Point in Time Statistical Update 1 December 2021*. [Online]. The Probation Service. Available from: [http://www.probation.ie/EN/PB/O/31501CCE2414B1FB802587AC00436F6B/\\$File/Web%20Report%20Caseload%20End%20November%202021.pdf](http://www.probation.ie/EN/PB/O/31501CCE2414B1FB802587AC00436F6B/$File/Web%20Report%20Caseload%20End%20November%202021.pdf). [16 December 2021].

79 Central Statistics Office (CSO), (2021). *Prison Re-offending Statistics 2011- 2018*. [Online]. CSO. Available from: <https://www.cso.ie/en/releasesandpublications/ep/p-pros/prisonre-offendingstatistics2011-2018/>. [16 November 2021].

development of a unique identifier (or similar) for each individual that is represented in the criminal justice database to help effectively monitor criminal justice data, in the case of the example above, repeat committals.

A unique identifier would track the outcomes for all people in the criminal justice system and allow for the evaluation of specific criminal justice interventions based on their efficacy. For example, if an individual has been committed to prison on a short sentence more than once in a year, this might tell us that a custodial sentence has not been effective in preventing their re-offending in the community, therefore other interventions should be considered. A unique identifier would allow all stakeholders involved in the criminal justice process, from the Courts Service and IPS to the Probation Service, to link-up data and co-ordinate a response to each person who comes into contact with the criminal justice system. Any such system would of course need to be subject to rigorous safeguards and compliant with relevant human rights and data protection laws.

Work appears to be ongoing in the Department of Justice to improve the management of data across the criminal justice system. IPRT understands that this may be addressed in the forthcoming Criminal Justice Sector Strategy and urges that this strategy is published without delay.<sup>80</sup>

### The Use of Alternatives to Prison:

Probation Service annual reports provide information pertaining to the number of CSOs handed down each year. However, there is no information given within the reports, or elsewhere, as to why a CSO was or was not handed down by the courts. Despite legislation in the form of the Criminal Justice (Community Service) (Amendment) Act 2011, short sentences are regularly imposed by the courts instead of CSOs and there is a lack of transparency as to why this is the case. In January 2021, at the launch of PIPS 2020, Secretary General of the Department of Justice, Oonagh McPhillips, highlighted that the Department planned to review the impact of the Criminal Justice (Community

Service) (Amendment) Act 2011 and the use of short custodial sentences, particularly in regards to the impact on women who appear before the courts.<sup>81</sup> To date there has been no substantive update on the status or outcomes of this review.

### Sentencing:

In 2020, IPRT welcomed the establishment of the Sentencing Guidelines and Information Committee (SGIC) per section 23 of the Judicial Council Act 2019.<sup>82</sup> Establishment of a sentencing body with responsibility for devising sentencing guidelines was recommended by the PPRG as far back as 2014.<sup>83</sup> The functions of the SGIC include drafting and amending sentencing guidelines, monitoring the use of sentencing guidelines, and gathering and collating data on imposed sentences.

### Data Expectations:

In line with the above issues pertaining to gaps in information and data on sentencing decisions, particularly at District Court level, PIPS sets the following data expectations:

- The Irish Prison Service should, when providing information on the number of committals, consider how it might provide specific information on the number of repeat committals seen in the specified period.
- The Courts Service should examine the possibility of improving record-keeping regarding the decisions made by judges, so that they have access to the reasons (in writing) why a short sentence or CSO was handed down. These records should be retained and catalogued, with a view to consolidating and publishing that information in an appropriate format.
- The Department of Justice should publish its planned review of the impact of the Criminal Justice (Community Service) (Amendment) Act 2011 and the use of short custodial sentences without further delay. This review should be comprehensive and include the base data on which the review was conducted (that

80 Information obtained from data request to the Department of Justice on 13 January 2022.

81 Department of Justice (DoJ), (2020). Keynote address by Secretary General Oonagh McPhillips at the launch of "Progress in the Penal System 2020". [Online]. DoJ. Available from: [https://www.justice.ie/en/JELR/Pages/Keynote\\_address\\_by\\_Secretary\\_General\\_Oonagh\\_McPhillips\\_at\\_the\\_launch\\_of\\_Progress\\_in\\_the\\_Penal\\_System\\_2020](https://www.justice.ie/en/JELR/Pages/Keynote_address_by_Secretary_General_Oonagh_McPhillips_at_the_launch_of_Progress_in_the_Penal_System_2020). [16 November 2021].

82 Section 23 of the Judicial Council Act 2019, available at: <https://www.irishstatutebook.ie/eli/2019/act/33/section/23/enacted/en/html#sec23>. Information on the SGIC is available from: <https://judicialcouncil.ie/sentencing-guidelines-and-information-committee/>

83 Department of Justice (DoJ), (2014). *Strategic Review of Penal Policy*. [Online]. DoJ. Available from: <https://www.justice.ie/en/JELR/Strategic%20Review%20of%20Penal%20Policy.pdf/Files/Strategic%20Review%20of%20Penal%20Policy.pdf>. [16 November 2021]. See, Recommendation 36: "The Review Group is strongly of the view that the availability of information on sentencing and precedents needs to be improved. In this regard the Review Group supports the valuable work commenced by the Judiciary through the Irish Sentencing Information System (ISIS). The Group also recommends that the Central Statistics Office, in consultation with the Courts Service and the Judiciary, be requested to produce information on sentencing outcomes with a view to providing public information and informing policy development." P. 102.



data being consolidated and published in an appropriate format).

- The Department of Justice should publish the forthcoming Criminal Justice Sector Strategy urgently with the commitment to developing a model that will enable improved recording, sharing and use of data between criminal justice agencies. This model would enable the agencies to better track and support an individual's journey through the criminal justice system and inform better outcomes.
- The SGIC should provide information to the public on its proposals for sentencing data collation and analysis, with a view to eventually publishing regular and updated information on sentencing trends in Ireland.

***"I'm going off my experience with my father... looking at all me brothers getting locked up. He thought if they get locked up, its great it's a bit of peace, you don't have peace, because you're worried about them in there... and they always came out worse than what they were when they went in..."***

## Standard 13: Mental healthcare

**Standard 13:  
People with serious mental health issues are diverted from the prison system and receive the appropriate treatment and supports in a timely manner.**

Mental health issues are highly prevalent in prison populations worldwide.<sup>84</sup> While many people experiencing mental health issues end up in prison as a result of prisons being used as “dumping grounds for people with mental disorders”,<sup>85</sup> the prison environment itself can both create and exacerbate existing mental health issues.<sup>86</sup> IPRT is strongly of the view that prisons are the wrong place for people in need of mental healthcare and that mechanisms must be introduced to divert people with serious mental health issues away from the criminal justice system entirely. This principle is echoed by human rights instruments.<sup>87</sup>

Mental healthcare has been a recurring spotlight issue across previous PIPS editions. This year, we continue to spotlight the issue of mental health, however, we emphasise the urgent need to situate this standard specifically in the

discussion around diversion. While more up-to-date research on the prevalence of mental health issues among prisoners on entry to prison (both remand and sentenced) is required, Irish studies have highlighted that as many as 20% of male committals and 32% of female committals needed to be seen by a psychiatrist.<sup>88</sup> A more recent study states that current data, while incomplete, suggests that the prevalence of people in prison with severe mental illness is four times that of the general population.<sup>89</sup> There are numerous examples of people ending up in contact with the criminal justice system as a result of mental health issues, with the system being left to “pick up all the pieces”.<sup>90</sup>

In 2021 the Mental Health Commission published a report, *Access to Mental Health Services for People in the Criminal Justice System*, which confirms that the treatment of mentally ill prisoners in Irish prisons remains a significant issue.<sup>91</sup> IPRT endorses the findings and recommendations contained in this report, particularly in regards the need for a comprehensive, nationwide pre-arrest and court diversion service. There is an urgent need to develop measures to ensure the diversion of mentally ill people away from prison and towards appropriate supportive environments.

- 84 Fazel, S., Hayes, A. J., Bartellas, K., Clerici, M., & Trestman, R., (2016). Mental health of prisoners: prevalence, adverse outcomes, and interventions. *The Lancet. Psychiatry*, 3(9), 871–881. [https://doi.org/10.1016/S2215-0366\(16\)30142-0](https://doi.org/10.1016/S2215-0366(16)30142-0). See also: *The World Health Organization (WHO) suggests that mental health issues such as depression, anxiety, addiction and personality disorders affect a high proportion of people in prison and that in many countries approximately 10-15% of prisoners experience severe and enduring mental illnesses*, see, World Health Organization (WHO), (2021). *Prisons and Health – Data and Statistics*. [Online]. WHO. Available from: <https://www.euro.who.int/en/health-topics/health-determinants/prisons-and-health/data-and-statistics>. [13 August 2021].
- 85 World Health Organization (WHO) & International Committee of the Red Cross, (2021). *Information Sheet: Mental Health and Prisons*. [Online]. WHO & ICRC. Available from: [https://www.who.int/mental\\_health/policy/mh\\_in\\_prison.pdf](https://www.who.int/mental_health/policy/mh_in_prison.pdf). [13 August 2021]. P.1.
- 86 World Health Organisation (WHO) & International Committee of the Red Cross, (2021). *Information Sheet: Mental Health and Prisons*. [Online]. WHO & ICRC. Available from: [https://www.who.int/mental\\_health/policy/mh\\_in\\_prison.pdf](https://www.who.int/mental_health/policy/mh_in_prison.pdf). [13 August 2021]. P.1.
- 87 United Nations Office on Drugs and Crime (UNODC), (2015). *The United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules)*. [Online]. UNODC. Available from: [https://www.unodc.org/documents/justice-and-prison-reform/Nelson\\_Mandela\\_Rules-E-ebook.pdf](https://www.unodc.org/documents/justice-and-prison-reform/Nelson_Mandela_Rules-E-ebook.pdf). [21 July 2021]. See, Rule 109 (1): “Persons who are found to be not criminally responsible, or who are later diagnosed with severe mental disabilities and/or health conditions, for whom staying in prison would mean an exacerbation of their condition, shall not be detained in prisons, and arrangements shall be made to transfer them to mental health facilities as soon as possible.” See also: Council of Europe (CoE), (2006). *European Prison Rules*. [Online]. CoE. Available from: <https://rm.coe.int/european-prison-rules-978-92-871-5982-3/16806ab9ae>. [21 July 2021]. See, Article 12.1: “Persons who are suffering from mental illness and whose state of mental health is incompatible with detention in a prison should be detained in an establishment specially designed for the purpose.”
- 88 Kennedy, H., Monks, S., Curtin, K., Wright, B., Linehan, S., Duff, D., Teljeur, C. & Kelly, A. (2004). *Mental Illness in Irish Prisoners*. [Online]. National Forensic Mental Health Service [NFMHS]. Available online: <http://www.tara.tcd.ie/bitstream/handle/2262/63924/final%20prison%20morbidity%20report%20101204.pdf?sequence=1&isAllowed=y>. [16 November 2021].
- 89 Gulati, G., Cusack, A., Kelly, BD., Murphy, VE., Kilcommins, S., & Dunne, CP. (2021). *Trans-institutionalisation in Ireland: New and Emerging Congregated Settings for People with Disabilities*. [Online]. Health and Human Rights Journal. Available online: <https://www.hhrjournal.org/2021/08/trans-institutionalisation-in-ireland-new-and-emerging-congregated-settings-for-people-with-disabilities/>. [3 December 2021].
- 90 Referred to by IPS Director General, *Michael Donnellan in 2017 before the Public Accounts Committee*, see, Kildare Street, (2017). Oireachtas Joint and Select Committees Thursday, 2 February 2017. [Online]. Kildare Street. Available from: <https://www.kildarestreet.com/committees/?id=2017-02-02a.112>. [16 November 2021].
- 91 Mental Health Commission (MHC). (2021). *Access to Mental Health Services for People in the Criminal Justice System*. [Online]. MHC. Available from: <https://www.mhcirl.ie/publications/access-mental-health-services-people-criminal-justice-system>. [3 December 2021].

### ➔ Indicators for Standard 13

PIPS 2017–2020 set out the following indicators for monitoring progress under *Standard 13 – Mental Healthcare*:

- 13.1** The number of prisoners awaiting transfer to the Central Mental Hospital (CMH)
- 13.2** The lengths of time individual prisoners are being held in safety observation cells
- 13.3** The number of High Support Units across prisons nationwide
- 13.4** A ratio of one psychologist to 150 prisoners
- 13.5** The number of people diverted from prison

Overall status of progress under *Standard 13 – Mental Healthcare* since 2017:

2017	2018	2019	2020	Overall Status 2021
Standard Set	No Change	No Change	Mixed	No Change

#### Reviewing the Indicators:

<b>13.1</b> The number of people diverted from prison	Mixed
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There is evidence of consistently long waiting lists for transfer to the Central Mental Hospital (CMH), as well as waiting lists for in-prison psychology services, however, there is little publicly available information on the number of people being diverted away from prison. The information that is available regarding diversions from prisons comes from the Prison In-Reach and Court Liaison Service (PICLS). Between 2018 and 2019, there was some progress in the use of diversion, with an approximate 11% increase in the number of diversions arranged between Cloverhill Prison and community treatment by PICLS (from 106 diversions to 118 diversions).<sup>92</sup> However, these

numbers were significantly lower in 2021, with only 43 diversions to community treatment at end November 2021.<sup>93</sup> Diversion at all stages in the criminal justice system will be a key indicator for progress in the coming years of PIPS and PICLS data will play a key role in monitoring diversion efforts going forward. In 2021, this standard saw some progress in efforts to improve diversion with the establishment of a new High Level Task Force (HLTF) to consider the mental health and addiction challenges of persons interacting with the criminal justice system.<sup>94</sup> This was recommended by IPRT in PIPS 2019.<sup>95</sup> It is hoped that the work of the HLTF will contribute to significant progress on the above

92 Information provided by the Prison In-Reach and Court Liaison Service, 9 September 2020 in Irish Penal Reform Trust (IPRT), (2020). *Progress in the Penal System: Assessing Progress in a Pandemic*. [Online]. IPRT. Available from: <https://pips.iprt.ie/site/assets/files/Progress-in-the-Penal-System-2020.pdf>. [13 August 2021]

93 Information obtained by the Irish Penal Reform Trust from the National Forensic Mental Health Service on 23 December 2021.

94 The current remit of the Task Force is to consult with a variety of stakeholders, reports, proposals and recommendations to identify actions relating to people with mental health and drug/alcohol challenges, or dual diagnosis, who come into contact with the criminal justice system, see, Department of Justice (DoJ), (2021). *Establishment of a High-Level Taskforce to consider the mental health and addiction challenges of persons interacting with the criminal justice system*. [Online]. DoJ. Available from: <https://www.justice.ie/en/JELR/Pages/PR21000071>. [16 November 2021].

95 Irish Penal Reform Trust (IPRT), (2020). *5 Key Recommendations for the Programme for Government 2020+*. [Online]. IPRT. Available from: [https://www.iprt.ie/site/assets/files/6649/irish\\_penal\\_reform\\_trust\\_key\\_recommendations\\_for\\_programme\\_for\\_government\\_2020.pdf](https://www.iprt.ie/site/assets/files/6649/irish_penal_reform_trust_key_recommendations_for_programme_for_government_2020.pdf). [13 August 2021]

mental healthcare indicator over the next few years.<sup>96</sup> The HLTF committed to publishing, by the end of 2021, a high-level implementation plan outlining the actions to be taken by the relevant stakeholders.<sup>97</sup>

<b>13.2 The number of people awaiting transfer to the CMH</b>	<b>No Change</b>
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From 2017 to 2020, there was a constant waiting list of between 18 and 34 people awaiting transfer to the CMH.<sup>98</sup> In 2019, the average waiting time for the CMH was 121 days (ranging from 7 to 504 days).<sup>99</sup> The persistent numbers of individuals on the CMH transfer waiting list across the prison estate between 2017 and 2020 indicates stagnation in addressing this issue.

<b>13.3 The number of High Support Units across prisons nationwide</b>	<b>Regress</b>
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IPRT’s primary position is that people with serious mental health issues simply should not be in prison at all. However, it remains the case that, where prisoners are awaiting transfer to a more appropriate treatment facility, the prison estate must be equipped with appropriate facilities to care for them. There are only two operational

High Support Units (HSUs) in Ireland, one in Cloverhill and one in Mountjoy, with an additional ‘Vulnerable Prisoners Unit’ in Cork Prison.<sup>100</sup> The CPT highlighted a number of issues with these HSUs following their visits to Ireland in both 2014<sup>101</sup> and 2019.<sup>102</sup> Problems included: a lack of purposeful activity provided to those detained in HSUs; limited or no access to occupational therapy, individual or group psychotherapy or recreational therapy, with “only pharmacotherapy” provided; and poor cell and landing conditions within the units.<sup>103</sup> A 2016 recommendation to establish a HSU in every prison in Ireland is nowhere near being actioned.<sup>104</sup> and evidently there are many issues with the existing HSUs. There accordingly appears to be regress in respect of this indicator.

<b>13.4 A ratio of one psychologist to 150 prisoners</b>	<b>No Change</b>
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Between 2017–2021, there was no overall improvement in the ratio of psychologists to prisoners across the estate. In 2015, the “New Connections” *Embedding Psychology Services and Practice in the Irish Prison Service* report (‘the Porporino Report’), found that the ratio of psychologists to prisoners (at 1 psychologist to 220 prisoners) was below the acceptable standard.<sup>105</sup> This review recommended at least 1 psychologist per 150 prisoners across the prison

96 Irish Penal Reform Trust (IPRT), (2021). *IPRT presentation to High Level Task Force on mental health and addiction*. [Online]. IPRT. Available from: <https://www.iprt.ie/latest-news/iprt-to-present-to-high-level-task-force-on-mental-health-and-addiction/>. [16 November 2021].

97 Department of Justice (DoJ), (2021) *Prisons and Probation: Establishment of a High-Level Taskforce to consider the mental health and addiction challenges of persons interacting with the criminal justice system*. [Press Release]. April 1, 2020. Available from: <http://www.justice.ie/en/JELR/Pages/PR21000071>. [13 August 2021].

98 *Irish Prison Service response to requests for PIPS 2020, 7 August 2020*. In Irish Penal Reform Trust (IPRT), (2020). *Progress in the Penal System: Assessing Progress in a Pandemic*. [Online]. IPRT. Available from: <https://pips.iprt.ie/site/assets/files/Progress-in-the-Penal-System-2020.pdf>. [13 July 2021]. P.83.

99 *This information was received by Deputy James Browne’s office on 24 June 2019*. In Irish Penal Reform Trust (IPRT), (2019). *Progress in the Penal System: A Framework for Penal Reform*. [Online]. IPRT. Available from: <https://pips.iprt.ie/site/assets/files/Progress-in-the-Penal-System-2019.pdf>. [13 July 2021]. P.59.

100 *Information supplied to IPRT by the IPS, 5 July 2019*. In Irish Penal Reform Trust (IPRT), (2019). *Progress in the Penal System: A Framework for Penal Reform*. [Online]. IPRT. Available from: <https://pips.iprt.ie/site/assets/files/Progress-in-the-Penal-System-2019.pdf>. [13 July 2021]. P.60.

101 Council of Europe (CoE), (2015). 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 16 to 26 September 2014. [Online]. CoE. Available from: <https://rm.coe.int/pdf%201680727e23>. [16 November 2021]. *CPT found that High Support Units were not resourced properly and observed a lack of meaningful engagement and structured activities for mentally ill prisoners housed in HSUs*.

102 Council of Europe (CoE), (2020). 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. [Online]. CoE. Available from: <https://rm.coe.int/1680a078cf>. [16 November 2021]. *CPT noted that in Cloverhill, vulnerable prisoners in the “overflowing” HSU were, on occasion, sleeping on mattresses*.

103 Council of Europe (CoE), (2020). 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. [Online]. CoE. Available from: <https://rm.coe.int/1680a078cf>. [16 November 2021]. P.46-48.

104 Roche, B., (2016). *High Support Units should be in all prisons, jury says*. [Online]. Irish Times. Available from: <https://www.irishtimes.com/news/ireland/irish-news/high-support-units-should-be-in-all-prisons-jury-says-1.2804556>. [16 November 2021].

105 Porporino, F. (2015). “New Connections” *Embedding Psychology Services and Practice in the Irish Prison Service*. [Online]. IPS. Available from: [https://www.irishprisons.ie/wp-content/uploads/documents\\_pdf/New-Connections-Report-2015.pdf](https://www.irishprisons.ie/wp-content/uploads/documents_pdf/New-Connections-Report-2015.pdf). [8 July 2021].

estate (a ratio that is also accepted by the CPT).<sup>106</sup> Thereafter, this ratio was adopted by PIPS as an indicator for reviewing progress on *Standard 13 – Mental Healthcare*. The table sets out the ratios of psychologists to prisoners across the estate since the publication of the Porporino Report:<sup>107</sup>

Target Ratio	2015	2018	2019	2020	2021
1:150	1:220	1:268	1:205	1:256	1:257*

\*Per 257 bed capacity

As demonstrated above, the psychologist to prisoner ratio remains an issue and is nowhere near the target of 1:150. Important to note is that the above ratios are averages across the entire prison estate for each year; the proportion of psychologists in each prison may therefore vary significantly.

Another important point is that the above data published in PIPS 2018 and 2019 was either attained from direct data requests to the IPS (in 2018)<sup>108</sup> or from parliamentary questions (in 2019).<sup>109</sup> IPRT welcomes the inclusion in the 2020 IPS annual report of the ratio of psychologists to prisoners,<sup>110</sup> and urges that this data is made consistently available in future annual reports.

### Areas of Insufficient Data:

#### Waiting lists for access to the Central Mental Hospital:

While data is available on request regarding the number of people awaiting transfer to the CMH, there is no information regarding the length of time people are awaiting transfer, or information on other characteristics such as gender, ethnicity, homelessness, etc. The prison environment is no place for people facing mental health challenges, especially those whose mental health difficulties are severe enough to warrant transfer to hospital. This is accordingly an issue on which there should be absolute transparency; the current dearth of published and timely information in this area is unacceptable and needs to be addressed.

#### Use of Safety Observation Cells:

Safety Observation Cells are 'special cells' designed to accommodate prisoners who pose "an immediate threat of serious harm to him/herself and/or others arising from a health care condition (i.e. as a medical measure)".<sup>111</sup> These cells have special features, furnishings and ways to observe

106 Council of Europe (CoE), (2015). *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 16 to 26 September 2014*. [Online]. CoE. Available from: <https://rm.coe.int/pdf%20/1680727e23>. [13 August 2021].

107 See, *Information provided by the Irish Prison Service at a meeting with the Irish Penal Reform Trust on 30th April 2018* in Irish Penal Reform Trust (IPRT), (2018). *Progress in the Penal System: A Framework for Penal Reform*. [Online]. IPRT. Available from: <https://www.iprt.ie/site/assets/files/6470/pips2018.pdf> [13 August 2021]. P.64. See, Kildare Street (2019), 'Written Answers, Thursday 13 June 2019, Department of Justice and Equality, Prison medical services', <https://www.kildarestreet.com/wrans/?id=2019-06-13a.296>. In Irish Penal Reform Trust (IPRT), (2019). *Progress in the Penal System: A Framework for Penal Reform*. [Online]. IPRT. Available from: <https://pips.iprt.ie/site/assets/files/Progress-in-the-Penal-System-2019.pdf> [13 August 2021]. See, *Irish Prison Service response to requests for PIPS 2020, 07.08.20* in Irish Penal Reform Trust (IPRT), (2020). *Progress in the Penal System: Assessing Progress in a Pandemic*. [Online]. IPRT. Available from: <https://pips.iprt.ie/site/assets/files/Progress-in-the-Penal-System-2020.pdf> [13 August 2021] P.84. See, *Information Provided by the Irish Prison Service on 18 November 2021*.

108 *Information provided by the Irish Prison Service at a meeting with the Irish Penal Reform Trust on 30th April 2018* in Irish Penal Reform Trust (IPRT), (2018). *Progress in the Penal System: A Framework for Penal Reform*. [Online]. IPRT. Available from: <https://www.iprt.ie/site/assets/files/6470/pips2018.pdf> [13 August 2021]. P.64

109 Kildare Street (2019), 'Written Answers, Thursday 13 June 2019, Department of Justice and Equality, Prison medical services', <https://www.kildarestreet.com/wrans/?id=2019-06-13a.296>. In Irish Penal Reform Trust (IPRT), (2019). *Progress in the Penal System: A Framework for Penal Reform*. [Online]. IPRT. Available from: <https://pips.iprt.ie/site/assets/files/Progress-in-the-Penal-System-2019.pdf> [13 August 2021].

110 Irish Prison Service (IPS), (2020). *Irish Prison Service Annual Report 2020*. [Online]. IPS. Available from: [https://www.justice.ie/en/JELR/IPS\\_Annual\\_Report\\_2020.pdf/Files/IPS\\_Annual\\_Report\\_2020.pdf](https://www.justice.ie/en/JELR/IPS_Annual_Report_2020.pdf/Files/IPS_Annual_Report_2020.pdf). [16 November 2021]. P.20.

111 Council of Europe (CoE), (2020). *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*. [Online]. CoE. Available from: <https://rm.coe.int/1680a078cf>. [16 November 2021]. P.57.

those inside to improve their safety (such as a Perspex window on the door to the cell, though this is not always the case).<sup>112</sup>

The table below sets out snapshot figures of the numbers of prisoners accommodated in such cells during the PIPS review period.

#### Number of prisoners held in Safety Observation Cells<sup>113</sup>

	31 <sup>st</sup> Jan	30 <sup>th</sup> Apr	31 <sup>st</sup> Jul	31 <sup>st</sup> Oct
2017	5	4	3	2
2018	1	7	7	4
2019	3	3	4	5
2020	5	1	1	1
2021	5	4	6	3

It is important to highlight that the figures above were obtained from IPS Census Data which are snapshot figures from a given day. These figures do not tell the full story of how many people overall were held in Safety Observation Cells, or the number of prisoners under special observation in other types of cells.

As well as there being issues with the quality of data around Safety Observation Cells, there is also an absence of critical information about the lengths of time people are spending in these cells. Despite a commitment by the IPS in 2017 to publish data on the lengths of time people are spending in Safety Observation Cells,<sup>114</sup> and recommendations from PIPS between 2017–2019 for publication of this important information,<sup>115</sup> this data has yet to be made available. In the absence of regular publication of such data, we are dependent on periodic reports by international monitors for any insight.<sup>116</sup>

#### Data Expectations:

Consistent publication of quality data, particularly data regarding access to mental healthcare, is crucial in ensuring Ireland is in line with international best practice. To this end, PIPS sets the following data expectations under *Standard 13 – Mental Healthcare*:

- The Irish Prison Service and National Forensic Mental Health Service (NFMHS) must ensure regular and consistent publication of the numbers of people in prison awaiting transfer to the CMH as well as the lengths of time individual people are awaiting transfer.
- The Irish Prison Service in their annual reports should publish data on the types of psychology support available to people in prison while they await specialist support with a breakdown of the average hours of each type of support available to people in need.
- The NFMHS should publish quarterly data on the number of people who are diverted from the criminal justice system, and information on the type of settings they are diverted to.
- The NFMHS should publish quarterly census data on the number of occupied beds as well as the number of usable beds across the designated facility.
- The Irish Prison Service should carry out a mapping exercise of all psychological, psychiatric, and other mental health supports available to people in prison that details the following:
  - The average number of people who request the services of psychological, psychiatric, and other mental health supports per prison per month.
  - The average number of people who receive support from psychological, psychiatric, and other mental health supports per prison per month.

112 See: IPRT. (2021), *Know Your Rights: Your Rights as a Prisoner*. [Online]. IPRT. Available from: <https://www.iprt.ie/human-rights-in-prison/know-your-rights-your-rights-as-a-prisoner/>. [3 December 2021]. P.37; and Council of Europe (CoE), (2020). *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*. [Online]. CoE. Available from: <https://rm.coe.int/1680a078cf>. [16 November 2021]. P.35-36.

113 Irish Prison Service (IPS), (2021). *Census Reports – Prison Population Census Reports – Census of Cell Occupancy and In-Cell Sanitation* (January, April, July, October 2017-2021). [Online]. IPS. Available from: <https://www.irishprisons.ie/information-centre/statistics-information/census-reports/> [13 August 2021].

114 UN Web TV, (2017). *Consideration of Ireland (Cont'd)-1551st Meeting 61st Session Committee Against Torture*. at 12.29-12.38. [Online]. Available from: <https://media.un.org/en/asset/k1x/k1xjaqg18m> [16 November 2021].

115 See Standard 13 – Mental Healthcare, in Irish Penal Reform Trust (IPRT), (2017-2019). *Progress in the Penal System: A Framework for Penal*. Online. [IPRT]. Available from: <https://pips.iprt.ie/>. [16 November 2021].

116 See example, in 2014, the CPT noted that an inmate in Mountjoy Prison was placed in a safety observation cell for 9 days and was only visited by a GP on 4 occasions within these 9 days. Furthermore, no record could be found of his case being referred to the Director General or the Director of Care and Rehabilitation after the initial 72 hours had expired, in, Council of Europe (COE), (2015). *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 16 to 26 September 2014*. [Online]. COE. Available from: <https://rm.coe.int/1680696c9a>. P. 30

- The average number of people on a waiting list to see psychological, psychiatric and other mental health supports per prison per month.
- The shortest/longest/average length of time that people are on a waiting list to see psychological, psychiatric, and other mental health supports each year.

The above mapping exercise should also include a strategy for systemising the recording and publication of the above data on an ongoing basis.

- The Irish Prison Service should include the average, minimum and maximum lengths of time individuals are kept in Safety Observation Cells in the quarterly *Census Reports of Cell Occupancy and In-Cell Sanitation* on the IPS website.

#### **Standard 14: Drug and alcohol treatments**

**Standard 14:**  
People with drug and alcohol addictions are diverted from the criminal justice system to receive appropriate treatment. Where imprisonment is the only appropriate response, treatment must be made available within prison, with a continuum of care upon release.

Drug and alcohol treatment is an issue that must be managed more appropriately within the prison system but also through diverting people to appropriate treatment outside of prison.

In recent years, Ireland has made significant strides towards a more progressive drug policy, moving

towards a health-led rather than criminal justice-led approach in responding to drug issues.<sup>117</sup> Despite national recognition of drug use and drug addiction as a health issue in legislation<sup>118</sup> and policy documents<sup>119</sup>, however, drug use is still, in practice, very much treated as a criminal justice issue. This is evidenced by the over-representation of people who use drugs in Irish prisons, a trend which can also be seen in prisons across Europe.<sup>120</sup>

The over-representation of people who use drugs in penal settings inevitably affects how prisons are managed. Prison services become focused on controlling drug use and drug trafficking within the prison setting, which can in turn make drugs the focal point of managing life in prison and the relationships between prisoners and staff.<sup>121</sup> The control of drugs in prison seeps into every element of prison management, from prison regimes to visitation, as staff attempt to keep prisons drug free and prevent drug-related intimidation. It is thus clear that drugs are (understandably) a priority focus for the IPS in managing prisons, a fact which will remain the case until the number of people who use drugs in prison is reduced.

This over-emphasis on controlling drugs in prison is very much a feature of the Irish prison system. In 2021, Minister for Justice Helen McEntee stated that “addressing both the demand for and supply of illegal drugs remains a priority for the Irish Prison Service”.<sup>122</sup> The IPS drugs policy, *Keeping Drugs out of Prison*, sets out three main principles: 1) setting out a zero-tolerance attitude towards the presence of drugs in prison; 2) encouraging open communication and education around drugs; and 3) providing care and support for people with drug misuse issues.<sup>123</sup> IPRT is of the view that principle 1 of the IPS drugs strategy is in contradiction with principles 2 and 3. One cannot expect people

117 Ireland’s Taoiseach, Dr. Leo Varadkar TD, recognised drug use and drug addiction as “a public health issue, rather than a criminal justice issue” and how treating it as such “reduces crime” and so “benefits us all”, See, Varadkar, L, (2017). *Speech by An Taoiseach Mr Leo Varadkar TD. In: Launch of Reducing harm, supporting recovery – A health led response to drug and alcohol use in Ireland 2017-2025*. 17 July 2017, Dublin Castle. Available online: <https://www.gov.ie/ga/oraid/1dba6c-speech-by-an-taoiseach-mr-leo-varadkar-td-to-launch-reducing-harm-su/>. [17 August 2021].

118 See, Misuse of Drugs (Amendment) Act 2016. Available from: <https://www.irishstatutebook.ie/eli/2016/act/9/enacted/en/html>. [16 November 2021].

119 Department of Health, (2017). *Reducing Harm, Supporting Recovery: A health-led response to drug and alcohol use in Ireland 2017-2025*. [Online]. Government of Ireland. Available from: <https://www.gov.ie/pdf/?file=https://assets.gov.ie/14571/c22d1dd1756440f8946717a80ad2ffc3.pdf#page=1>. [16 November 2021].

120 Stover, H. & Kastelic, A., (2014). *Prisons and Health - Drug Treatment and Harm Reduction in Prisons*. Prisons. [Online]. World Health Organization and United Nations Office on Drugs and Crime. Available from: [https://www.euro.who.int/\\_data/assets/pdf\\_file/0020/249203/Prisons-and-Health,-14-Drug-treatment-and-harm-reduction-in-prisons.pdf](https://www.euro.who.int/_data/assets/pdf_file/0020/249203/Prisons-and-Health,-14-Drug-treatment-and-harm-reduction-in-prisons.pdf). [13 July 2021].

121 Stover, H. & Kastelic, A., (2014). *Prisons and Health - Drug Treatment and Harm Reduction in Prisons*. Prisons. [Online]. World Health Organization and United Nations Office on Drugs and Crime. Available from: [https://www.euro.who.int/\\_data/assets/pdf\\_file/0020/249203/Prisons-and-Health,-14-Drug-treatment-and-harm-reduction-in-prisons.pdf](https://www.euro.who.int/_data/assets/pdf_file/0020/249203/Prisons-and-Health,-14-Drug-treatment-and-harm-reduction-in-prisons.pdf). [13 July 2021].

122 Houses of the Oireachtas, (2021). *Drugs in Prisons: Dáil Éireann Debate, Wednesday - 24 March 2021*. [Online]. Available from: <https://www.oireachtas.ie/en/debates/question/2021-03-24/1266/>. [23 December 2021].

123 Irish Prison Service (IPS), (2006). *Keeping Drugs Out of Prisons: Drugs Policy & Strategy*. [Online]. IPS. Available from: <http://www.irishprisons.ie/wp-content/uploads/documents/drugspolicy.pdf>. [17 August 2021].

experiencing issues with drug use to come forward and ask for support if the very issue that they need support with “*will not be tolerated*”.<sup>124</sup> This policy is also considerably outdated, having been published in 2006. Focusing more efforts on addressing demand through targeted drug treatment programmes, and not only reducing supply, would place greater emphasis on making Irish prisons a more rehabilitative environment. Such an approach should be incorporated within an updated policy that takes account of current practice and knowledge in this area.

Given the importance of diverting people with drug and alcohol addiction away from prison, more information is needed on the use of community services in aiding such diversion. In 2014, the Penal Policy Review Group (PPRG) in their *Strategic Review of Penal Policy* recommended that the Probation Service introduce a pilot integrated community service programme whereby community service could be imposed in

conjunction with conditions such as mandatory addiction treatment. In 2016, such a programme was effectively piloted.<sup>125</sup> On the programme, one-third of a participant’s attendance can be used for programmes such as counselling and/or drug and alcohol treatment. The service commenced in 2017,<sup>126</sup> and was due to undergo a formal evaluation by the Probation Service in 2019.<sup>127</sup> To date, however, there is no information available regarding the operation of this pilot integrated community service model nor is there any update on the formal evaluation scheduled.

#### ► Indicators for Standard 14

Between 2017 and 2019, PIPS used the following indicators to monitor progress under *Standard 14 – Drug and Alcohol Treatment*:

- 14.1** The provision of addiction counsellors per prison and numbers on waiting lists
- 14.2** The number of places on drug treatment programmes available in prison and the numbers on waiting lists
- 14.3** The availability of non-opiate based treatment services in prison
- 14.4** The number of prisoners with access to a needle exchange programme

124 Irish Prison Service (IPS), (2006). *Keeping Drugs Out of Prisons: Drugs Policy & Strategy*. [Online]. IPS. Available from: <http://www.irishprisons.ie/wp-content/uploads/documents/drugspolicy.pdf>. [17 August 2021].

125 Probation Service, (2016). *Probation Service Annual Report 2016*. [online]. The Probation Service. Available from: <http://www.probation.ie/EN/PB/O/E2CB568BA6CBC8F68025811E0032F923/%24File/FINAL%20-%20Probation%20Service%20Annual%20Report%202016.pdf>. [16 November 2021].

126 Probation Service, (2017). *Probation Service Annual Report 2017*. [Online]. The Probation Service. Available from: [http://www.probation.ie/EN/PB/O/7FCE7C57127D82C2802582B7003C36AD/\\$File/Annual%20Report%202017%20-%20FINAL.pdf](http://www.probation.ie/EN/PB/O/7FCE7C57127D82C2802582B7003C36AD/$File/Annual%20Report%202017%20-%20FINAL.pdf). [16 November 2021].

127 Houses of the Oireachtas, (2019). *Probation and Welfare Service Data - Dáil Éireann Debate, Tuesday - 12 March 2019*. [Online]. Houses of the Oireachtas. Available from: <https://www.oireachtas.ie/en/debates/question/2019-03-12/1/>. [16 November 2021].



The following table sets out the overall status of progress under *Standard 14 – Drug and Alcohol Treatment* since 2017:

2017	2018	2019	2020	Overall Status 2021
Standard Set	No Change	Mixed	Standard not reviewed	No Change

### Reviewing the Indicators:

#### 14.1 The provision of addiction counsellors per prison and numbers on waiting lists

Insufficient Data

The above indicator was added to the PIPS project in 2019. That year, there were 19.8 addiction counsellors across the entire prison estate.<sup>128</sup> There was no information available regarding the numbers waiting to see an addiction counsellor. Information on the number of addiction counsellors and the numbers waiting to see addiction services is not made routinely available to the public by the IPS.<sup>129</sup> However, we know from a parliamentary question asked in March 2021 that there were approximately 20 addiction counsellors (provided by Merchants Quay Ireland) working across the prison estate,<sup>130</sup> with 531 prisoners (13.9% of the prison population) waiting to access Addiction Counselling Services as of 1 March 2021.<sup>131</sup>

#### 14.2 The number of places on drug treatment programmes available in prison and the numbers on waiting lists

Insufficient Data

In 2017, PIPS highlighted that there were 519 people engaged with drug treatment services in Irish prisons.<sup>132</sup> This figure does not specify exactly what type of programme the individuals concerned were attending e.g. whether it was detoxification, methadone maintenance, residential counselling, addiction counselling, aftercare, education and awareness raising or family support.<sup>133</sup> It also does not tell us the maximum number of drug treatment places available across the prison estate. In 2018, PIPS reported that the National Drug Treatment Programme in the Medical Unit of Mountjoy accommodated up to 18 people.<sup>134</sup> Following on from this, in 2019, PIPS found that this National Treatment Programme in Mountjoy accommodated 9 people at a time, with over 6 programmes throughout the year, indicating that there were 54 annual places in total.<sup>135</sup> None of these figures gives clarity on the number of drug treatment places that are available in prison or the nature of the drug treatment services being offered.

128 Kildare Street., (2019), *Written Answers, Thursday 13 June 2019*. [Online]. Kildare Street. Available from: <https://www.kildarestreet.com/wrans/?id=2019-06-13a.296>. [16 November 2021].

129 IPRT can request this information directly from the IPS or through PQs.

130 Department of Justice (DoJ). (2021). *Parliamentary Question 182, 11 March 2021*. [Online]. DOJ. Available from: <https://www.justice.ie/en/JELR/Pages/PQ-11-03-2021-182>.

131 Department of Justice (DoJ). (2021). *Parliamentary Question 181, 11 March 2021*. [Online]. DOJ. Available from: <https://www.justice.ie/en/JELR/Pages/PQ-11-03-2021-181>. Percentage calculated on basis of total number of people in prison on 1 March 2021, see IPS. (2021). *Prisoner Population on Monday 1 March 2021*. [Online]. IPS. Available from: [https://www.irishprisons.ie/wp-content/uploads/documents\\_pdf/01-March-2021.pdf](https://www.irishprisons.ie/wp-content/uploads/documents_pdf/01-March-2021.pdf).

132 *Written Answers, Prison Drug Treatment Programmes*: <https://www.kildarestreet.com/wrans/?id=2017-02-28a.270> in Irish Penal Reform Trust (IPRT), (2017). *Progress in the Penal System (PIPS): A Framework for Penal Reform*. [Online]. IPRT. Available from: [https://www.iprt.ie/site/assets/files/6431/progress\\_in\\_the\\_penal\\_system\\_compressed\\_.pdf](https://www.iprt.ie/site/assets/files/6431/progress_in_the_penal_system_compressed_.pdf). [17 August 2021].

133 Clarke, A. & Eustace, A., (2016). *Drug and Alcohol Treatment Services for Adult Offenders in Prison and in the Community*. [Online]. Eustace Patterson Limited. Available from: [http://www.justice.ie/en/JELR/PS\\_IPS\\_Probation\\_Review\\_of\\_treatment\\_for\\_offenders.pdf/Files/PS\\_IPS\\_Probation\\_Review\\_of\\_treatment\\_for\\_offenders.pdf](http://www.justice.ie/en/JELR/PS_IPS_Probation_Review_of_treatment_for_offenders.pdf/Files/PS_IPS_Probation_Review_of_treatment_for_offenders.pdf). [13 July 2021]. p. 21.

134 Health Research Board, (2021). *Irish National Focal Point to the European Monitoring Centre for Drugs and Drug Addiction - Focal Point Ireland: national report for 2020 – prison*. Dublin: Health Research Board, in, Irish Penal Reform Trust (IPRT), (2018). *Progress in the Penal System (PIPS): A Framework for Penal Reform*. [Online]. IPRT. Available from: <https://pips.iprt.ie/site/assets/files/Progress-in-the-Penal-System-2018.pdf>. [17 August 2021].

135 Information received by IPRT from the IPS on 5 July 2019, in, Irish Penal Reform Trust (IPRT), (2019). *Progress in the Penal System (PIPS): A Framework for Penal Reform*. [Online]. IPRT. Available from: <https://pips.iprt.ie/site/assets/files/Progress-in-the-Penal-System-2019.pdf> [17 August 2021]. P.64.

The number of people on the waiting list for drug treatment programmes was 54 in 2017, reducing to 44 in 2018.<sup>136</sup> Both figures, however, are simply snapshots in time and so offer limited insight into the state of waiting lists for drug treatment in Irish prisons. PIPS did not report on the number of people on waiting lists after 2018 because this information is not routinely published by the IPS.

#### 14.3 The availability of non-opiate based treatment services in prison

Insufficient Data

In 2019, when information was requested from the IPS regarding the above indicator, IPRT did not receive any specific figures or details relating to the query but were informed that “*the needs of individuals are prioritised and form the basis of the clinical response.*”<sup>137</sup> The extent of non-opiate based treatment services within Irish prisons is accordingly unknown as the IPS does not routinely publish this information.

#### 14.4 The number of prisoners with access to a needle exchange programme

No Change

According to Harm Reduction International, under Article 12 of the *International Covenant on Economic, Social and Cultural Rights*, all prisoners have a right to health inclusive of access to harm reduction services.<sup>138</sup> The *National Drugs Strategy 2017–2025 – Reducing Harm, Supporting*

*Recovery* highlighted the need for harm reduction programmes in prisons in Ireland.<sup>139</sup> The European Monitoring Centre for Drugs and Drug Addiction (EMCDDA) advocates for the expansion of harm reduction interventions such as needle exchange programmes in prisons across Europe as people who use drugs have higher rates of infection of blood borne viruses on entering prison than the general population.<sup>140</sup> People in prisons are also at high risk of contracting blood borne viruses during incarceration due to the increased risk of sharing needles and syringes in the absence of access to clean injecting equipment.<sup>141</sup> Despite this wide consensus that harm reduction services are needed, there is little information on the harm reduction policies and options offered by Irish prisons.<sup>142</sup> Based on information received from the IPS in November 2021, people in Irish prisons had no access to needle exchange facilities or naloxone (except for on release from prison and in emergency situations) in 2021.<sup>143</sup>

- 136 *Written Answers, Prison Drug Treatment Programmes*: <https://www.kildarestreet.com/wrans/?id=2017-02-28a.270> in Irish Penal Reform Trust (IPRT), (2017). *Progress in the Penal System (PIPS): A Framework for Penal Reform*. [Online]. IPRT. Available from: [https://www.iprt.ie/site/assets/files/6431/progress\\_in\\_the\\_penal\\_system\\_compressed\\_.pdf](https://www.iprt.ie/site/assets/files/6431/progress_in_the_penal_system_compressed_.pdf). [17 August 2021]. Information provided by the Irish Prison Service to IPRT on 18th September 2018, in, Irish Penal Reform Trust (IPRT), (2018). *Progress in the Penal System (PIPS): A Framework for Penal Reform*. [Online]. IPRT. Available from: <https://pips.iprt.ie/site/assets/files/Progress-in-the-Penal-System-2018.pdf>. [17 August 2021].
- 137 Information received by IPRT from the IPS on 5 July 2019, in, Irish Penal Reform Trust, (2019). *Progress in the Penal System (PIPS): A Framework for Penal Reform*. [Online]. IPRT. Available from: <https://pips.iprt.ie/site/assets/files/Progress-in-the-Penal-System-2019.pdf>. [16 November 2021].
- 138 Harm Reduction International, (2018). *Harm Reduction and Prisons: Global State of Harm Reduction 2018 Briefing*. [Online]. HRI. Available from: <https://www.hri.global/files/2019/03/29/prisons-harm-reduction-2018.pdf>. [17 August 2021].
- 139 Department of Health, (2017). *Reducing Harm, Supporting Recovery: A Health-Led Response to Drug and Alcohol Use in Ireland 2017-2025*. [Online]. DOH. Available from: [http://www.drugs.ie/downloadDocs/2017/ReducingHarmSupportingRecovery2017\\_2025.pdf](http://www.drugs.ie/downloadDocs/2017/ReducingHarmSupportingRecovery2017_2025.pdf). [13 July 2021].
- 140 Dolan, K., Wirtz, A. L., Moazen, B., Ndeffo-mbah, M., Galvani, A., Kinner, S. A., Courtney, R., et al. (2016), ‘Global burden of HIV, viral hepatitis, and tuberculosis in prisoners and detainees’, *Lancet*: 388(10049), pp. 1089-1102.
- 141 European Monitoring Centre for Drugs and Drug Addiction (EMCDDA), (2021). *Prison and Drugs in Europe: Current and Future Challenges*. [Online]. EMCDDA. Available from: <https://www.emcdda.europa.eu/system/files/publications/13904/TDXD21001ENN.pdf>. [13 July 2021].
- 142 Information provided by the Irish Prison Service to IPRT on 18th September 2018 - In response to this direct data request in 2018, the IPS stated that they endorse and apply a harm reduction approach where appropriate. However, no further detail relating to such approaches was provided. In, Irish Penal Reform Trust (IPRT), (2018). *Progress in the Penal System (PIPS): A Framework for Penal Reform*. [Online]. IPRT. Available from: <https://pips.iprt.ie/site/assets/files/Progress-in-the-Penal-System-2018.pdf>. [17 August 2021].
- 143 Kildare Street, (2021). *Written answers: Thursday, 25 November 2021 - Department of Justice and Equality Prison Service*. [Online]. Kildare Street. Available from: <https://www.kildarestreet.com/wrans/?id=2021-11-25a.818>. [20 December 2021].

### Areas of Insufficient Data:

Reviewing the progress made on *Standard 14 – Drug and Alcohol Treatment* was particularly challenging as every indicator lacked sufficient data to make an appropriate assessment. The dearth of data relating to drug and alcohol treatment in prisons in Ireland needs urgent addressing. Even in discussing the rate of drug use within Irish prisons, the recently cited figure of 70% is derived from a study published in 2005.<sup>144</sup> A more recent report in 2019 found that one in every two Irish prisoners presented with substance misuse/dependence.<sup>145</sup> This study highlights that these figures are likely based on incomplete data as there is no comprehensive data on the rates of drug use and drug addiction within Irish prisons.

### Data Expectations:

In order to monitor the availability, accessibility and quality of drug and alcohol treatment across the Irish prison estate, PIPS sets the following data expectations for *Standard 14 – Drug and Alcohol Treatment*:

- The Irish Prison Service must carry out a comprehensive review of the extent and nature of drug and alcohol use and treatment across the Irish prison estate, with a view to obtaining the following information:
  - The number of people who use drugs and alcohol in Irish prisons, with specific data on the number of people who engaged in drug use on entry to prison and the number who engaged in drug use after entry to prison;
  - The type of drug use among prisoners;
  - The number of people who have been diagnosed with drug and alcohol addiction issues in prison;
  - The number of people who have accessed, and wish to access, support for drug and alcohol addiction in prison;
  - The number of addiction counsellors available across the estate and the ratio of addiction counsellors to prisoners; and

- The range of drug treatment programmes available across the estate and the number of places available on each of these programmes each year.
- On completion of this review, the Irish Prison Service should endeavour to collect and routinely publish the following data in a Quarterly Census of Drug and Alcohol Treatment:
  - The number of people engaged in drug treatment services across the prison estate, with a breakdown in the numbers engaging in each specific type of treatment/service e.g. methadone, detoxification beds, counselling etc. This should also include a breakdown of the capacity of, and waiting list numbers, for each drug treatment service.
  - The number and type of harm-reduction services across the prison estate and the number of prisoners engaging with these services.

***“Prison is one of the hardest places to come off drugs...because... You’re around it. Do you know what I mean?”***

144 Referred to by the Minister for Justice in response to a parliamentary question in March 2021, see *Drugs in Prisons Dáil Éireann Debate, Wednesday - 24 March 2021*, available from: <https://www.oireachtas.ie/en/debates/question/2021-03-24/1266/>. Also referred to by IPS Director General, Michael Donnellan in 2017 before the Public Accounts Committee, see, Kildare Street, (2017). *Oireachtas Joint and Select Committees Thursday, 2 February 2017*. [Online]. Kildare Street. Available from: <https://www.kildarestreet.com/committees/?id=2017-02-02a.112>. [16 November 2021]. Figure of ‘about 70%’ derived from Kennedy, H., Monks, S., Curtin, K., Wright, B., Linehan, S., Duff, D., Teljeur, C. & Kelly, A. (2004). *Mental Illness in Irish Prisoners*. [Online]. National Forensic Mental Health Service [NFMHS]. Available online: <http://www.tara.tcd.ie/bitstream/handle/2262/63924/final%20prison%20morbidity%20report%20101204.pdf?sequence=1&isAllowed=y>. [16 November 2021].

145 G. Gulati, N. Keating, A. O’Neill, I. Delaunoy, D. Meagher, and C. P. Dunne, “The prevalence of major mental illness, substance misuse and homelessness in Irish prisoners: systematic review and meta-analyses”, *Irish Journal of Psychological Medicine*, 36/1 (2019), pp. 35–45;

## Standard 32.1: Women in prison

**Standard 32.1:**  
A gender-sensitive approach should be adopted across the criminal justice system to respond to the distinct needs of women who offend. Women have a unique set of needs that require a distinct set of responses.

It is widely recognised that women in prison are an at-risk group that differ substantially from men in both the likelihood of committing offences and the circumstances in which they commit offences.<sup>146</sup> Many of the reasons why women offend are linked to issues such as financial difficulties and coercive relationships.<sup>147</sup> Women are less likely to offend as a method of gaining status or as part of thrill-seeking behaviour and are more likely to be arrested for “low harm” offences.<sup>148</sup> A recent study in the UK has demonstrated that women in prison are more likely to present with mental health needs, substance misuse issues and reports of childhood and domestic abuse than men.<sup>149</sup> It has also been

widely acknowledged that women’s imprisonment is linked to violence against women.<sup>150</sup>

Women are often the primary caregivers of children<sup>151</sup> and may be more likely to carry out caring roles in respect of other dependent relatives. Criminal sanctions imposed on women therefore not only directly impacts them but also the people who rely on them for care and survival.<sup>152</sup> This negative impact can occur even when women are committed to short periods of detention.<sup>153</sup>

Since they comprise a small section of the prison population, the needs of women within the criminal justice system tend to go unrecognised and “disregarded”<sup>154</sup> and women’s prisons have been the most overcrowded in the estate for many years.<sup>155</sup> It is without doubt that treating women with the same strategies and interventions as those designed for men is counterproductive and ineffective practice.<sup>156</sup>

### ► Indicators for Standard 32.1

*Standard 32.1 – Women in Prison* was guided by the Bangkok Rules, to take account of the distinctive needs of women prisoners, and was added as a

- 146 United Nations Office on Drugs and Crime (UNODC), (2014). *Handbook on Women and Imprisonment. Criminal Justice Handbook Series*. [Online]. UNODC. Available from: [https://www.unodc.org/documents/justice-and-prison-reform/women\\_and\\_imprisonment\\_-\\_2nd\\_edition.pdf](https://www.unodc.org/documents/justice-and-prison-reform/women_and_imprisonment_-_2nd_edition.pdf). [20 July 2021].
- 147 Prison Reform Trust (PRT), (2016). *Transforming Lives: reducing women’s imprisonment*. [Online]. PRT. Available from: <http://www.prisonreformtrust.org.uk/Portals/0/Documents/Women/WomensLeaflet2016.pdf>. [11 January 2022].
- 148 London Women’s Diversion Service, (2021). “Women need women who support them” - *The impact of community support on diverting women from the criminal justice system*. [Online]. London Women’s Diversion Service. Available from: <https://www.advancecharity.org.uk/wp-content/uploads/2021/11/London-Womens-Diversion-report-2021-final-.pdf>. [02 December 2021].
- 149 London Women’s Diversion Service, (2021). “Women need women who support them” - *The impact of community support on diverting women from the criminal justice system*. [Online]. London Women’s Diversion Service. Available from: <https://www.advancecharity.org.uk/wp-content/uploads/2021/11/London-Womens-Diversion-report-2021-final-.pdf>. [02 December 2021].
- 150 Manjoo, R. (2013). *Report of the Special Rapporteur on Violence Against Women - Pathways to, conditions and consequences of incarceration for women*. [Online]. United Nations, Office of the High Commissioner for Human Rights. Available from: <https://www.shaheedoniran.org/wp-content/uploads/2013/12/A-68-340.pdf>. [20 July 2021].
- 151 London Women’s Diversion Service, (2021). “Women need women who support them” - *The impact of community support on diverting women from the criminal justice system*. [Online]. London Women’s Diversion Service. Available from: <https://www.advancecharity.org.uk/wp-content/uploads/2021/11/London-Womens-Diversion-report-2021-final-.pdf>. [02 December 2021].
- 152 World Health Organization (WHO), (2014). *Prisons and Health – Women’s Health and the Prison Setting*. [Online]. WHO. Available from: [https://www.euro.who.int/\\_data/assets/pdf\\_file/0006/249207/Prisons-and-Health,-18-Womens-health-and-the-prison-setting.pdf](https://www.euro.who.int/_data/assets/pdf_file/0006/249207/Prisons-and-Health,-18-Womens-health-and-the-prison-setting.pdf). [16 November 2021].
- 153 Penal Reform International, (2012). *Briefing: Access to Justice. Discrimination of Women in Criminal Justice Systems*. [Online]. Penal Reform International. Available from: <https://cdn.penalreform.org/wp-content/uploads/2013/08/BRIEFING-Discrimination-women-criminal-justice.pdf>. [20 July 2021].
- 154 Council of Europe (CoE), (2015). *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 16 to 26 September 2014*. [Online]. CoE. Available from: <https://rm.coe.int/pdf%201680727e23> [20 July 2021]. P.53.
- 155 The Department of Justice (DoJ), (2014). *The Strategic Review of Penal Policy*. [Online]. Department of Justice. Available from: <http://www.justice.ie/en/jelr/strategic%20review%20of%20penal%20policy.pdf/files/strategic%20review%20of%20penal%20policy.pdf> [18 August 2021].
- 156 O’Neill, J. (2011). The Inspire Women’s Project: Managing women offenders within the community. *Irish Probation Journal*. 8: 83-108. P.94.

specific standard in PIPS 2018.<sup>157</sup> PIPS 2018–2020 set the following indicators:

- 32.1.1** Female prison committal rates and daily imprisonment rates
- 32.1.2** Access to and availability of gender-specific community sanctions
- 32.1.3** Publication of data and research on women in the criminal justice system
- 32.1.4** Establishment of a step-down facility/ supported accommodation for women upon release

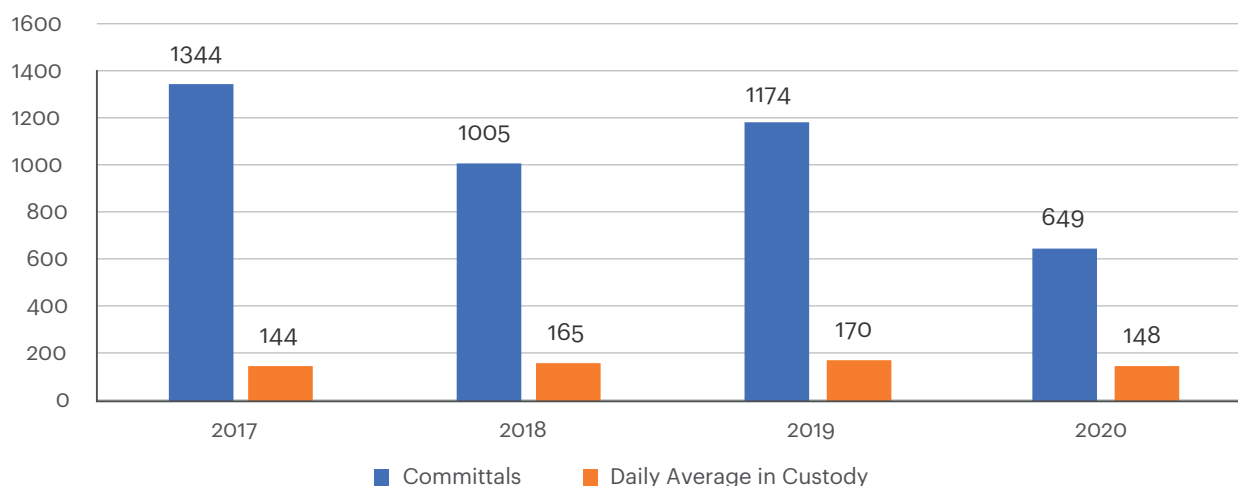
Overall status of progress under *Standard 32.1 – Women in Prison* since 2018:

2018	2019	2020	2021
Mixed	Mixed	Standard not reviewed	Mixed

#### Reviewing the Indicators:

<b>32.1.1</b> Female prison committal rates and daily imprisonment rates	Mixed
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#### Committals Versus Daily Average in Custody



As demonstrated by the chart above, while annual committals of women to prison decreased between 2017 and 2020 (with the exception of a slight

increase in 2019),<sup>158</sup> the average daily number of women in custody increased during this period.<sup>159</sup>

<sup>157</sup> United Nations General Assembly, (2011). *United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules)*, Resolution adopted by the General Assembly on 21 December 2010. [Online]. United Nations Human Rights Office of the High Commissioner (OHCHR). Available from: <https://undocs.org/A/RES/65/229> [18 August 2021].

<sup>158</sup> *Female Committals figure includes Sentenced, Remand, Immigration, European Arrest Extradition committals*, See, Irish Prison Service (IPS), (2017-2020). *Irish Prison Service Annual Reports 2017-2020*. [Online]. IPS. Available from: <https://www.irishprisons.ie/information-centre/publications/annual-reports/>. [16 November 2021]. (2017 – P. 33; 2018 – P.29; 2019 – P.30; 2020 – P.45)

<sup>159</sup> Irish Prison Service (IPS), (2017-2020). *Irish Prison Service Annual Reports 2017-2020*. [Online]. IPS.

Although the downward trend in committals, particularly in 2020, is welcomed by IPRT, more research is needed to identify and address why prison is not being used as a sanction of last resort among a cohort of at-risk people who are mostly committing non-violent offences.

Recent figures indicate that 25.2% of the female prison population are serving sentences of less than 12 months, as compared to 11.9% of the male prison population.<sup>160</sup> Similarly, figures indicate that women are more likely than men to be remanded into custody for less serious offences, with data provided by the IPS showing that 26.6% of women remanded to custody on remand/trial had as their most serious charge ‘theft and related offences’, as compared to 13% of men.<sup>161</sup>

<b>32.1.2 Access to and availability of gender-specific community sanctions</b>	<b>Insufficient Data</b>
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While it appears from Probation Service figures that women accounted for 14% of all Community Service Orders (CSOs) in 2020,<sup>162</sup> there is no data to show how many (if any) community sanctions provide gender-sensitive services or interventions.<sup>163</sup> While a commitment to gender-specific community sanctions is evident, more information on the number, type and uptake of such sanctions is required in order to assess whether there are gaps in provision and/or areas in need of further development.

<b>32.1.3 Publication of data and research on women in the criminal justice system</b>	<b>Insufficient Data</b>
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The Joint Probation Service/IPS Strategy 2014–2016 recognised the need to explore research opportunities in order to inform effective delivery of services for women in the community and in custody.<sup>164</sup> The Joint Probation Service/IPS Strategy 2018-2020 promised to examine and incorporate the recommendations from the 2014-2016 strategy and carry out research into female offending/custodial trends.<sup>165</sup> In 2018 and 2019, PIPS emphasised the need to implement this recommendation and publish data and carry out research on women in the criminal justice system. Despite these various recommendations and commitments, and while the IPS has conducted some internal research on female remand prisoners and shared that information with IPRT, there has to date been no publication of research in this area.

<b>32.1.4 Establishment of a step-down facility/supported accommodation for women upon release</b>	<b>Progress</b>
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The IPS and Probation Service commitment to responding to the needs of female offenders (as set out in their Joint Strategic Plan 2018–2020) included a commitment to develop a step-down residential unit in Dublin specifically for women.<sup>166</sup> In 2019, IPRT welcomed the ‘Outlook Women’s

Available from: <https://www.irishprisons.ie/information-centre/publications/annual-reports/>. [16 November 2021].

160 Irish Prison Service (IPS). (2021). *Irish Prison Service Monthly Information Note – October 2021*. [Online]. IPS. Available from: [https://www.irishprisons.ie/wp-content/uploads/documents\\_pdf/October-2021.pdf](https://www.irishprisons.ie/wp-content/uploads/documents_pdf/October-2021.pdf).

161 Data provided by IPS to IPRT on 13 August 2020.

162 Out of a total of 1,161 CSOs being managed by the Probation Service in 2020, it appears 167 (14%) were in respect of women and the remaining 994 (86%) in respect of men, see Probation Service, (2021). *Probation Service Annual Report 2020*. [Online]. Probation Service. Available from: [http://probation.ie/EN/PB/O/A5156A70B329EB27802587210033754A/\\$File/The%20Probation%20Service%20Annual%20Report%202020.pdf](http://probation.ie/EN/PB/O/A5156A70B329EB27802587210033754A/$File/The%20Probation%20Service%20Annual%20Report%202020.pdf). P.54, 58.

163 *The last two Joint Probation Service/IPS Strategies (2013-2015 and 2018-2020) have committed to developing community service options specifically tailored for women*, See, Irish Prison Service (IPS) and Probation Service, (2013). *Joint Irish Prison Service & Probation Service Strategic Plan 2013-2015*. [Online]. DOJ. Available from: <http://www.justice.ie/en/JELR/Joint%20Irish%20Prison%20ServiceProbation%20Service%20Strategic%20Plan%202013-2015.pdf/Files/Joint%20Irish%20Prison%20ServiceProbation%20Service%20Strategic%20Plan%202013-2015.pdf> [20 July 2020]. Action 5, P.8 and See, Irish Prison Service (IPS) and Probation Service, (2018). *Strategic Plan 2018-2020*. [Online]. IPS. Available from: [https://www.irishprisons.ie/wp-content/uploads/documents\\_pdf/IPS-PS-Strategic-Plan-2018-2020.pdf](https://www.irishprisons.ie/wp-content/uploads/documents_pdf/IPS-PS-Strategic-Plan-2018-2020.pdf) [20 July 2020]. Action 3, P.4. Also, *the Probation Service Annual Reports 2018 and 2019 have both highlighted the commitment to gender-informed practice regarding both care and resettlement of women in the community*, See, Probation Service, (2018 & 2019). Annual Reports. [Online]. DOJ. Available from: <http://www.probation.ie/EN/PB/WebPages/WP16000121> [20 July 2021].

164 Probation Service & Irish Prison Service (IPS), (2014). *Joint Probation Service – Irish Prison Service Strategy 2014 – 2016 - An Effective Response to Women Who Offend*. [Online]. IPS. Available from: [http://www.irishprisons.ie/images/pdf/women\\_strat\\_2014.pdf](http://www.irishprisons.ie/images/pdf/women_strat_2014.pdf) [20 July 2021]. P.10. Recommendation 1(F); “Develop a specific focus on women offenders in the Central Statistics Office recidivism data (for publication in 2015) and explore other potential research opportunities to inform effective delivery of service in the community and in custody”.

165 Irish Prison Service (IPS) & Probation Service, (2018). *Strategic Plan 2018-2020*. [Online]. IPS. Available from: [https://www.irishprisons.ie/wp-content/uploads/documents\\_pdf/IPS-PS-Strategic-Plan-2018-2020.pdf](https://www.irishprisons.ie/wp-content/uploads/documents_pdf/IPS-PS-Strategic-Plan-2018-2020.pdf) [20 July 2020]. Action 3.3 P.9.

166 Irish Prison Service (IPS) and Probation Service, (2018). *Strategic Plan 2018-2020*. [Online]. IPS.

Programme'.<sup>167</sup> In 2020, the Minister for Justice described the Outlook facility as a “step-down accommodation facility” to which women in custody in the Dóchas Centre can progress.<sup>168</sup> The development of this step-down facility is a positive step towards achieving progress under *Standard 32.1 – Women in Prison*.

### Areas of Insufficient Data:

Since the establishment of PIPS, there has been an overall reduction in the number of annual female committals to prison. However, for those female committals under sentence, the number committed to prison on short sentences remains high.<sup>169</sup> There is currently no information available as to why short sentences are continuously being handed down to women instead of CSOs and, without this critical information, the issue cannot be addressed. This is of particular concern when we know most women are committed to prison for non-violent offences, with as many as 10% of all female committals in 2020 attributed to non-payment of fines.<sup>170</sup>

More research needs to be carried out to understand why more women are not considered for CSOs, particularly when the Probation Service has made explicit commitments to the development and expansion of gender-specific community interventions. As mentioned previously, the Department of Justice has committed to carrying out a review of the Criminal Justice (Community Service) (Amendment) Act 2011 and examining the gender differences in the use of short custodial sentences. There has been no recent update on the status of this review, however.

### Data Expectations:

To address this significant lack of information around the use of imprisonment of women, PIPS 2021 sets out the following data expectations:

- The Irish Prison Service and the Probation Service should commission research into female offending/custodial trends and use the information obtained from this research to inform the delivery of services for women both in custody and the community.
- The Irish Prison Service should provide gender breakdowns in respect of all data produced including e.g. data relating to the use of safety observation cells and access to mental health and addiction services.
- The Probation Service should perform a mapping exercise of all available gender-sensitive community sanctions in Ireland, and specifically collect and publish the following information:
  - The number of gender-specific community sanctions available; and
  - The number of annual referrals to/ completions of each gender-specific community sanction.

**“... they should realise that by sending a mother with kids into prison, they should look at the kids. ... Like when you see what some women are in for...”**

Available from: [https://www.irishprisons.ie/wp-content/uploads/documents\\_pdf/IPS-PS-Strategic-Plan-2018-2020.pdf](https://www.irishprisons.ie/wp-content/uploads/documents_pdf/IPS-PS-Strategic-Plan-2018-2020.pdf) [20 July 2021]. Action 3, P.4.

167 “In May 2019, a new facility opened in Dublin city centre, developed through partnership work between the Probation Service, the Irish Prison Service and Focus Ireland following a successful procurement process led by the Office for Government Procurement.” See Probation Service, (2019). *Probation Service Annual Report*. [Online]. Probation Service. Available from: [http://www.probation.ie/EN/PB/o/DOF9CB8CA4151F85802585BB005D109B/\\$File/Probation%20Annual%20Report%202019%20Final%20Version%20A4.pdf](http://www.probation.ie/EN/PB/o/DOF9CB8CA4151F85802585BB005D109B/$File/Probation%20Annual%20Report%202019%20Final%20Version%20A4.pdf). [16 November 2021]. P.19.

168 Houses of the Oireachtas, (2020). *Prison Building Programme Dáil Éireann Debate, Thursday - 22 October 2020. Presentation by the Minister for Justice*. [Online]. Houses of the Oireachtas. Available from: <https://www.oireachtas.ie/en/debates/question/2020-10-22/20/>. [20 July 2021].

169 Sentence length by age of female prisoners under sentence shows that 25.2% of sentenced women are serving sentences of less than 12 months. See, Irish Prison Service (IPS), (2021). *Irish Prison Service Monthly Information Note – October 2021*. [Online]. IPS. Available from: [https://www.irishprisons.ie/wp-content/uploads/documents\\_pdf/October-2021.pdf](https://www.irishprisons.ie/wp-content/uploads/documents_pdf/October-2021.pdf). [06 December 2021].

170 Total committals for non-payment of fines in 2020 was 285. Of this figure, 23.2% or 66.12 were female. This amounts to 10% of overall female committals (649). See, Irish Prison Service (IPS), (2020). *Irish Prison Service Annual Report 2020*. [Online]. IPS. Available from: [https://www.irishprisons.ie/wp-content/uploads/documents\\_pdf/IPS-Annual-Report-web-FINAL.pdf](https://www.irishprisons.ie/wp-content/uploads/documents_pdf/IPS-Annual-Report-web-FINAL.pdf). [06 December 2021].

**Short-Term Actions:**

**Chapter 1  
Monitoring the Use of Imprisonment**

**Action 1.1** ⊙

**Standard 2 Imprisonment as a Last Resort.** The Department of Justice should complete the planned review of the Criminal Justice (Community Service) (Amendment Act) 2011 without further delay.

**Action 1.2** ⊙

**Standard 13 Mental Healthcare.** The High Level Task Force on the mental health and drug addiction challenges for persons interacting with the criminal justice system (HLTF) should publish the High-Level Implementation Plan promised by the end of first quarter, 2022.

**Action 1.3** ⊙

**Standard 14 Drug and Alcohol Treatment.** The Probation Service should publish the review of the Integrated Community Service Programme which was due to be formally evaluated in 2019.

**Action 1.4** ⊙

**Standard 14 Drug and Alcohol Treatment.** The Irish Prison Service should update and publish its drugs policy. This drugs policy should adopt a health-led approach to responding to drug use in prison and be based around harm reduction principles in line with the National Drugs Strategy.

**Action 1.5** ⊙

**Standard 32.1 Women in Prison.** On review of the Criminal Justice (Community Service) (Amendment) Act 2011, the Department of Justice should take specific measures to address why short sentences continue to be handed down to women in place of community-based alternatives.





## CHAPTER 2:

### Assessing the Operation of the Prison

Humanity, dignity and respect should be embedded into all aspects of the penal system, most crucially in how prison life operates. This principle is endorsed by a number of human rights instruments.<sup>171</sup> This chapter is underpinned by the principle that being deprived of liberty is punishing enough and that prisons should operate in such a way that, during the time a person calls prison “home”, their wellbeing and safety are prioritised appropriately and balanced.

Living conditions in prison are a major factor in determining the wellbeing of, and outcomes for, people in prison. Factors which can contribute to a person’s wellbeing and how they engage with prison life include things such as: whether a person must share a cell and who they must share a cell with; the number of hours a day a person is permitted to spend outside of their cell carrying out routine activities such as showering, eating, and making phone calls; and the access a person has to structured education, activities and work, and to take exercise in the open air. Structured activity is particularly important for prisoners on restricted regimes, who spend a significant proportion of the day without meaningful human contact. Of further great importance is a proper sentence management structure, which enables people (especially those on long sentences) to work towards progressing to an open prison.

Ensuring that prison is only used when absolutely necessary is a fast and cost-effective way of improving overall prison life: put simply, fewer people in prison would mean increased access to single-cell accommodation, out-of-cell time and routine and structured activities. Reducing the prison population and increasing open prison provision would ensure a prisoner’s rights to privacy, dignity and safety (including protection from infectious diseases).

Transparency in how prison life operates is crucial to ensuring that living conditions in prison are meeting minimum acceptable standards. To ensure transparency, there needs to be routine inspections of prisons by independent monitoring bodies such as the OIP and the Prison Visiting Committees as well as consistent and timely publication of reports arising. Furthermore, adequate, up-to-date and detailed data regarding availability of, and access to, appropriate accommodation and regimes in prisons should be made available by the IPS. Openness about the living conditions in prison is of particular importance during times when conditions and regimes are negatively impacted, such as during the COVID-19 pandemic period.

171 United Nations Human Rights Office of the High Commissioner (OHCHR), (1976). *International Covenant on Civil and Political Rights- Adopted and opened for signature, ratification and accession by General Assembly resolution 2200A (XXI) of 16 December 1966 entry into force 23 March 1976, in accordance with Article 49.* [Online]. OHCHR. Available from: <https://www.ohchr.org/en/professionalinterest/pages/ccpr.aspx>. [11 August 2021]. Article 10 mandates: *All persons deprived of their liberty shall be treated with humanity and with respect for the inherent dignity of the human person.* United Nations Office on Drugs and Crime, (2015). *The United Nations Standard Minimum Rules for the Treatment of Prisoners.* [Online]. UNODC. Available from: [https://www.unodc.org/documents/justice-and-prison-reform/Nelson\\_Mandela\\_Rules-E-ebook.pdf](https://www.unodc.org/documents/justice-and-prison-reform/Nelson_Mandela_Rules-E-ebook.pdf) [30 July 2021]. P.2. Rule 1: *All prisoners shall be treated with the respect due to their inherent dignity and value as human beings. No prisoner shall be subjected to, and all prisoners shall be protected from, torture and other cruel, inhuman or degrading treatment or punishment, for which no circumstances whatsoever may be invoked as a justification. The safety and security of prisoners, staff, service providers and visitors shall be ensured at all times.* United Nations Human Rights Office of the High Commissioner (OHCHR), (1988). *Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment Adopted by General Assembly resolution 43/173 of 9 December 1988.* [Online]. OHCHR. Available from: <https://www.ohchr.org/Documents/ProfessionalInterest/bodyprinciples.pdf>. [11 August 2021]. Principle 1: *All persons under any form of detention or imprisonment shall be treated in a humane manner and with respect for the inherent dignity of the human person.*

## Standard 6: Open prison provision

### Standard 6: Open prisons comprise 30% of the prison estate.

Open prisons are facilities for prisoners who have been deemed suitable and ready for the responsibility of living in more open conditions. It is accepted that when a prisoner is placed in, or transitioned to, an open prison, they voluntarily accept a disciplined regime and hold a sense of responsibility towards the open prison community.<sup>172</sup> Such prisons play an important role in normalisation and reintegration.

Open prisons facilitate links with the community through increased work and training opportunities and encourage family engagement which is both beneficial to families with children and increases the likelihood of rehabilitation.<sup>173</sup> Open prisons also reduce the risk of institutionalisation and support reintegration which is particularly important for prisoners who have spent a considerable amount of time in custody, such as life-sentenced prisoners.<sup>174</sup> Furthermore, research has also shown that housing a prisoner in an open prison costs considerably less than accommodating them in a closed prison.<sup>175</sup>

There is broad policy consensus that open prison provision in Ireland should be increased.<sup>176</sup> A target of increasing the proportion of open prisons to 30% of the overall prison estate (through the closure of closed prison places and replacing them with open prison places) has been central to the PIPS project to date.

172 Irish Penal Reform Trust, (2017). *Open Prisons*. [Online]. IPRT.

Available from: [https://www.iprt.ie/site/assets/files/6393/open\\_prison\\_article\\_new\\_web.pdf](https://www.iprt.ie/site/assets/files/6393/open_prison_article_new_web.pdf) [25 August 2021].

173 Farmer, Lord. (2017). *Final Report from the Farmer Review: The Importance of Strengthening Prisoners' Family Ties to Prevent Reoffending and Reduce Intergenerational Crime*. [Online]. UK Ministry of Justice.

Available from: [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/642244/farmer-review-report.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/642244/farmer-review-report.pdf). [25 August 2021].

174 Warner, M.K., (2009). *Resisting the New Punitiveness? Penal Policy in Denmark, Finland and Norway*. [Online]. UCD.

Available from: <http://pepre.ie/wp-content/uploads/2017/08/s-PhD-thesis.pdf>

175 Warner, M.K., (2009). *Resisting the New Punitiveness? Penal Policy in Denmark, Finland and Norway*. [Online]. UCD.

Available from: <http://pepre.ie/wp-content/uploads/2017/08/s-PhD-thesis.pdf>

176 *Recommendation 18. P60. Recommended an increase in the use of open prisons and the development of an open prison in the Dublin area.*, See, Department of Justice (DoJ), (2014). *The Strategic Review of Penal Policy*. [Online]. Department of Justice.

Available from: <http://www.justice.ie/en/jelr/strategic%20review%20of%20open%20policy.pdf/files/strategic%20review%20of%20open%20policy.pdf> [18 August 2021]. See also: Houses of the Oireachtas, (2018). *Joint Committee on Justice and Equality Report on Penal Reform and Sentencing*. [Online]. Houses of the Oireachtas.

Available from: [https://data.oireachtas.ie/ie/oireachtas/committee/dail/32/joint\\_committee\\_on\\_justice\\_and\\_equality/reports/2018/2018-05-10\\_report-on-penal-reform-and-sentencing\\_en.pdf](https://data.oireachtas.ie/ie/oireachtas/committee/dail/32/joint_committee_on_justice_and_equality/reports/2018/2018-05-10_report-on-penal-reform-and-sentencing_en.pdf). [25 August 2021].

## ➔ Indicators for Standard 6

PIPS 2017 set the following single indicator to track progress of *Standard 6 – Open Prison Provision*:

### 6.1 Open prison provision in the Irish prison estate.

See below the overall status of progress under *Standard 6 – Open Prison Provision* since 2017:

2017	2018	2019	2020	Overall Status 2021
Standard Set	No Change	No Change	Standard not reviewed	No Change

### Reviewing the Indicators:

<b>6.1 Open prison provision in the prison estate</b>	<b>No Change</b>
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Since the closure of the Training Unit semi-open prison in May 2017, there has been no change in the provision of open prisons in Ireland. Open prisons comprise just 2 of 12 prisons and less than 6% of official bed capacity<sup>177</sup> (255 of 4,375 spaces). This is a long way off the PIPS target of 30%. The two open prisons, Loughan House in Cavan and Shelton Abbey in Wicklow, are both for men only and located in rural areas. The remote location of both open prisons can make family visits challenging and also create barriers to accessing certain services outside of the prison. Furthermore, the low operating capacity of Shelton Abbey (115 people)<sup>178</sup> means it does not qualify for onsite medical and psychiatric services.<sup>179</sup>

On review of this standard, and while acknowledging the work that has been done in establishing a step-down facility for women leaving prison (detailed above at Chapter 1: Standard 32.1), it remains the case that there continues to be no open prison facility for women in Ireland despite recommendations as far back as the 1985 Whitaker Report<sup>180</sup> and more recently from the PPRG in 2014,<sup>181</sup> the CPT in 2015,<sup>182</sup> and PIPS in 2017–2019.<sup>183</sup> While there is a new facility (due for completion in Q4 2021) for women in Limerick Prison which will “represent a complete change in the standard of accommodation and rehabilitative supports for all female prisoners”,<sup>184</sup> there are still no plans to develop an open prison for women serving long sentences.<sup>185</sup> Open prisons have been described by the Inspector of Prisons as an “invaluable asset in the reintegration of such women back to their

177 Irish Prison Service (IPS). *Daily Prisoner Population*. [Online]. IPS. Available from: <https://www.irishprisons.ie/information-centre/statistics-information/2015-daily-prisoner-population/2021-prison-population> [12 December 2021].

178 Irish Prison Service (IPS). *Prisoner Population on Thursday 31st December 2020*. [Online]. IPS. Available from: [https://www.irishprisons.ie/wp-content/uploads/documents\\_pdf/31-December-2020.pdf](https://www.irishprisons.ie/wp-content/uploads/documents_pdf/31-December-2020.pdf). [16 November 2021].

179 *Information received from Shelton Abbey Prison, 28th August 2019* in Irish Penal Reform Trust, (2019). *Progress in the Penal System: A Framework for Penal Reform in Ireland*. [Online]. IPRT. Available from: <https://pips.iprt.ie/site/assets/files/Progress-in-the-Penal-System-2019.pdf>. [25 August 2021]

180 Whitaker, T.K., (1985). *Report of the Committee of Inquiry into the penal system*. Dublin: The Stationery Office.

181 Department of Justice (DoJ), (2014). *Strategic Review of Penal Policy*. [Online]. DoJ. Available from: <http://www.justice.ie/en/jelr/strategic%20review%20of%20penal%20policy.pdf/files/strategic%20review%20of%20penal%20policy.pdf>. [25 August 2021].

182 Council of Europe (CoE), (2015). *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 16 to 26 September 2014*. [Online]. CoE. Available from: <https://rm.coe.int/pdf%20/1680727e23>. [25 August 2021].

183 Irish Penal Reform Trust, (2017–2019). *Progress in the Penal System: A Framework for Penal Reform in Ireland*. [Online]. IPRT. Available from: <https://pips.iprt.ie/>. [25 August 2021].

184 Houses of the Oireachtas, (2020). *Prison Building Programme Dáil Éireann Debate, Thursday - 22 October 2020. Presentation by the Minister for Justice and Equality*. [Online]. Houses of the Oireachtas. Available from: <https://www.oireachtas.ie/en/debates/question/2020-10-22/20/> [20 July 2021].

185 Houses of the Oireachtas, (2020). *Prison Building Programme Dáil Éireann Debate, Thursday - 22 October 2020. Presentation by the Minister for Justice and Equality*. [Online]. Houses of the Oireachtas. Available from: <https://www.oireachtas.ie/en/debates/question/2020-10-22/20/> [20 July 2021].

families and into society”<sup>186</sup> and IPRT continues to advocate for the provision of such a facility in Ireland.

Most recently, IPRT welcomed recognition in the Government’s *National Development Plan 2021-2030* that the existing open centres in Loughan House and Shelton Abbey “are limited in their capacity to deliver on the vision for Open Centres” as well as Government plans to “upgrade, improve and provide additional capacity at these centres to provide appropriate accommodation in line with sentence management plans for prisoners.”<sup>187</sup> Given that this has been identified as a priority over the years 2022 to 2025, IPRT will be tracking with interest the actions taken to implement these improvements in open centre provision over the next few years.

### Areas of Insufficient Data:

Aside from the general reference to open prisons within the Government *National Development Plan*, there is limited information available on specific IPS plans for development of the prison estate. At around the time PIPS was first launched in 2017, statements were made in both the IPS Annual Report 2016<sup>188</sup> and the IPS Strategic Plan 2016-2018<sup>189</sup> regarding the publication of a 15-Year “*Masterplan*” for the development of Mountjoy Prison. However, no such plan has been published.

In the most recent IPS Strategic Plan 2019–2022, there was a commitment to the “*completion of the refurbishment of Mountjoy Prison*” as well as a commitment to repurposing the Mountjoy Training Unit as an Older Persons Unit.<sup>190</sup>

### Data Expectations:

PIPS sets the following data expectations:

- The Irish Prison Service should publish information on the status of the development on Mountjoy campus.
- The Irish Prison Service should publish a plan for the development of new open prisons across the estate, including an open prison in the Dublin area and an open prison for women, as well as plans to build capacity in those open prisons currently operating.

186 Office of the Inspector of Prisons (OIP), (2014). *A Report on an Inspection of Loughan House Open Centre by the Inspector of Prisons Judge Michael Reilly 3 July 2014*. [Online]. OIP.

Available from: <https://www.OIP.ie/wp-content/uploads/2020/04/Report-on-Loughan-House-Open-Centre.pdf>. [16 November 2021]. Comment 7.13. P.26.

187 Government of Ireland, (2021). *National Development Plan 2021-2030*. [Online].

Available from: <https://www.gov.ie/en/publication/774e2-national-development-plan-2021-2030/>. [14 October 2021]. P.154.

188 Irish Prison Service (IPS), (2017). *Irish Prison Service Annual Report 2016*. [Online]. IPS.

Available from: [http://www.irishprisons.ie/wp-content/uploads/documents\\_pdf/12631-IPS-annualreport-2016\\_Web.pdf](http://www.irishprisons.ie/wp-content/uploads/documents_pdf/12631-IPS-annualreport-2016_Web.pdf). [25 August 2021]. P.59.

189 Irish Prison Service (IPS), (2017). *Strategic Plan 2016-2018*. [Online]. DoJ.

Available from: <http://www.justice.ie/en/JELR/Irish-Prison-Service-Strategic-Plan-2016-2018.pdf/Files/Irish-Prison-Service-Strategic-Plan-2016-2018.pdf>. [25 August 2021]. P.54.

190 Irish Prison Service (IPS), (2019). *Strategic Plan 2019-2022*. [Online]. DoJ.

Available from: [https://www.irishprisons.ie/wp-content/uploads/documents\\_pdf/Document-5\\_IPS-Strategy-2019\\_2022.pdf](https://www.irishprisons.ie/wp-content/uploads/documents_pdf/Document-5_IPS-Strategy-2019_2022.pdf). [16 November 2021]. P.5.

## Standard 9: Single-cell accommodation

### Standard 9: Every prisoner has access to single-cell accommodation.

It is important that every prisoner in Ireland has access to single-cell accommodation and where people in prison choose to share cells, this should be carefully decided and regularly monitored through ongoing risk assessment. This premise is supported by Rule 12 of *The United Nations Standard Minimum Rules for the Treatment of Prisoners (Mandela Rules)*.<sup>191</sup> This Rule indicates that, where prisoners are required to share cells, the decisions around the grouping of prisoners should be made carefully.<sup>192</sup> This is reflected by the European Prison Rules, which also make clear that, as far as possible, prisoners shall be given a choice before being required to share sleeping accommodation.<sup>193</sup>

Research has shown that cell-sharing can enhance or diminish the wellbeing of prisoners beyond that experienced in single cells and that outcomes are largely determined by the individual relationships between cell mates.<sup>194</sup> Hence, it is crucial that when cell-sharing is used, it is allocated carefully and monitored frequently.

There are numerous reasons why single-cell accommodation is considered best practice by

both international and national bodies: it can facilitate both the dignity and privacy of prisoners; and it can reduce the risk of violence insofar as it avoids people being crowded together in small, cramped cells, which can, when combined with little out-of-cell time, exacerbate the pains of imprisonment<sup>195</sup> and increase the potential for violence.<sup>196</sup> Quite often, the tension involved in sharing a small space is dependent on prisoners' interpersonal skills and the nature of their relationships.<sup>197</sup>

The recent COVID-19 pandemic has further demonstrated that single-cell accommodation is important in the effort to protect against the transmission of infectious diseases and to be compliant with public health measures. COVID-19 exacerbated the already painful experience of prison for people who were forced to quarantine because they were "close contacts" of people they were sharing cells with.<sup>198</sup>

It is acknowledged that the above points must be balanced against research which has identified that self-harm can be more common among prisoners in single-cell accommodation (see the IPS Self-Harm Assessment and Data Analysis (SADA) Project<sup>199</sup>) and UK research which has found single-cell occupancy to be a risk factor for suicidal behaviour.<sup>200</sup> Such findings, however, must be approached with caution, and the overall conditions of the prison examined in the round. The adequacy of out-of-cell time, access to education

191 United Nations Office on Drugs and Crime, (2015). *The United Nations Standard Minimum Rules for the Treatment of Prisoners*. [Online]. UNODC. Available from: [https://www.unodc.org/documents/justice-and-prison-reform/Nelson\\_Mandela\\_Rules-E-ebook.pdf](https://www.unodc.org/documents/justice-and-prison-reform/Nelson_Mandela_Rules-E-ebook.pdf). [30 July 2021]. P.5. Rule 12.1: "Where sleeping accommodation is in individual cells or rooms, each prisoner shall occupy by night a cell or room by himself or herself." and, "it is not desirable to have two prisoners in a cell or room"

192 United Nations Office on Drugs and Crime, (2015). *The United Nations Standard Minimum Rules for the Treatment of Prisoners*. [Online]. UNODC. Available from: [https://www.unodc.org/documents/justice-and-prison-reform/Nelson\\_Mandela\\_Rules-E-ebook.pdf](https://www.unodc.org/documents/justice-and-prison-reform/Nelson_Mandela_Rules-E-ebook.pdf). [30 July 2021]. P.5. Article 12.1: "If for special reasons, such as temporary overcrowding, it becomes necessary for the central prison administration to make an exception to this rule, it is not desirable to have two prisoners in a cell or room."

193 Council of Europe (CoE), (2020). *Revised European Prison Rules*. [Online]. CoE. Available from: [https://search.coe.int/cm/Pages/result\\_details.aspx?ObjectId=09000016809ee581](https://search.coe.int/cm/Pages/result_details.aspx?ObjectId=09000016809ee581). [30 July 2021]. Rule 18.6: "Accommodation shall only be shared if it is suitable for this purpose and shall be occupied by prisoners suitable to associate with each other." Rule 18.7: "As far as possible, prisoners shall be given a choice before being required to share sleeping accommodation."

194 Muirhead, A., Butler, M. and Davidson, G. (2021) 'Behind closed doors: An exploration of cell-sharing and its relationship with wellbeing', *European Journal of Criminology*.

195 European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), (2015). *Living Space Per Prisoner in Prison Establishments: CPT Standards*. [Online]. CPT. Available from: <https://rm.coe.int/16806cc449> [30 July 2021]

196 Muirhead, A., Butler, M. and Davidson, G. (2021) 'Behind closed doors: An exploration of cell-sharing and its relationship with wellbeing', *European Journal of Criminology*. doi: 10.1177/1477370821996905.

197 Laws, B. and Crewe, B. (2016) 'Emotion regulation among male prisoners', *Theoretical Criminology*, 20(4), pp. 529–547.

198 *Irish Prison Service response to requests for PIPS 2020, 07.08.2020 in Irish Penal Reform Trust, (2020). Progress in the Penal System: Assessing Progress in a Pandemic*. [Online]. IPRT. Available from: <https://pips.iprt.ie/site/assets/files/Progress-in-the-Penal-System-2020.pdf> [30 July 2021]. P.57.

199 Irish Prison Service, (2021). *Self-Harm in Irish Prisons 2019: Third Report from the Self-Harm Assessment and Data Analysis (SADA) Project*. [Online]. IPS. Available from: <https://www.nsr.ie/wp-content/uploads/2021/04/Self-harm-in-Irish-Prisons-2019-Third-report-from-the-SADA-Project-Final-for-Publication.pdf>. [30 July 2021]

200 Hawton, K., Linsell, L., Adeniji, T., Sariaslan, A., & Fazel, S., (2014). Self-harm in prisons in England and Wales: An epidemiological study of prevalence, risk factors, clustering, and subsequent suicide. *The Lancet*, 383(9923): 1147–1154.

and work activities within a prison, as well as the level of family contact etc, might all have an impact on rates of self-harm. IPRT is clear that people in prison cannot be made responsible for safeguarding the mental health of their peers. (See *Standard 13 – Mental Healthcare*).

### ► Indicators for Standard 9

In 2017, PIPS set out the following indicators for monitoring progress under *Standard 9 – Single-Cell Accommodation*:

- 9.1** The number of prisoners accommodated in a single cell
- 9.2** The proportion of single cells across the prison estate

Overall status of progress under *Standard 9 – Single-Cell Accommodation*:

2017	2018	2019	2020	Overall Status 2021
Standard Set	No Change	Regress	Regress	Regress

#### Reviewing the Indicators:

<b>9.1</b> The number of prisoners accommodated in a single cell	Regress
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On review of this indicator, one achievement identified was Mountjoy Prison maintaining the use of single-cell accommodation for male prisoners.<sup>201</sup> However, this practice needs to be reflected across the Irish prison estate. Despite a commitment from the Irish Prison Service,<sup>202</sup> and a recommendation from the Joint Committee on Justice and Equality,<sup>203</sup> on the importance of achieving single-cell accommodation, there has been regress in this area. Between 2017–2021, the number of people in prison housed in single cells has remained relatively static despite COVID-19 public health

guidelines.<sup>204</sup> Furthermore, the IPS quarterly *Census of Cell Occupancy* reports show regress in the use of single cells for women in prison.<sup>205</sup>

<b>9.2</b> The proportion of single cells across the prison estate	Insufficient Data
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The Irish Prison Service quarterly *Census of Cell Occupancy* reports provide useful information on cell occupancy across the prison estate. Since 2020, they also provide the number of usable cells across the estate; however, these figures relate to usable cells of all capacity levels and do not set out exactly how many usable single cells are available. Without this figure, there was no way of monitoring progress relating to the proportion of single cells across the estate between 2017 and 2019.

201 Irish Prison Service (IPS), (2020). *Census Prison Population January - October 2020 – Cell Occupancy – In Cell Sanitation*. [Online]. IPS. Available from: <https://www.irishprisons.ie/information-centre/statistics-information/census-reports/>. [30 July 2021].

202 Single-cell occupancy as an estate-wide norm is cited as one of the 8 core and concurrent strategic objectives of the IPS. See, Irish Prison Service (IPS), (2020). *Capital Strategy 2016-2021*. [Online]. IPS. Available from: [http://www.irishprisons.ie/wp-content/uploads/documents\\_pdf/capital\\_strategy\\_2016.pdf](http://www.irishprisons.ie/wp-content/uploads/documents_pdf/capital_strategy_2016.pdf). [06 December 2021].

203 Houses of the Oireachtas, (2018). *Joint Committee on Justice and Equality Report on Penal Reform and Sentencing*. [Online]. Houses of the Oireachtas. Available from: [https://data.oireachtas.ie/ie/oireachtas/committee/dail/32/joint\\_committee\\_on\\_justice\\_and\\_equality/reports/2018/2018-05-10\\_report-on-penal-reform-and-sentencing\\_en.pdf](https://data.oireachtas.ie/ie/oireachtas/committee/dail/32/joint_committee_on_justice_and_equality/reports/2018/2018-05-10_report-on-penal-reform-and-sentencing_en.pdf). [06 December 2021]. Recommendation 5. *Prisons should aim for an accommodation policy of one person, one cell, and the necessary resources should be made available to realise this aspiration*. P.54.

204 Oct 2017 – 1,918 prisoners in single cells; Oct 2018 – 1,981 prisoners in single cells, Oct 2019 – 2,053 prisoners in single cells and, Oct 2020, 1,964 prisoners in single cells. In July 2021, 2,068 (54%) were in single cells. See, Irish Prison Service (IPS), (2017-2020). *Census Prison Population October 2017- 2021 – Cell Occupancy – In Cell Sanitation*. [Online]. IPS. Available from: <https://www.irishprisons.ie/information-centre/statistics-information/census-reports/>. [16 November 2021].

205 *The IPS quarterly Census of Cell Occupancy reports highlight that in 2017, 50% of prisoners in the Dóchas were accommodated in single cells, whereas by the end of 2020, the number of women in single cells had reduced to approximately 45%*. See, Irish Prison Service (IPS), (2017-2020). *Census Prison Population October 2017- 2020 – Cell Occupancy – In Cell Sanitation*. [Online]. IPS. Available from: <https://www.irishprisons.ie/information-centre/statistics-information/census-reports/>. [16 November 2021].

## Areas of Insufficient Data:

### Number of Single Cells:

It is important for the IPS Census Reports on Cell Occupancy to include specific information on the number of usable single cells available across the estate, in addition to the overall number of usable cells of any capacity level. Making such information publicly available would improve understanding as to whether people in prison are choosing to share a cell when a single cell is available to them, which in turn would help inform best practice on cell sharing in Ireland. It is important for the IPS to have a designated policy on cell-sharing which ensures that people are allocated appropriately and that cell-sharing is frequently monitored and reviewed.

### COVID-19:

The COVID-19 pandemic had a significant impact on all aspects of prison life and cell-sharing can potentially have an impact on transmission of COVID-19. However, information on the number of people who have contracted COVID-19 from someone with whom they share a cell is not available for public scrutiny. Further research is required to understand the complexities surrounding continued cell-sharing in prisons in Ireland, including the impact of COVID-19 on prisoners sharing cells in Ireland.

## Data Expectations:

PIPS sets the following data expectations:

- The Irish Prison Service should publish the number of available single cells in each prison in their quarterly census reports on cell occupancy.
- The Irish Prison Service should make its policy on cell allocation and cell sharing publicly available.
- The Irish Prison Service should publish data on the number of prisoners who (1) contracted COVID-19 from a person with whom they were sharing a cell and (2) had to isolate or quarantine as a result of sharing a cell with a person who received a positive COVID-19 diagnosis.

*“They put me in with a girl who had murdered someone, and I was in for petty crime, and the fear of it. I used to stay out of the cell all day I would only go back to go to sleep... I think it’s very wrong putting people, mixing people, because everyone has different personalities and yes it was it was fearful.”*



## Standard 16: Out-of-cell time

**Standard 16:**  
Every prisoner is unlocked for a minimum of 12 hours per day, including a minimum of five hours per day engaged in structured meaningful activity for five days a week.

It is vitally important for both the health and wellbeing of the individual as well as the overall health of the prison, that prisoners are permitted and facilitated to spend time out of their cells. It is also important that as well as this time being used for routine activities such as showering and phone calls, it is centred around purposeful activity such as exercise, education, work, activities and programmes where prisoners are engaging with one another.

The importance of out-of-cell time is reflected across a number of international human rights standards.<sup>206</sup> It has also been highlighted by the CPT, which recommends 8 hours or more out-of-cell time per day.<sup>207</sup> In the UK, the HM Inspectorate

of Prisons set a target for prisons of 10 hours out-of-cell time a day during weekdays.<sup>208</sup>

In Ireland, adequate out-of-cell time has been recommended as early as the Whitaker Report in 1985, which urged a minimum of 12 hours spent out of cell per day,<sup>209</sup> and more recently by the PPRG<sup>210</sup> and the Joint Committee on Justice and Equality.<sup>211</sup>

Out-of-cell time is of particular importance for prisoners on restricted regime. If a prisoner is on a restricted regime, it means that they spend 19 hours a day or more locked in their cell. There are several prison rules under which a prisoner can be placed on restricted regime in Ireland.<sup>212</sup>

The IPS has committed to ensuring that all prisoners on restricted regime spend a minimum of two hours out-of-cell per day to engage in exercise or activity.<sup>213</sup> It is widely accepted that spending such a significant portion of the day locked in a cell, regardless of the reason for doing so, is damaging to the health and wellbeing of the restricted individual. In 2014, the PPRG stated that prisoners on restricted regimes should only be on such regimes for the shortest time possible and during this time have access to adequate recreation, education and training.<sup>214</sup> In Ireland,

206 United Nations Office on Drugs and Crime (UNODC), (2015). *The United Nations Standard Minimum Rules for the Treatment of Prisoners*. [Online]. UNODC. Available from: [https://www.unodc.org/documents/justice-and-prison-reform/Nelson\\_Mandela\\_Rules-E-ebook.pdf](https://www.unodc.org/documents/justice-and-prison-reform/Nelson_Mandela_Rules-E-ebook.pdf). [30 July 2021]. Rule 5 of “the prison regime should seek to minimize any differences between prison life and life at liberty” and Rule 23 relates specifically to the importance of exercise in the open air. Council of Europe (CoE), (2020). Recommendation Rec(2006)2-rev of the Committee of Ministers to member States on the European Prison Rules (Adopted by the Committee of Ministers on 11 January 2006, at the 952<sup>nd</sup> meeting of the Ministers’ Deputies and revised and amended by the Committee of Ministers on 1 July 2020 at the 1380<sup>th</sup> meeting of the Ministers’ Deputies). [Online]. CoE. Available from: <https://rm.coe.int/09000016809ee581>. [06 December 2021]. Rule 25 emphasises the importance of “a balanced programme of activities” and “an adequate level of human and social interaction”.

207 European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), (1992). *2nd General Report on the CPT’s activities*. [Online]. CPT. Available from: <https://rm.coe.int/1680696a3f>. [30 July 2021]. Para 47. recommends that prisoners should be spending “a reasonable part of the day (8 hours or more) outside their cells”. P.13.

208 HM Inspectorate of Prisons, (2021). *Time Out of Cell*. [Online]. HM Inspectorate of Prisons. Available from: <https://www.justiceinspectors.gov.uk/hmiprison/our-expectations/prison-expectations/purposeful-activity/time-out-of-cell/>. [30 July 2021].

209 Committee of Inquiry into the Penal System. (1985). *Report of the Committee of Inquiry into the Penal System*. Dublin: Stationery Office.

210 Department of Justice (DoJ), (2014). *Strategic Review of Penal Policy*. [Online]. DOJ. Available from: <http://www.justice.ie/en/JELR/Strategic%20Review%20of%20Penal%20Policy.pdf/Files/Strategic%20Review%20of%20Penal%20Policy.pdf>. [30 July 2021]. “Lower security prisons permit greater out-of-cell time, or no ‘locked cell’ time in the case of an open prison. This is a particular advantage in the rehabilitation and reintegration of an offender as it resembles more closely a normal day to day existence.” P.59.

211 Houses of the Oireachtas Joint Committee on Justice and Equality, (2018). *Report on Penal Reform and Sentencing*. [Online]. Houses of the Oireachtas. Available from: [https://data.oireachtas.ie/ie/oireachtas/committee/dail/32/joint\\_committee\\_on\\_justice\\_and\\_equality/reports/2018/2018-05-10\\_report-on-penal-reform-and-sentencing\\_en.pdf](https://data.oireachtas.ie/ie/oireachtas/committee/dail/32/joint_committee_on_justice_and_equality/reports/2018/2018-05-10_report-on-penal-reform-and-sentencing_en.pdf). [30 July 2021]. Recommendation 2: “Prisoners should have at least 12 hours per day out-of-cell time with meaningful activity.” P.53.

212 Irish Prison Service, (2007). *Irish Prison Rules 2007*. [Online]. IPS. Available from: <http://www.irishprisons.ie/images/pdf/prisonrules.pdf>. [16 November 2021]. See, Rule 62, to reduce the negative impact the prisoner may have on the general prison population; Rule 64, where there are concerns that a prisoner may cause imminent injury to themselves or others; Rule 67 (and section 13 of the Prisons Act 2007), for disciplinary reasons; and most commonly in Irish Prisons, Rule 63, to protect a vulnerable prisoner from another prisoner who is likely to cause them harm.

213 Rule 27 of the Principal Rules is amended— (a) by the substitution of the following paragraphs for paragraph (1): “(1) Subject to any restrictions imposed under and in accordance with Part 3 of the Prisons Act 2007 and Part 4 of these Rules, each prisoner shall be allowed”. See, S.I. No. 276/2017 - Prison (Amendment) Rules 2017. Available from: [https://tbinternet.ohchr.org/\\_layouts/15/TreatyBodyExternal/SessionsList.aspx?Treaty=CEDAW](https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/SessionsList.aspx?Treaty=CEDAW). [16 November 2021].

214 Department of Justice (DoJ), (2014). *Strategic Review of Penal Policy*. [Online]. DoJ. Available from: <http://www.justice.ie/en/JELR/Strategic%20Review%20of%20Penal%20Policy.pdf/Files/Strategic%20Review%20of%20Penal%20Policy.pdf>. [30 July 2021].

there is no transparency or information available on the lengths of time that individuals are held on restricted regimes.

► Indicators for Standard 16

In 2017, PIPS set the following indicators to track progress of *Standard 16 – Out-Of-Cell Time*:

**16.1** Hours of out-of-cell time for all prisoners, including prisoners on a restricted regime

**16.2** The number of prisoners who have daily access to a minimum of five hours structured educational, vocational and work programmes, and publication of this information

Overall status of progress under *Standard 16 – Out-of-Cell Time*:

2017	2018	2019	2020	Overall Status 2021
Standard Set	No Change	Regress	Regress	Regress

Reviewing the Indicators:

<b>16.1</b> Hours of out-of-cell time for all prisoners, including prisoners on a restricted regime	Regress
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Since 2017, PIPS has continued to express concern at the low number of hours prisoners are spending outside their cell per day. In 2018<sup>215</sup> and 2019<sup>216</sup> the average out-of-cell time reported by the IPS was 8 hours (for an “ordinary prisoner”). In 2017, reports from the OIP (pertaining to visits in 2015 and 2016),<sup>217</sup> and in 2019, reports from the Prison Visiting Committees (pertaining to visits in 2017),<sup>218</sup> highlighted that staff shortages were impacting access to out-of-cell time and activities. For PIPS 2020, data was requested on the average out-of-cell time across the prison estate and, as expected, the average had regressed to 6 hours due to the COVID-19 pandemic.<sup>219</sup>

However, it is important to note that this figure is the ‘indicative’ average of out-of-cell time across the prison estate: in 6 of the 10 closed prisons, out-of-cell time was between 4.5 and 5.5 hours.<sup>220</sup> There was no change in 2021.<sup>221</sup> These figures do not include the large proportion of the prison population who were on a restricted regime (including those who were in solitary confinement).

During the review period, one of the major areas of regression related to out-of-cell time for prisoners on restricted regimes. There has been an approximate 79% increase in the average number of prisoners in Ireland held on restricted regime from 425 (approximately 12% of the average prison population)<sup>222</sup> to 759 (approximately 20% of the

215 Houses of the Oireachtas, (2018). *Prison Service Data, Parliamentary Question 551, 17<sup>th</sup> April 2018*. [Online]. Houses of the Oireachtas. Available from: <https://www.oireachtas.ie/en/debates/question/2018-04-17/section/465/>. [16 November 2021].

216 Irish Penal Reform Trust (IPRT), (2019). *Progress in the Penal System: A Framework for Penal Reform*. [Online]. IPRT. Available from: <https://pips.iprt.ie/site/assets/files/Progress-in-the-Penal-System-2019.pdf>. [16 November 2021].

217 Office of the Inspector of Prisons (OIP), (2017). *Annual Report for the Years 2015 and 2016*. [Online]. OIP. Available from: [http://www.justice.ie/en/JELR/IOP\\_Annual\\_Report\\_2015-16.pdf/Files/IOP\\_Annual\\_Report\\_2015-16.pdf](http://www.justice.ie/en/JELR/IOP_Annual_Report_2015-16.pdf/Files/IOP_Annual_Report_2015-16.pdf). [03 August 2021]

218 Department of Justice (DoJ), (2019). *Prison Visiting Committee Annual Reports 2017*. [Online] DoJ. Available from: [http://www.justice.ie/en/JELR/Pages/Prison\\_Visiting\\_Committee\\_Annual\\_Reports\\_2017](http://www.justice.ie/en/JELR/Pages/Prison_Visiting_Committee_Annual_Reports_2017). [03 August 2021]

219 Kildare Street, (2020) *Written Answers, Tuesday 14th July 2020*. [Online]. Kildare Street. Available from: <https://www.kildarestreet.com/wrans/?id=2020-07-14a.2592>. [16 November 2021].

220 Irish Penal Reform Trust (IPRT), (2020). *Progress in the Penal System: Assessing progress during a pandemic*. [Online]. IPRT. Available from: <https://pips.iprt.ie/site/assets/files/Progress-in-the-Penal-System-2020.pdf>. [3 December 2021]. P.66.

221 *Information obtained from the Irish Prison Service on 18 November 2021*.

222 Figure for avg. number of people In custody – 3,680, See, Irish Prison Service (IPS), (2018). *Irish Prison Service Annual Report 2017*. [Online]. IPS.

average prison population)<sup>223</sup> between 2017 and 2021.<sup>224</sup> (Figures derived from published IPS Census snapshot data.).

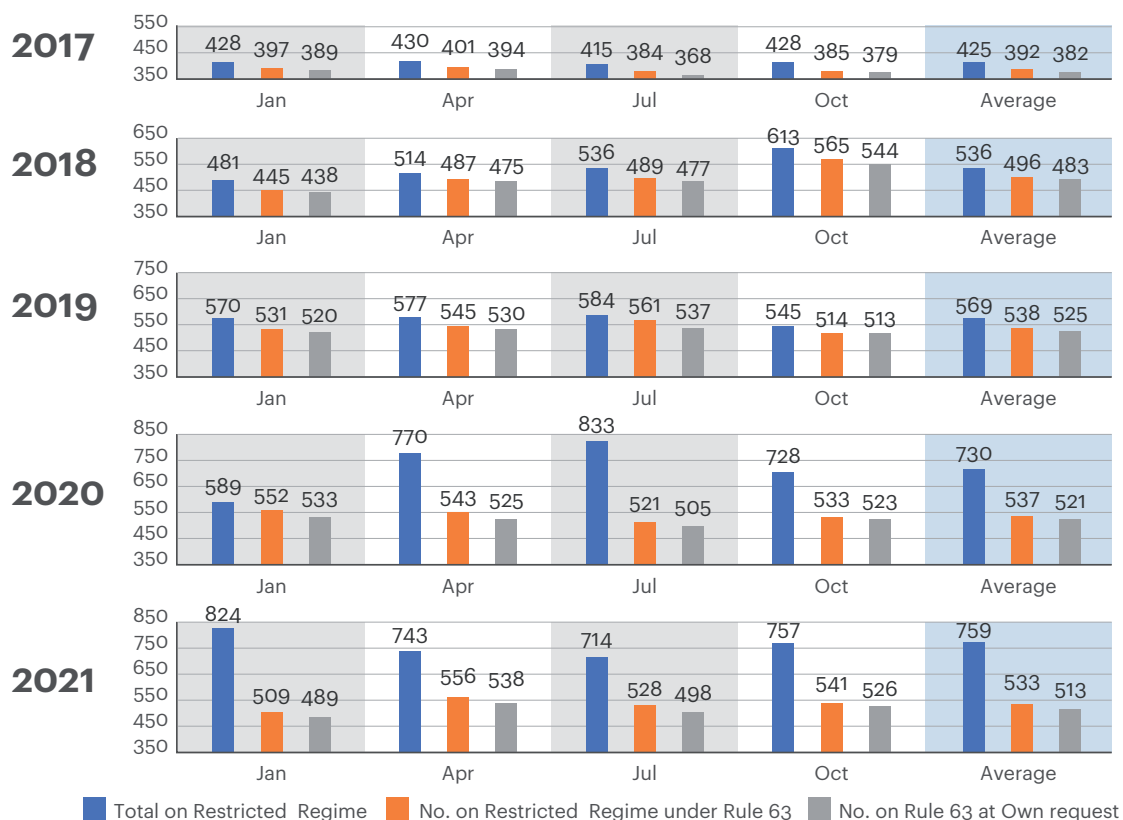
Census reports providing snapshot figures on the number of people on restricted regimes in January, April, July and October 2021 indicate that at various stages in 2021 between 166 and 298 of the people on a restricted regime were so held under Rule 103 relating to COVID-19 isolation and quarantine.<sup>225</sup>

Despite the onset of COVID-19 and related measures, in 2021 the majority of prisoners on restricted regime (an average of 533 out of an overall average number of 759 on restricted regime) were so held for their own protection under Rule 63 and the vast majority of these (on average 513 people out of the 533) were being held under Rule 63 at their own request.

The table below highlights the number of prisoners on restricted regime between 2017 and 2021 under Rule 63:<sup>226</sup>

**Graph 1 – IPS Census snapshot data showing a) the overall number held on a restricted regime; b) the number on a restricted regime being held under Rule 63 of the Irish Prison Rules; and c) the number of people on restricted regime under Rule 63 at their own request.**

**Rule 63 of the Prison Rules 2007 refers to the ‘protection of vulnerable prisoners’ and provides for a prisoner to be separated from other prisoners, at his or her own request or when the Governor considers it necessary, where it is believed that other prisoners are reasonably likely to cause significant harm to the person.<sup>227</sup>**



Available from: [https://www.irishprisons.ie/wp-content/uploads/documents\\_pdf/IPS-annualreport-2017.pdf](https://www.irishprisons.ie/wp-content/uploads/documents_pdf/IPS-annualreport-2017.pdf). P.29. [16 November 2021].

223 Figure for avg. number of people in custody – 3,794. See, Irish Prison Service (IPS), (2021). *Irish Prison Service Monthly Information Notes January to October 2021*. [Online]. IPS. Available from: <https://www.irishprisons.ie/information-centre/statistics-information/monthly-information-note/>. [16 January 2022].

224 Irish Prison Service, (2017-2021). *Census of Restricted Regimes Reports (January to October 2017 – 2021)*. [Online]. IPS. Available from: <https://www.irishprisons.ie/information-centre/statistics-information/census-reports/>. [14 January 2022].

225 Irish Prison Service (IPS), (2021). *Census of Restricted Regimes Report (January to October 2021)*. [Online]. IPS. Available from: <https://www.irishprisons.ie/information-centre/statistics-information/census-reports/>. [14 January 2022]. January 2021: 289 people under Rule 103; April 2021: 167 people under Rule 103; July 2021: 166 people under Rule 103; October 2021: 196 people under Rule 103.

226 Irish Prison Service (IPS), (2021). *Census of Restricted Regimes (Oct-Jan, 2017-2021) Report(s)*. [Online]. IPS. Available from: <https://www.irishprisons.ie/information-centre/statistics-information/census-reports/>. [14 January 2022].

227 Rule 63(1), Prison Rules 2007. Available from: <https://www.irishstatutebook.ie/eli/2007/si/252/made/en/print#article63>. [3 December 2021].

The large proportion of prisoners being restricted under Rule 63 at their own request speaks to the overall experience of safety and wellbeing in the general prison environment. Further research is required to understand why such a large proportion of the prison population feel so unsafe in prison that they choose to have their regimes restricted, particularly given the known harmful effects of extensively restricting human contact.<sup>228</sup>

It is widely recognised that restricted regimes are damaging to mental, physical and social health and that prisoners should be held on restricted regimes for the minimum amount of time possible.<sup>229</sup> The CPT affirms that prisoners on restricted regime, specifically those on restricted regime for reasons of protection, must not be “*de facto punished*” and must have access to activities and services such as education and sport.<sup>230</sup> The CPT also recommend that prisoners on protection be offered one hour per week of visits in open settings as they have a greater need for contact than other prisoners.<sup>231</sup> However, there is no information publicly available to suggest that this is standard practice in Irish prisons.

**16.2 The number of prisoners who have daily access to a minimum of five hours structured educational, vocational and work programmes, and publication of this information.**

**Insufficient Data**

As with a number of other standards in this report, it was difficult to ascertain whether or not progress occurred under the above indicator due to a lack of data.

While the European Prison Rules,<sup>232</sup> and the OIP,<sup>233</sup> state that a lack of resources is not a justification for poor prison conditions, for many years staffing issues in the IPS have impacted on the quantity and quality of out-of-cell time.<sup>234</sup> In 2017, it was reported that closures of workshops and classes in schools were widespread across the prison estate,<sup>235</sup> a point that has been since reiterated in 2019 reports from the Visiting Committees and Chaplaincy Service.<sup>236</sup>

In 2018, PIPS received snapshot information that 42.8% of the prisoner population participated in education activities in one week in February 2018, and 23% were engaged in vocational training in January 2018. Information was provided in 2019 by the Minister for Justice and Equality to the effect that all prisons have introduced a regime management plan prioritising out-

228 See Irish Penal Reform Trust (IPRT). (2018). ‘Behind the Door’: Solitary Confinement in the Irish Penal System. [Online]. IPRT. Available from: [https://www.iprt.ie/site/assets/files/6439/solitary\\_confinement\\_web.pdf](https://www.iprt.ie/site/assets/files/6439/solitary_confinement_web.pdf). [3 December 2021].

229 Department of Justice (DoJ). (2014). *Strategic Review of Penal Policy*. [Online]. DOJ. Available from: <http://www.justice.ie/en/JELR/Strategic%20Review%20of%20Penal%20Policy.pdf/Files/Strategic%20Review%20of%20Penal%20Policy.pdf> [30 July 2021]. Recommendation 17, P.10.

230 Council of Europe (CoE), (2020). *Response of the Government of Ireland to the report of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) on its visit to Ireland from 23 September to 4 October 2019*. [Online]. CoE. Available from: <https://rm.coe.int/1680a078d1> [30 July 2021]. Paragraph 43 states: “The Committee understands that progression or regression from one regime level to another should be based on the behaviour of each individual prisoner as well as his participation in activities. However, prisoners on protection who have not committed any disciplinary offence but are unable to access activities due to their protection status should not be *de facto punished* by being placed on the basic level of the incentivised regime system” P.33.

231 Council of Europe (CoE), (2020). *Response of the Government of Ireland to the report of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) on its visit to Ireland from 23 September to 4 October 2019*. [Online]. CoE. Available from: <https://rm.coe.int/1680a078d1> [30 July 2021]. P. 34

232 Council of Europe (CoE), (2020). *Revised European Prison Rules* [Online]. CoE. Available from: [https://search.coe.int/cm/Pages/result\\_details.aspx?ObjectId=09000016809ee581](https://search.coe.int/cm/Pages/result_details.aspx?ObjectId=09000016809ee581). [30 July 2021] Basic Principle 4: *Prison conditions that infringe prisoners’ human rights are not justified by lack of resources*. P.7.

233 Office of the Inspector of Prisons (OIP), (2017). *Annual Report for the Years 2015 and 2016*. [Online]. OIP. Available from: [http://www.justice.ie/en/JELR/IOP\\_Annual\\_Report\\_2015-16.pdf/Files/IOP\\_Annual\\_Report\\_2015-16.pdf](http://www.justice.ie/en/JELR/IOP_Annual_Report_2015-16.pdf/Files/IOP_Annual_Report_2015-16.pdf). [16 November 2021]. P.21

234 Irish Prison Service (IPS), (2020). *Prison Visiting Committee Annual Reports 2018*. [Online]. IPS. [http://www.justice.ie/en/JELR/Pages/Prison\\_Visiting\\_Committee\\_Annual\\_Reports\\_2018](http://www.justice.ie/en/JELR/Pages/Prison_Visiting_Committee_Annual_Reports_2018). [30 July 2021].

235 Kildare Street, (2017). *Written Answers, Educational Services for Prisoners, 11 July 2017*. [Online]. Kildare Street. Available from: <https://www.kildarestreet.com/wrans/?id=2017-07-11a.731>. [16 November 2021].

236 See Department of Justice (DoJ). (2021). *Annual Report for 2019 To the Minister for Justice Charles Flanagan TD From Cloverhill Visiting Committee*. [Online]. DoJ. Available from: [https://www.justice.ie/en/JELR/Pages/Prison\\_Visiting\\_Committee\\_Annual\\_Reports\\_List\\_2019](https://www.justice.ie/en/JELR/Pages/Prison_Visiting_Committee_Annual_Reports_List_2019). [3 December 2021]. P.14-16. See also, Irish Prison Service (IPS), (2019). *Midlands Prison Chaplains’ Annual Report 2019*. [Online]. IPS. Available from: [https://www.irishprisons.ie/wp-content/uploads/documents\\_pdf/CR\\_Midlands-2019.pdf](https://www.irishprisons.ie/wp-content/uploads/documents_pdf/CR_Midlands-2019.pdf). P.3.

of-cell activities such as work, education and training, as well as engagement with mental health services and access to the yard.<sup>237</sup> This information, while welcome, is insufficient to monitor progress and it remains unclear whether the regime management plan is operating successfully as there is simply no publicly available data on it.

### Areas of Insufficient Data:

#### Out-Of-Cell Time and Access to Structured Activity:

Adequate recording and reporting are essential to monitoring the operation of regimes that are key to rehabilitation.<sup>238</sup> Despite repeated calls by PIPS, there is still no regularly published information on out-of-cell time in Irish prisons. All data on out-of-cell time throughout the PIPS reports came from parliamentary questions or information requested directly from the IPS. The same is the case for information regarding the impact of COVID-19 on out-of-cell time and access to structured activities. To promote good practice and monitor the ability of the IPS to meet its mission, such information should be published on a regular basis and not only on request.

The lack of information relating to the impact of COVID-19 on prison regimes is particularly concerning. People in a closed environment such as a prison are already at risk of rights infringements without an additional layer of restriction in place. IPRT is aware that out-of-cell time had to be limited during the initial period of the pandemic, however, it is essential that more information is made available to understand the extent of these limitations and assess whether they were proportionate and medically necessary.

#### Restricted Regimes:

Before the establishment of PIPS, the IPS Strategic Plan 2012–2015 set out a number of actions for responding to the numbers of prisoners on restricted regime, specifically for protection prisoners. These actions included developing a strategy for providing the most appropriate regime for prisoners on protection and establishing protocols with stakeholders such as An Garda Síochána for reviewing and sharing information relating to protection requirements.<sup>239</sup> The next IPS Strategic Plan 2016–2018, under Goal 4.4, repeated the commitment to publish a strategy for the reduction in the use of restricted regimes.<sup>240</sup> To date, no such strategy has been published. The most recent IPS Strategic Plan 2019–2022 commits to ensuring that time on restricted regime is kept to a minimum and includes access to prison services such education, training and healthcare.<sup>241</sup> However, there is no mention of a dedicated strategy for restricted regimes.

#### Data Expectations:

The recurrent theme under *Standard 16 – Out-of-Cell time* is a lack of transparency with data. To this end, PIPS sets the following data expectations:

- The Irish Prison Service should systemise the collection of data on out-of-cell time and develop a quarterly census, which outlines the number of hours of out-of-cell time available to the general population in each prison.
- The Irish Prison Service should also document in this quarterly census of out-of-cell time the structured activities available in each prison, such as education, workshops and outdoor exercise, with a breakdown of the number of activity hours available to prisoners per day and the number of prisoners engaged in each type of activity.

237 Houses of the Oireachtas, (2019). *Prison Service Strategies Dáil Éireann Debate, Thursday - 13 June 2019*. [Online]. Houses of the Oireachtas. Available from: <https://www.oireachtas.ie/en/debates/question/2019-06-13/100/>. [16 November 2021].

238 House of Commons Justice Committee, (2019). *Prison population 2022: planning for the future, Sixteenth Report of Session 2017–19 Report*. [Online]. House of Commons. Available from: <https://publications.parliament.uk/pa/cm201719/cmselect/cmjust/483/483.pdf>. [30 July 2021]. P.65.

239 Irish Prison Service (IPS), (2012). *Irish Prison Service Three Year Strategic Plan, 2012-2015*. [Online]. IPS. Available from: <http://www.irishprisons.ie/images/pdf/strategicplanfinal.pdf>. [03 August 2021]. Strategic Action 7: “Establish protocols with stakeholders, such as An Garda Síochána, to review sharing of information regarding protection requirements.” P.48.

240 Irish Prison Service (IPS), (2016). *Irish Prison Service Strategic Plan, 2016-2018*. [Online]. IPS. Available from: [http://www.irishprisons.ie/wp-content/uploads/documents\\_pdf/strategic\\_plan\\_2016.pdf](http://www.irishprisons.ie/wp-content/uploads/documents_pdf/strategic_plan_2016.pdf). [16 November 2021]. Goal 4.4: “We will publish a strategy for the reduction in use of restricted regimes.” P.36.

241 Irish Prison Service (IPS), (2019). *Irish Prison Service Strategic Plan, 2019-2022*. [Online]. IPS. Available from: [https://www.irishprisons.ie/wp-content/uploads/documents\\_pdf/Document-5\\_IPS-Strategy-2019\\_2022.pdf](https://www.irishprisons.ie/wp-content/uploads/documents_pdf/Document-5_IPS-Strategy-2019_2022.pdf). [03 August 2021]

## Standard 26: Solitary confinement

**Standard 26:**  
Solitary confinement is used as a last resort and only in exceptional circumstances. It is used for the shortest period possible, and for a maximum of 15 days. Reasons for and lengths of time a prisoner is held in solitary confinement must be recorded.

According to the European Prison Rules, solitary confinement refers to the “*confinement of a prisoner for more than 22 hours a day without meaningful human contact*”.<sup>242</sup> Rule 44 of the Mandela Rules provides a similar definition.<sup>243</sup> It is important to note that a prisoner may be accommodated with more than one other prisoner in solitary confinement conditions (i.e. 22-hours or more locked up), and such situations are considered to amount to solitary confinement.<sup>244</sup> Solitary confinement is often used not only in disciplinary circumstances, but also as a method of maintaining security in prison, keeping prisoners safe and monitoring prisoners with medical or psychiatric issues.<sup>245</sup> IPRT’s view is that this is not acceptable. Both

prisoner safety and prison security should be achieved through alternative measures.

It is widely agreed that solitary confinement should only be imposed in exceptional cases as a last resort and that a prisoner should be held in solitary confinement for as short a time as possible.<sup>246</sup> The Mandela Rules refers to any period in excess of 15 consecutive days as “*prolonged solitary confinement*” and asserts that this practice should be prohibited.<sup>247</sup>

There is a body of evidence demonstrating the harmful impact of isolation on prisoners. Solitary confinement has a negative impact on prisoner’s regimes from access to educational and vocational services to appropriate hygiene practices and outdoor exercise.<sup>248</sup> Solitary confinement also has a profound negative psychological impact on prisoners.<sup>249</sup> Long-term negative effects can occur within as little as 10 days in isolation.<sup>250</sup> People with pre-existing mental health issues and people with disabilities are particularly vulnerable to solitary confinement, as they are at an increased risk of being separated for reasons relating to their illness or disability, for example through breaking rules or not complying with staff requests.<sup>251</sup> They are also at greater risk of the effects of isolation, resulting in more long-

242 Council of Europe (CoE), (2020). *Revised European Prison Rules*. [Online]. CoE.

Available from: [https://search.coe.int/cm/Pages/result\\_details.aspx?ObjectId=09000016809ee581](https://search.coe.int/cm/Pages/result_details.aspx?ObjectId=09000016809ee581). [30 July 2021]. Rule 60.6(a): *Solitary confinement, that is the confinement of a prisoner for more than 22 hours a day without meaningful human contact, shall never be imposed on children, pregnant women, breastfeeding mothers or parents with infants in prison.*

243 United Nations Office on Drugs and Crime (UNODC), (2015). *The United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules)*. [Online]. UNODC.

Available from: [https://www.unodc.org/documents/justice-and-prison-reform/Nelson\\_Mandela\\_Rules-E-ebook.pdf](https://www.unodc.org/documents/justice-and-prison-reform/Nelson_Mandela_Rules-E-ebook.pdf) [21 July 2021]. Rule 44: “*For the purpose of these rules, solitary confinement shall refer to the confinement of prisoners for 22 hours or more a day without meaningful human contact.*”

244 Council of Europe (CoE), (2011). *European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT): Solitary confinement of prisoners - Extract from the 21st General Report of the CPT, published in 2011*. [Online]. CoE. Available from: <https://rm.coe.int/16806cccc6>. [25 August 2021]. P.1

245 Irish Penal Reform Trust, (2018). *‘Behind the Door’: Solitary Confinement in the Irish Penal System*. [Online]. IPRT.

Available from: [https://www.iprt.ie/site/assets/files/6439/solitary\\_confinement\\_web.pdf](https://www.iprt.ie/site/assets/files/6439/solitary_confinement_web.pdf). [19 July 2021].

246 Council of Europe (CoE), (2020). *Revised European Prison Rules*. [Online]. CoE.

Available from: [https://search.coe.int/cm/Pages/result\\_details.aspx?ObjectId=09000016809ee581](https://search.coe.int/cm/Pages/result_details.aspx?ObjectId=09000016809ee581) [21 July 2021]. Rule 60.6 (C) – “*Solitary confinement shall not be imposed as a disciplinary punishment, other than in exceptional cases and then for a specified period, which shall be as short as possible and shall never amount to torture or inhuman or degrading treatment or punishment.*”

247 United Nations Office on Drugs and Crime (UNODC), (2015). *The United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules)*. [Online]. UNODC.

Available from: [https://www.unodc.org/documents/justice-and-prison-reform/Nelson\\_Mandela\\_Rules-E-ebook.pdf](https://www.unodc.org/documents/justice-and-prison-reform/Nelson_Mandela_Rules-E-ebook.pdf). [21 July 2021]. Rule 44: “*Prolonged solitary confinement shall refer to solitary confinement for a time period in excess of 15 consecutive days.*”

248 Irish Penal Reform Trust, (2018). *‘Behind the Door’: Solitary Confinement in the Irish Penal System*. [Online]. IPRT. Available from: [https://www.iprt.ie/site/assets/files/6439/solitary\\_confinement\\_web.pdf](https://www.iprt.ie/site/assets/files/6439/solitary_confinement_web.pdf). [19 July 2021].

249 Shalev, S. (2014). *Solitary confinement as a prison health issue* in World Health Organization (WHO), (2014). *Prisons and Health*. Copenhagen: WHO.

250 Haney, C. (2003). Mental Health Issues in Long-Term Solitary and “Supermax” Confinement. *Crime & Delinquency*. 49(1):124-156.

251 See research carried out by IPRT, Irish Penal Reform Trust (IPRT). (2020). *Making Rights Real for People with Disabilities in Prison*. [Online]. IPRT. Available from: [https://www.iprt.ie/site/assets/files/6565/people\\_with\\_disabilities\\_in\\_detention\\_-\\_single-pages.pdf](https://www.iprt.ie/site/assets/files/6565/people_with_disabilities_in_detention_-_single-pages.pdf). P.4, 9, 51. See also Irish Penal Reform Trust, (2018). *‘Behind the Door’: Solitary Confinement in the Irish Penal System*. [Online]. IPRT. Available from: [https://www.iprt.ie/site/assets/files/6439/solitary\\_confinement\\_web.pdf](https://www.iprt.ie/site/assets/files/6439/solitary_confinement_web.pdf) [19 July 2021]. P.17

lasting and damaging mental health issues.<sup>252</sup> As well as affecting psychological health, solitary confinement has been shown to affect physical health due to limitations on fresh air, exercise and diet.<sup>253</sup> Where solitary confinement is used in exceptional circumstances, meaningful social contact with others must be ensured. This meaningful social contact could be facilitated through allowing access to social activities, allowing more visits, facilitating talks with psychologists, chaplains or volunteers, and providing meaningful activities.<sup>254</sup>

International recognition of the harmful effects of solitary confinement has called for its abolition or strict limitation.<sup>255</sup> National law reflects international standards in making clear that the **absolute minimum** out-of-cell time for prisoners is two hours per day, and prisoners should be so held for the minimum amount of time possible.<sup>256</sup>

In their latest visit to Ireland, the CPT highlighted that the Irish Prison Service has made an important commitment to maintaining a minimum of two hours out-of-cell time for prisoners on restricted regime. However, they noted issues in Midlands, Cloverhill and Cork prisons for prisoners in “*de facto solitary*

*confinement*” whose situation was not being recorded as such.<sup>257</sup> More recently, during the COVID-19 pandemic, efforts to control the spread of the virus have resulted in increasing numbers of prisoners being held in solitary confinement and isolation but there is no information on the lengths of time in which they endured such conditions.<sup>258</sup> IPRT has campaigned firmly for years that solitary confinement be abolished in Ireland. It is important to further emphasise that – linking in with *Standard 16 – Out-of-Cell time* – two hours is the very minimum standard, and such restrictions should only be used in exceptional circumstances.

### ➔ Indicators for Standard 26

In 2017, PIPS set out the following indicators to track progress of *Standard 26 – Solitary Confinement*:

- 26.1** The number of prisoners on 22–24 hour lock up
- 26.2** The duration of time spent by prisoners on 22–24 hour lock up

252 Irish Penal Reform Trust, (2018). *'Behind the Door': Solitary Confinement in the Irish Penal System*. [Online]. IPRT. Available from: [https://www.iprt.ie/site/assets/files/6439/solitary\\_confinement\\_web.pdf](https://www.iprt.ie/site/assets/files/6439/solitary_confinement_web.pdf) [19 July 2021]. P.17.

253 Irish Penal Reform Trust, (2018). *'Behind the Door': Solitary Confinement in the Irish Penal System*. [Online]. IPRT. Available from: [https://www.iprt.ie/site/assets/files/6439/solitary\\_confinement\\_web.pdf](https://www.iprt.ie/site/assets/files/6439/solitary_confinement_web.pdf). [19 July 2021].

254 Penal Reform International, (2021). *Solitary Confinement*. [Online]. Penal Reform International. Available from: <https://www.penalreform.org/issues/prison-conditions/key-facts/solitary-confinement/>. [19 July 2021].

255 In July 2017, the UN Committee against Torture (CAT) highlighted the inadequacy of Ireland's system of solitary confinement as prisoners were spending lengthy periods in such conditions. The Committee recommended that solitary confinement is only used as a last resort, for the shortest time and under strict supervision. The Committee further stated that it should be prohibited for people with psychosocial disabilities and young people. See, United Nations Human Rights Officer of the High Commissioner (OHCHR), (2017). *United Nations Committee Against Torture (UN CAT): Concluding observations on the second periodic report of Ireland*. [Online]. OHCHR. Available from: [https://tbinternet.ohchr.org/Treaties/CAT/Shared%20Documents/IRL/INT\\_CAT\\_COC\\_IRL\\_28491\\_E.pdf](https://tbinternet.ohchr.org/Treaties/CAT/Shared%20Documents/IRL/INT_CAT_COC_IRL_28491_E.pdf). [19 July 2021].

256 United Nations Office on Drugs and Crime (UNODC), (2015). *The United Nations Standard Minimum Rules for the Treatment of Prisoners*. [Online]. UNODC. Available from: [https://www.unodc.org/documents/justice-and-prison-reform/Nelson\\_Mandela\\_Rules-E-ebook.pdf](https://www.unodc.org/documents/justice-and-prison-reform/Nelson_Mandela_Rules-E-ebook.pdf). [30 July 2021]. Rule 44: “For the purpose of these rules, solitary confinement shall refer to the confinement of prisoners for 22 hours or more a day without meaningful human contact. Prolonged solitary confinement shall refer to solitary confinement for a time period in excess of 15 consecutive days.” Rule 45 (1): “Solitary confinement shall be used only in exceptional cases as a last resort, for as short a time as possible and subject to independent review, and only pursuant to the authorization by a competent authority. It shall not be imposed by virtue of a prisoner's sentence.”

257 Council of Europe (CoE), (2020). *Response of the Government of Ireland to the report of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) on its visit to Ireland from 23 September to 4 October 2019*. [Online]. CoE. Available from: <https://rm.coe.int/1680a078d1> [30 July 2021].

258 Office of the Inspector of Prisons (OIP) & Maynooth University, (2020). *Ameliorating the impact of cocooning on people in custody – a briefing*. [Online]. OIP. Available from: <https://www.OIP.ie/wp-content/uploads/2020/07/Ameliorating-the-impact-of-cocooning-on-people-in-custody-a-briefing.pdf>. [19 July 2021].

See below the overall status of progress under Standard 26 – Solitary Confinement since 2017:

2017	2018	2019	2020	Overall Status 2021
Standard Set	Mixed	Regress	Regress	Regress

**Reviewing the Indicators:**

**26.1 The number of prisoners on 22–24-hour lock up** Regress

The graph below presents snapshot daily figures of the number of prisoners on 22- and 23-hour lock up between January and October, 2017–2021:<sup>259</sup>



259 Irish Prison Service (IPS), (2021). *Census of Restricted Regimes Reports (Jan to Oct, 2017-2021)*. [Online]. IPS. Available from: <https://www.irishprisons.ie/information-centre/statistics-information/census-reports/>. [19 July 2021].

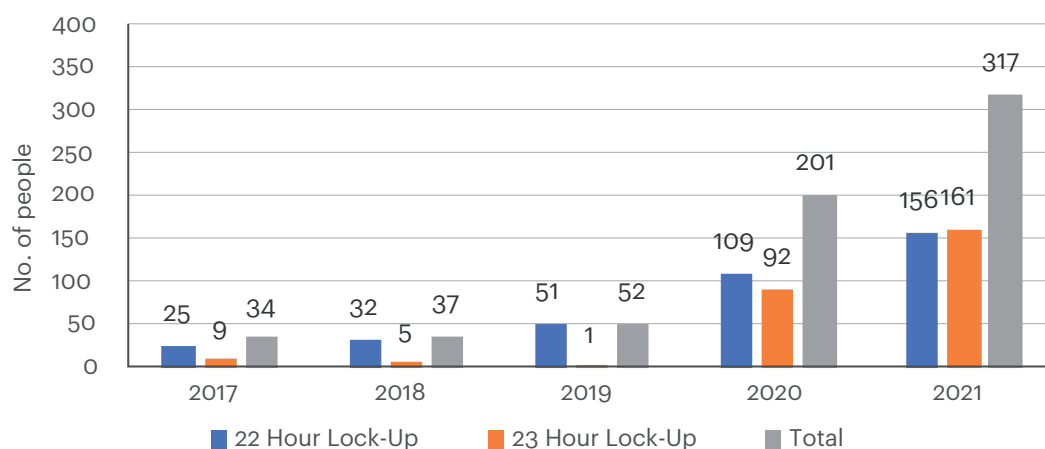


As demonstrated opposite, solitary confinement steadily increased between 2017 and 2019 with a sharp increase after the onset of the COVID-19 pandemic in mid-2020 and reaching peak numbers at the beginning of 2021. It is interesting to note that in late 2017, the number of people in solitary confinement was at its lowest. These low numbers coincide with the Minister for Justice and Equality introducing the amendment to Rule 27(1) of the Prison Rules, which entitled all prisoners to minimum two hours out-of-cell time and the opportunity for meaningful contact, including contact with other prisoners.<sup>260</sup> It also coincided with relatively low prison numbers (in mid-October the number of people in prison was approximately 3,629)<sup>261</sup> and reduced crowding, which demonstrates that the safety of prisoners can be achieved in far less damaging ways provided prisoner numbers are low.

As demonstrated by the graph above, there was a massive increase between 2017 and 2021 in combined 22- and 23-hour lock-up despite commitments made in the *IPS Solitary Confinement Policy* in July 2017 to ensure two hours out-of-cell time per day for prisoners on a restricted regime.<sup>262</sup> One welcome change in 2019 was the total reduction of prisoners on 23-hour lock up in the latter half of the year (with no prisoners being held in such conditions in July or October). However, in 2019 overall, the commitment to providing prisoners with two hours out-of-cell time per day was still not met.

During the pandemic, the numbers of people locked up in cells for 22 hours or more for reasons not related to COVID-19 continued to rise. It should also be highlighted that in 2021, there was an average of 32 people in solitary confinement for 24 hours per day (ranging from 15 people to 74 people across the year for COVID-19 infection control reasons).<sup>263</sup> Overall, since 2017, the IPS has moved further away from meeting its commitment of ensuring all prisoners receive a minimum of two hours out-of-cell time per day.

### Average Number of People on 22- and 23-Hour Lock Up



260 Rule 27 of the Principal Rules is amended— (a) by the substitution of the following paragraphs for paragraph (1): “(1) Subject to any restrictions imposed under and in accordance with Part 3 of the Prisons Act 2007 and Part 4 of these Rules, each prisoner shall be allowed, See, S.I. No. 276/2017 - Prison (Amendment) Rules 2017.

Available from: [https://tbinternet.ohchr.org/\\_layouts/15/TreatyBodyExternal/SessionsList.aspx?Treaty=CEDAW](https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/SessionsList.aspx?Treaty=CEDAW). [16 November 2021].

261 Irish Prison Service (IPS), (2017). *Prisoner Population on Monday 16th October 2017*. [Online]. IPS.

Available from: [https://www.irishprisons.ie/wp-content/uploads/documents\\_pdf/16-October-2017.pdf](https://www.irishprisons.ie/wp-content/uploads/documents_pdf/16-October-2017.pdf). [3 December 2021].

262 Irish Prison Service (IPS), (2017). *Elimination of Solitary Confinement – Policy Document*. [Online]. IPS.

Available from: [https://www.irishprisons.ie/wp-content/uploads/documents\\_pdf/Elimination-of-solitary-confinement-Policy.pdf](https://www.irishprisons.ie/wp-content/uploads/documents_pdf/Elimination-of-solitary-confinement-Policy.pdf). [16 November 2021]. P.1

263 Irish Prison Service (IPS), (2021). *Census of Restricted Regimes Reports (Jan to Oct, 2017-2021)*. [Online]. IPS. Available from: <https://www.irishprisons.ie/information-centre/statistics-information/census-reports/>. [14 January 2022].

## 26.2 The duration spent by prisoners on 22–24-hour lock up

### Insufficient Data

There is no information available on the lengths of time that prisoners in Ireland are held in solitary confinement or on restricted regimes. Over many years, IPRT has repeatedly sought such information from the IPS and by way of parliamentary questions but to no avail. In 2018, then Minister for Justice and Equality, Charles Flanagan TD, stated that collating data on a large number of prisoner records “*would require a disproportionate and inordinate amount of staff time and effort which could not be justified where there are other significant demands on resources.*”<sup>264</sup>

**IPRT’s view is that given the gravity of the rights at play, and the significant risk of adverse outcomes on people detained in prolonged confinement, this is not acceptable.**

*“I would spend probably four months of every year down the blocks. In the 11 years I was there, so at least maybe twice a year, sometimes three times a year I’d get 60 days in an isolation unit.”*

### Areas of Insufficient Data:

IPRT argues that to protect the human rights of people in prison, particularly those being held under such conditions as separation, isolation and solitary confinement, regular and adequate monitoring systems must be prioritised and resourced to allow for external scrutiny. In both 2019 (Action 26.1)<sup>265</sup> and 2020 (Action 26.2)<sup>266</sup>, IPRT repeated its recommendation for the IPS to routinely collect and publish data on the lengths of time prisoners are spending in solitary confinement and publish this information as part of the IPS quarterly Census Reports.<sup>267</sup> In the 2020 report of their visit to Ireland in 2019, the CPT observed issues with recording mechanisms in Irish prisons particularly in relation to accurate recording of out-of-cell time and failures to record people in de facto solitary confinement as such. The CPT particularly highlighted how critical it is to ensure adequate and accurate recording of out-of-cell time for people on restricted regimes.<sup>268</sup>

### Data Expectations:

PIPS carries over the message of PIPS 2019, *Action 26.1* and PIPS 2020, *Action 26.2* in the following data expectation:

- The Irish Prison Service should prioritise with urgency the routine collection and publication of the lengths of time that prisoners are spending in solitary confinement and present this information in the IPS quarterly Census of Restricted Regimes Reports.

264 Kildare Street, (2018). *Department of Justice and Equality – Prison Service Data. Written Answers Tuesday, 12 June 2018.* [Online]. Kildare Street. Available from: <https://www.kildarestreet.com/wrans/?id=2018-06-12a.1330>. [23 July 2021].

265 Irish Penal Reform Trust (IPRT), (2019). *Progress in the Penal System: A Framework for Penal Reform.* [Online]. IPRT. Available from: <https://pips.iprt.ie/site/assets/files/Progress-in-the-Penal-System-2019.pdf> [23 July 2021]. P.91

266 Irish Penal Reform Trust (IPRT), (2020). *Progress in the Penal System: Assessing Progress During a Pandemic.* [Online]. IPRT. Available from: <https://pips.iprt.ie/site/assets/files/Progress-in-the-Penal-System-2020.pdf> [23 July 2021]. P.70

267 Irish Penal Reform Trust (IPRT), (2019). *Progress in the Penal System: A Framework for Penal Reform.* [Online]. IPRT. Available from: <https://pips.iprt.ie/site/assets/files/Progress-in-the-Penal-System-2019.pdf> [23 July 2021]. P.91

268 Council of Europe (CoE), (2020). *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.* [Online]. CoE. Available from: <https://rm.coe.int/1680a078cf>. [16 November 2021]. P.26.

**Short-Term Actions:****Chapter 2  
Assessing the Operation of the Prison****Action 2.1**

**Standard 6 Open Prison Provision:** The Irish Prison Service, before the end of 2022, should develop and publish a plan for reducing the number of closed prison spaces across the Irish Prison estate and replacing them with open prison spaces.

**Action 2.4**

**Standard 26 Solitary Confinement:** The Irish Prison Service should, by the end of 2022, reduce the number of people being held in solitary confinement across the prison estate to the lower numbers seen in 2017.

**Action 2.2**

**Standard 9 Single-Cell Accommodation:** The Irish Prison Service, before the end of 2022, should carry out a review of the use of single-cell accommodation across the Irish prison estate. This review should consider international standards and best practice in accommodating people in prison, examine the quantity and quality of usable single cells across the estate, and examine the reasons behind continued cell-sharing in Irish prisons and measures to address this.

**Action 2.5**

**Standard 26 Solitary Confinement:** The Irish Prison Service should, by the end of 2022, eliminate prolonged solitary confinement (i.e. conditions of solitary confinement being used for a period of 15 continuous days or more in respect of an individual prisoner).

**Action 2.3**

**Standard 16 Out-Of-Cell Time:** In 2016, the IPS Strategic Plan committed to publishing a dedicated strategy for reducing the use of restricted regimes across the prison estate. The Irish Prison Service should publish this strategy without delay.



## CHAPTER 3:

### Ensuring the Focus is on Desistance

As outlined in Chapter 1, many people in prison have experienced poor mental health and addiction issues,<sup>269</sup> low educational attainment and unemployment,<sup>270</sup> profound disadvantage<sup>271</sup> and homelessness.<sup>272</sup> Furthermore, women who end up in prison are likely to have had experience of trauma, abuse in childhood and/or domestic violence.<sup>273</sup> IPRT is accordingly clear that in order to break the cycle of reoffending, we must first address the disadvantage and risk factors that lead to offending. While prisons clearly cannot address these broader societal issues in and of themselves, when people do end up in prison, the focus should be on supporting desistance.

The European Prison Rules set out principles and rules which if implemented properly, could ensure that prison is a rehabilitative environment. These include, but are not limited to, frequent contact with the outside world,<sup>274</sup> a balanced programme of activities and education,<sup>275</sup> and possibilities to engage in work.<sup>276</sup> All of these elements provide people in prison with the confidence, motivation and skills to re-engage with their families and communities successfully and desist from further criminal behaviour.

Focusing on the rehabilitation of people in prison has many benefits for the individual themselves, their families and wider society, and in financial terms, is considerably less expensive than the cost of recidivism. Despite this, recidivism rates,<sup>277</sup> along with annual committals to prison, remain high.<sup>278</sup>

The following chapter highlights key standards of penal reform that, if addressed, could have a significant positive impact in ensuring that prisons in Ireland are less punitive and instead promote pro-social behaviours, life skills and desistance.

There needs to be more transparency around what life is like for people in prison to ensure that the prison environment/regimes are conducive to rehabilitation and that the IPS remains focused on this aspect of prison life. For example, comprehensive information on the programme of education, activities and services available to support people in prison with their wellbeing and personal development should be published and regularly updated by the IPS, along with frequent public updates on the level of engagement with such initiatives among the prison population.

269 Gulati G, Keating N, O'Neill A, Delaunois I, Meagher D, Dunne CP (2019) The prevalence of major mental illness, substance misuse and homelessness in Irish prisoners: systematic review and meta-analyses. *Ir J Psychol Med* Mar 2019; 36(1): 35- 45.

270 Central Statistics Office (CSO), (2020). *Offenders 2016: Employment, Education and Other Outcomes, 2016-2019*. [Online]. CSO. Available from: <https://www.cso.ie/en/releasesandpublications/FP/p-offo/offenders2016employmenteducationandotheroutcomes2016-2019/> [2 November 2021].

271 O'Donnell I., Teljeur C., Hughes N., Baumer E.P. and Kelly, A. (2007). 'When prisoners go home: punishment, social deprivation and the geography of reintegration'. 17(4) *Irish Criminal Law Journal*: 3-9.

272 Martynowicz, A. and Quigley M. (2010). "It's like stepping on a landmine . . ." - *Reintegration of prisoners in Ireland*. (Irish Penal Reform Trust 2010).

273 London Women's Diversion Service, (2021). "Women Need Women Who Support Them" - *The impact of community support on diverting women from the criminal justice system*. [Online]. Advance Charity. Available from: <https://www.advancecharity.org.uk/wp-content/uploads/2021/11/London-Womens-Diversion-report-2021-final-.pdf>. [23 December 2021].

274 Council of Europe (CoE), (2020). *Revised European Prison Rules*. [Online]. CoE. Available from: [https://search.coe.int/cm/Pages/result\\_details.aspx?ObjectId=09000016809ee581](https://search.coe.int/cm/Pages/result_details.aspx?ObjectId=09000016809ee581) [11 August 2021]. Rule 24

275 Council of Europe (CoE), (2020). *Revised European Prison Rules*. [Online]. CoE. Available from: [https://search.coe.int/cm/Pages/result\\_details.aspx?ObjectId=09000016809ee581](https://search.coe.int/cm/Pages/result_details.aspx?ObjectId=09000016809ee581) [11 August 2021]. Rule 28.

276 Council of Europe (CoE), (2020). *Revised European Prison Rules*. [Online]. CoE. Available from: [https://search.coe.int/cm/Pages/result\\_details.aspx?ObjectId=09000016809ee581](https://search.coe.int/cm/Pages/result_details.aspx?ObjectId=09000016809ee581) [11 August 2021]. Rule 26.

277 More than half (55%) of prisoners released from custody in 2014 re-offended within three years. See, Central Statistics Office (CSO), (2020). *Press Statement: Press Statement Prison Re-offending 2011 – 2017*. [Online]. CSO. Available from: <https://www.cso.ie/en/csolatestnews/pressreleases/2020pressreleases/pressstatementprisonreoffendingstatistics/> [06 December 2021].

278 Irish Prison Service (IPS), (2021). *Irish Prison Service Annual Report*. [Online]. IPS. Available from: [https://www.justice.ie/en/JELR/IPS\\_Annual\\_Report\\_2020.pdf/Files/IPS\\_Annual\\_Report\\_2020.pdf](https://www.justice.ie/en/JELR/IPS_Annual_Report_2020.pdf/Files/IPS_Annual_Report_2020.pdf). [08 December 2021].

## Standard 11: Family contact

**Standard 11:  
Every prisoner is encouraged and facilitated to maintain positive family and close, significant relationships.**

Children and families of prisoners are considered the “hidden victims” of the criminal justice system as they are often punished through separation from their family members and/or the stigma associated with having a family member in prison and/or the economic hardship of having a family member in prison, despite not having committed an offence. While children and families of prisoners suffer the outcomes of the justice process, they are rarely acknowledged or heard within the system and their struggles are often disregarded.

Several human rights instruments reinforce the rights of both children and families, as well as prisoners, in maintaining frequent and direct contact with each other (e.g. see the Convention on the Rights of the Child,<sup>279</sup> the Mandela Rules,<sup>280</sup> and the European Prison Rules<sup>281</sup>). Furthermore, while IPRT is clear that children and families should not be held responsible for the successful rehabilitation/reintegration of their family member in prison, family contact during prison has been linked to increased desistance.<sup>282</sup>

### ► Indicators for Standard 11

In 2017, PIPS set out the following indicators to track progress of *Standard 11 - Family Contact*:

- 11.1** Availability of child-friendly visiting conditions across the prison estate.
- 11.2** Regular family contact, specifically via phone calls, Skype programmes, contact visits and availability of weekend and evening visits.
- 11.3** Supports for children affected by parental imprisonment.
- 11.4** Access to evening and weekend visits across the prison estate.

279 United Nations Office of the High Commissioner (OHCHR), (1989). *Convention on the Rights of the Child Adopted and opened for signature, ratification and accession by General Assembly resolution 44/25 of 20 November 1989*. [Online]. OHCHR. Available from: <https://www.ohchr.org/Documents/ProfessionalInterest/crc.pdf>. [11 August 2021]. Article 37. P:10.

280 United Nations Office on Drugs and Crime (UNODC), (2015). *The United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules)*. [Online]. UNODC. Available from: [https://www.unodc.org/documents/justice-and-prison-reform/Nelson\\_Mandela\\_Rules-E-book.pdf](https://www.unodc.org/documents/justice-and-prison-reform/Nelson_Mandela_Rules-E-book.pdf) Rule 58 1. “Prisoners shall be allowed, under necessary supervision, to communicate with their family and friends at regular intervals: (a) By corresponding in writing and using, where available, telecommunication, electronic, digital and other means; and (b) By receiving visits.” P:18.

281 Council of Europe (CoE), (2020). *Revised European Prison Rules*. [Online]. CoE. Available from: [https://search.coe.int/cm/Pages/result\\_details.aspx?ObjectId=09000016809ee581](https://search.coe.int/cm/Pages/result_details.aspx?ObjectId=09000016809ee581). [11 August 2021]. Rule 24.1: “Prisoners shall be allowed to communicate as often as possible by letter, telephone or other forms of communication with their families, other persons and representatives of outside organisations and to receive visits from these persons.”

282 Farmer, L., (2017). *The Importance of Strengthening Prisoners’ Family Ties to Prevent Reoffending and Reduce Intergenerational Crime*. [Online]. UK Ministry of Justice. Available Online: [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/642244/farmer-review-report.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/642244/farmer-review-report.pdf). [11 August 2021].

See below the overall status of progress under *Standard 11 –Family Contact* between 2017 and 2021:

2017	2018	2019	2020	Overall Status 2021
Standard Set	Mixed	Mixed	Mixed	Mixed

### Reviewing the Indicators:

#### 11.1 Availability of child-friendly visiting conditions across the prison estate Progress

The need for enhanced, humane and open visiting conditions has been recommended in Ireland as far back as the Whitaker report in 1985.<sup>283</sup> IPRT also advocated for child-friendly visiting conditions long before the establishment of PIPS and this issue featured significantly in IPRT's 2012 report on the experience of children and families of prisoners.<sup>284</sup> More recently, between 2014 and 2018, there have been recommendations,<sup>285</sup> commitments<sup>286 287</sup> and actions<sup>288 289</sup> made to improve conditions for family visits in Ireland.

Positive improvements in facilities for family visits across the estate were highlighted by Visiting Committee reports in 2019, but there were issues raised regarding the use of screened family visits, particular for prisoners with small children, at Cloverhill Prison.<sup>290</sup> The promised IPS Families and Imprisonment Group (FIG) national policy on visiting conditions standards across the estate<sup>291</sup> has not been published and the FIG is currently not operating.

- 283 Whitaker, T.K., (1985). *Report of the Committee of Inquiry into the Penal System*. Dublin: Stationery Office.
- 284 Irish Penal Reform Trust, (2012). *Picking Up the Pieces: The Rights and Needs of Children and Families Affected by Imprisonment*. [Online]. IPRT. Available from: [https://www.iprt.ie/site/assets/files/6320/iprt\\_children\\_of\\_imprisoned\\_parents2.pdf](https://www.iprt.ie/site/assets/files/6320/iprt_children_of_imprisoned_parents2.pdf). [26 August 2021]. P.4.
- 285 The Department of Justice (DoJ), (2014). *The Strategic Review of Penal Policy*. [Online]. Department of Justice. Available from: <http://www.justice.ie/en/jelr/strategic%20review%20of%20penal%20policy.pdf/files/strategic%20review%20of%20penal%20policy.pdf>. [18 August 2021]. Recommendation 25: *The Review Group recommends that all criminal justice agencies work to promote contact between offenders and their children and other family members, where such contact is appropriate. In particular, the Irish Prison Service should work to ensure that conditions for visits, as well as decisions regarding the denial of visits, are sensitive to the needs of children*. P.74.
- 286 Government of Ireland, (2014). *Better Outcomes, Brighter Futures: The National Policy Framework for Children and Young People*. [Online]. Government of Ireland. Available from: <https://assets.gov.ie/23796/961bbf5d975f4c88adc01a6fc5b4a7c4.pdf>. [16 November 2021]. Action 3.22 committed to ensuring "adequate access by children to an imprisoned parent, in a child-friendly setting". P.82
- 287 Director General of the IPS committing to the provision of roundtable visits across the prison estate to make visits more child-friendly. See, Donnellan, M. (2017) Ireland's Examination under UNCAC – Oral hearing [unpublished speech].
- 288 Minister for Justice and Equality stating that all prisons across the estate had been equipped with "child friendly visiting conditions" See, Houses of the Oireachtas, (2018). *Prison Facilities Dáil Éireann Debate, Tuesday - 12 June 2018*. [Online]. Houses of the Oireachtas. Available from: <https://www.oireachtas.ie/en/debates/question/2018-06-12/518/>. [18 August 2021].
- 289 The opening of a new visitor area in Castlerea Prison, See, Houses of the Oireachtas, (2018). *Prison Facilities Dáil Éireann Debate, Tuesday - 12 June 2018*. [Online]. Houses of the Oireachtas. Available from: <https://www.oireachtas.ie/en/debates/question/2018-06-12/518/>. [18 August 2021]. Houses of the Oireachtas, (2018). *Prison Facilities Dáil Éireann Debate, Tuesday - 12 June 2018*. [Online]. Houses of the Oireachtas. Available from: <https://www.oireachtas.ie/en/debates/question/2018-06-12/518/>. [18 August 2021].
- 290 Irish Prison Service (IPS), (2019). *Annual Report for 2019 To the Minister for Justice Charles Flanagan TD From Cloverhill Visiting Committee*. [Online]. IPS. Available from: <http://www.justice.ie/en/JELR/Cloverhill%20Prison%20Visiting%20Committee%20Annual%20Report%202019.pdf/Files/Cloverhill%20Prison%20Visiting%20Committee%20Annual%20Report%202019.pdf>. [16 November 2021]. P.4
- 291 Department of Justice (DoJ). *Implementation of Penal Policy Review Group Recommendations Seventh Report of the Implementation Oversight Group to the Minister for Justice and Equality*. [Online]. DoJ. Available from: [https://www.justice.ie/en/JELR/IOG\\_Seventh\\_Report\\_of\\_the\\_Implementation\\_Oversight\\_Group\\_to\\_the\\_Minister\\_for\\_Justice\\_and\\_Equality.pdf/Files/IOG\\_Seventh\\_Report\\_of\\_the\\_Implementation\\_Oversight\\_Group\\_to\\_the\\_Minister\\_for\\_Justice\\_and\\_Equality.pdf](https://www.justice.ie/en/JELR/IOG_Seventh_Report_of_the_Implementation_Oversight_Group_to_the_Minister_for_Justice_and_Equality.pdf/Files/IOG_Seventh_Report_of_the_Implementation_Oversight_Group_to_the_Minister_for_Justice_and_Equality.pdf). [06 December 2021]. Recommendation 25 (11): National Families & Imprisonment Group to provide policy on visiting conditions standards. Q2 2019.

## 11.2 Regular family contact, specifically via phone calls, video conferencing and contact visits.

Mixed

From the initial year of PIPS in 2017, IPRT highlighted the need for increased family contact through more flexible visits and an increase in other forms of contact including phone and video calls.<sup>292</sup> Between 2017 and 2019, it appears visiting hours had become somewhat flexible,<sup>293</sup> however, the onset of the COVID-19 pandemic in 2020 saw an abrupt and complete change in the landscape of family contact. Family visits were suspended on and off in 2020 and 2021 across the entire prison estate. When visits recommenced, children were not always allowed to visit, and when they were, only a maximum of one child was permitted per visit.<sup>294</sup> This meant that families with more than one child had to choose between their children, which was extremely difficult in circumstances where children may not have had any physical contact with their family member for a significant portion of the year.<sup>295</sup> This situation has continued into 2021.<sup>296</sup>

During this period, there was a significant increase in the use of video calls across the prison estate as a substitute for in-person visits.<sup>297</sup> The increase in video calls was a positive step forward in many

ways as it highlighted that this practice could be accommodated by the prison regime, and was a particularly positive development for those prisoners who have a family member who is unable to visit in person due to e.g. age, sickness or location. Another positive development in 2020 and 2021 was the provision of in-cell telephones in some prisons in response to prisoners having to self-isolate<sup>298</sup> (a measure which has now been extended out further with the aim of being rolled out across the prison estate).<sup>299</sup> IPRT stresses that virtual visits are beneficial and should be carried forward into the future, however, they cannot replace in-person visits, and should only be used to supplement such visits.

## 11.3 Supports for children affected by parental imprisonment

Regress

After five editions of PIPS, there are still no national services and supports provided by the State for children and families of prisoners. Most of the support that is available is provided by the NGO sector.<sup>300</sup> In 2017, a Family Links programme in operation in Limerick Prison had completed a successful pilot period and by 2018 was due to be rolled out nationwide.<sup>301</sup> However, there was no mention of the programme in the 2019 IPS Annual

292 Irish Penal Reform Trust, (2017). *Progress in the Penal System: A Framework for Penal Reform*. [Online]. IPRT. Available from: [https://www.iprt.ie/site/assets/files/6431/progress\\_in\\_the\\_penal\\_system\\_compressed\\_.pdf](https://www.iprt.ie/site/assets/files/6431/progress_in_the_penal_system_compressed_.pdf). [11 August 2021]. P.42. Action 11.2.

293 In 2018, Minister for Justice stated that: "All of our prisons facilitate visits on Saturdays to take account of the needs of families visiting persons in custody. Sunday visits are allowed at the two Open Centres and at Cloverhill." See, Houses of the Oireachtas, (2018). *Prison Facilities Dáil Éireann Debate, Tuesday - 12 June 2018*. [Online]. Houses of the Oireachtas. Available from: <https://www.oireachtas.ie/en/debates/question/2018-06-12/518/>. [06 December 2021]. However, in 2019, the IPS website visit booking facility highlighted that Saturday visits were only available in Wheatfield, Shelton Abbey, Portlaoise, Mountjoy, Limerick, Loughan House, Dóchas, Cloverhill, Castlereagh and Arbour Hill and Sunday visits in Dóchas Centre (female), Shelton Abbey, Loughan House, Castlereagh and Cloverhill.

294 Irish Prison Service (IPS), (2020). *Family Information Booklet for People in Our Custody*. [Online]. IPS. Available from: [https://www.irishprisons.ie/wp-content/uploads/documents\\_pdf/Family-Information-Booklet-September-2020.pdf](https://www.irishprisons.ie/wp-content/uploads/documents_pdf/Family-Information-Booklet-September-2020.pdf). [16 November 2021].

295 Irish Penal Reform Trust (IPRT), (2020). "I am worried about the lasting impact this will have": *The experiences of people with a family member in prison during COVID-19*. [Online]. IPRT. Available from: [https://www.iprt.ie/site/assets/files/6775/results\\_of\\_families\\_of\\_prisoners\\_survey\\_final\\_web-1.pdf](https://www.iprt.ie/site/assets/files/6775/results_of_families_of_prisoners_survey_final_web-1.pdf). [16 November 2021].

296 See Irish Prison Service (IPS), (2021). Important Information on the Operation of Physical Visits from 1 November 2021. [Online]. IPS. Available from: <https://www.irishprisons.ie/important-information-operation-physical-visits-1-november-2021/>. [7 December 2021].

297 Irish Prison Service (IPS), (2020). Important notice regarding the introduction of family video visits in Irish Prisons. [Online]. IPS. Available from: [https://www.irishprisons.ie/wp-content/uploads/documents\\_pdf/Important-notice-regarding-the-introduction-of-family-video-visits-in-Irish-Prisons.pdf](https://www.irishprisons.ie/wp-content/uploads/documents_pdf/Important-notice-regarding-the-introduction-of-family-video-visits-in-Irish-Prisons.pdf). [11 August 2021].

298 *Irish Prison Service, Irish Prison Service response to requests for PIPS 2020 07.08.2020* in, Irish Penal Reform Trust (IPRT). *Progress in the Penal System: Assessing Progress During a Pandemic*. [Online]. IPRT. Available from: <https://pips.iprt.ie/site/assets/files/Progress-in-the-Penal-System-2020.pdf>. [11 August 2021]. P.61.

299 Irish Penal Reform Trust (IPRT), (2021). *Remarks by Caron McCaffrey at the Launch of the IPRT Progress in the Penal System Report 2020 - Tuesday 26 January 2021*. [Online]. IPRT. Available from: [https://www.iprt.ie/site/assets/files/6836/caron\\_mccaffrey\\_iprt\\_pips\\_2020\\_launch.pdf](https://www.iprt.ie/site/assets/files/6836/caron_mccaffrey_iprt_pips_2020_launch.pdf). [30 November 2021].

300 Dillon's Cross Project, operated by the Irish Prison Education Association (IPEA), is one example of a State-provided support service for children and families of prisoners. See further info here: <http://ipea.ie/the-dillons-cross-project/>.

301 Irish Prison Service (IPS), (2019). *Annual Report 2018*. [Online]. IPS. Available from: [https://www.irishprisons.ie/wp-content/uploads/documents\\_pdf/Annual-Report-2018.pdf](https://www.irishprisons.ie/wp-content/uploads/documents_pdf/Annual-Report-2018.pdf). [11 August 2021].



Report<sup>302</sup> and it was reported that the programme had ended all activity in prisons since early 2018.<sup>303</sup>

In 2017, *Action 11.3*, PIPS urged the Department of Children, Equality, Disability, Integration and Youth (the then Department of Children and Youth Affairs) to recognise children of prisoners as an at-risk cohort with specific rights and needs which must be addressed by a specific cross-sectoral strategy.<sup>304</sup> This action was repeated in 2018 (Action 11.2) and 2019 (Action 11.1), however, such a strategy has yet to be published. In their most recent strategic plan, 2019-2022, it appears that the IPS has moved away from previous commitments to supporting children and families of prisoners as there are no actions relating to this cohort aside from a vague reference to achieving “greater recognition of family support”.<sup>305</sup>

The cessation of the Family Links programme in prisons, coupled with the slowing of strategic action to support children and families of prisoners, points to regress in this area.

#### 11.4 Access to evening and weekend visits across the prison estate.

Mixed

In 2018, the Minister for Justice and Equality stated that all prisons have visiting hours on Saturdays in order to facilitate the needs of families and pointed out that Sunday visits were also available in the two Open Prisons, as well as Cloverhill Prison.<sup>306</sup> However, in 2019, PIPS found that weekend visits were not commonplace in the Midlands Prison and that Sunday visits had still not been extended across the entire prison estate, with only 5 prisons (two of which were open prisons) facilitating Sunday visits.<sup>307</sup>

***“No matter what, everybody should get family visits and if it’s a case that [...] people are being intimidated, then we can put in a structure to allow for that to say, “right okay, if you’re being intimidated, come let us know and we’ll do something”. Create a space where people can have conversations...”***

302 Irish Prison Service (IPS), (2020). *Annual Report 2019*. [Online]. IPS.

Available from: [https://www.irishprisons.ie/wp-content/uploads/documents\\_pdf/IPS-Annual-Report-2019-Web.pdf](https://www.irishprisons.ie/wp-content/uploads/documents_pdf/IPS-Annual-Report-2019-Web.pdf). [11 August 2021].

303 Childhood Development Initiative (CDI). *Prisoners Returning Home: Prisoners and Family Reintegration*. [Online]. CDI.

Available from: <https://www.cdi.ie/wp-content/uploads/2019/12/CDI-Prisoners-Returning-Home-min.pdf>. [11 August 2021]. P.24

304 Irish Penal Reform Trust (IPRT), (2017). *Progress in the Penal System: A Framework for Penal Reform*. [Online]. IPRT.

Available from: [https://www.iprt.ie/site/assets/files/6431/progress\\_in\\_the\\_penal\\_system\\_compressed\\_.pdf](https://www.iprt.ie/site/assets/files/6431/progress_in_the_penal_system_compressed_.pdf). [11 August 2021].

305 Irish Prison Service. (2019). *Strategic Plan 2019-2022*. [Online]. IPS.

Available from: [https://www.irishprisons.ie/wp-content/uploads/documents\\_pdf/Irish-Prison-Services-Strategy-2019-2022.pdf](https://www.irishprisons.ie/wp-content/uploads/documents_pdf/Irish-Prison-Services-Strategy-2019-2022.pdf) [21 August 2021]. P.15.

306 Houses of the Oireachtas, (2018). *Prison Facilities Dáil Éireann Debate, Tuesday - 12 June 2018 – Presentation by the Minister for Justice and Equality*. [Online]. Houses of the Oireachtas.

Available from: <https://www.oireachtas.ie/en/debates/question/2018-06-12/518/>. [11 August 2021].

307 Information Retrieved from: IPS, ‘Request a family visit’, <http://www.irishprisons.ie/visiting-a-prison/request-a-family-visit/>.

In Irish Penal Reform Trust (IPRT), (2019). *Progress in the Penal System: A Framework for Penal Reform*. [Online]. IPRT. Available from: <https://pips.iprt.ie/site/assets/files/Progress-in-the-Penal-System-2019.pdf>. [11 August 2021]. P.52.

### Areas of Insufficient Data:

There is no publicly available data on the number of children who have a parent in prison in Ireland. Since 2018, the Irish Prison Service (IPS) has asked people upon their committal to prison whether they have children. However, there are limitations to the data.<sup>308</sup> To support data integrity, it is important that officers collecting the data are trained in how to ask for this information and explain to prisoners why collecting this information is of importance. Having a parent in prison is one of the ten identified Adverse Childhood Experiences (ACEs) that can have a negative impact on people into adulthood. It is critical to have a view of how many children in Ireland are experiencing such adversity in order that their needs can be properly addressed.

### Data Expectations:

PIPS sets the following data expectations:

- The Irish Prison Service should develop a quarterly Census Report on Visits and Contact which includes:
  - The number of in-person visits facilitated;
  - The number and proportion of visits that were screened;
  - The number and proportion of visits that were non-screened;
  - The number of enhanced visits that were facilitated;
  - The number of neutral venue visits that were facilitated;
  - The number of video calls that were facilitated;
  - The number of cells with in-cell phones and the number of phone calls facilitated; and
  - The number of prisons with dedicated visitor centres.
- The Irish Prison Service should develop a centralised database which records the number of prisoners who have children, as well as the number of children each prisoner has. From the information collected, the IPS should produce aggregated, anonymised data that can be made publicly available to inform the development of services nationwide.

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<sup>308</sup> On 29 April 2021, there were 3,788 prisoners in custody, of whom 2,068 declared that they had children, and the total number of children declared was 5,150. See: Houses of the Oireachtas. (2021). *Prisoner Data Dáil Éireann Debate, Wednesday - 5 May 2021*. [Online]. Houses of the Oireachtas. Available from: <https://www.oireachtas.ie/en/debates/question/2021-05-05/466/>. [16 November 2021].

## Standard 18: Life skills

**Standard 18:**  
Prisoners are encouraged and facilitated to develop and maintain life skills and assume personal responsibility while in prison.

Opportunities to develop and maintain life skills in prison, whether provided through the day-to-day regimes of prison or through designated life skills and job skills courses, are essential for normalisation, reintegration and rehabilitation.<sup>309</sup> Supporting a person to develop their life skills while in prison can help minimise the risk of reoffending and start an alternative life path after prison.<sup>310</sup> Life skills include many different daily responsibilities, from the ability to prepare meals, to cleaning and maintaining a living space.

### ► Indicators for Standard 18

In 2017, PIPS set out the following indicators to track progress of *Standard 18 – Life Skills*:

- 18.1** The number of Independent Living Skills Units (ILSUs) in the closed prison estate.
- 18.2** The number of prisoners across the closed prison estate who have access to communal dining.

See below the overall status of progress under *Standard 18 - Life Skills*:

2017	2018	2019	2020	Overall Status 2021
Standard Set	Progress	No Change	Standard Not Reviewed	Mixed

309 Jolley, M., (2018). Rehabilitating Prisoners: The Place of Basic Life Skills Programmes. *Safer Communities*, 17 (1): 1-10.

310 Eikeland, O., Asbjørnsen, T.M.A., (2009) *Education in Nordic Prisons Prisoners' Educational Backgrounds, Preferences and Motivation*. [Online]. Norden. Available from: <https://www.diva-portal.org/smash/get/diva2:702625/FULLTEXT01.pdf>. [11 August 2021].

## Reviewing the Indicators:

<b>18.1 The number of Independent Living Skills Units in the closed prison estate.</b>	<b>Progress</b>
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The provision of Independent Living Skills Units (ILSUs) in Irish prisons was both a welcome and significant step towards ensuring that prisoners can develop life skills essential for reintegration and rehabilitation. ILSUs are specific areas within closed prisons where prisoners (specifically those on longer sentences, including life sentences) can carry out “normal” life activities in so far as possible within the prison regime, to reduce the risk of institutionalisation.<sup>311</sup> The requirement for normalisation of prison life is highlighted in Rule 5 of the European Prison Rules.<sup>312</sup>

At the beginning of PIPS in 2017, there was one ILSU in operation in Wheatfield Prison. By 2018, there was a second ILSU in operation in the Midlands Prison with another due to open in Mountjoy by the end of that year.<sup>313</sup> This was still considered good progress as both the IPS<sup>314</sup> and PIPS<sup>315</sup> had recommended expanding ILSU provision across the prison estate. However, by December 2021, there

was still no ISLU in operation in Mountjoy Prison.<sup>316</sup> Despite what seemed like the beginnings of slow and steady progress in 2018, there has been little change in the number of prisoners with access to ILSUs or similar since PIPS last reviewed this standard in 2019.

<b>18.2 The number of prisoners across the closed prison estate who have access to communal dining.</b>	<b>Regress</b>
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In July 2017, only 290 prisoners had access to communal dining, according to the then Minister for Justice and Equality, Charles Flanagan.<sup>317</sup> This means that, at the time this statement was made, a significant number of prisoners across the estate were eating meals in their cells.<sup>318</sup> Between 2017 and 2019 the number of prisoners who had access to communal dining appeared to fluctuate.<sup>319</sup> Information relating to communal dining was not requested in 2019 and 2020, however, information received from the IPS in November 2021, indicates that there has been a regress under this indicator as fewer than 200 people had access to communal dining across the prison estate (all 88 prisoners in Loughan House, all 92 prisoners in Shelton Abbey<sup>320</sup> and 17 prisoners in Wheatfield Prison).<sup>321</sup>

311 ISLU Description: “...a home-like setting, including a common living area with sofas and a TV, and a self-catering kitchen. The prisoners receive a weekly financial allowance to collectively do their grocery shopping in a supermarket and cook their own food. These prisoners also have in-cell phones to facilitate contact with families”. See, Council of Europe Development Bank, (2019). *Doing More with Less: Prisoner Rehabilitation in Ireland*. [Online]. Council of Europe Development Bank. Available from: [https://coebank.org/media/documents/Doing\\_More\\_with\\_Less\\_Prisoner\\_Rehabilitation\\_in\\_Ireland.pdf](https://coebank.org/media/documents/Doing_More_with_Less_Prisoner_Rehabilitation_in_Ireland.pdf). [11 August 2021].

312 Council of Europe (CoE), (2020). *Revised European Prison Rules*. [Online] CoE. Available from: [https://search.coe.int/cm/Pages/result\\_details.aspx?ObjectId=09000016809ee581](https://search.coe.int/cm/Pages/result_details.aspx?ObjectId=09000016809ee581). [11 August 2021].

313 Information provided by the Irish Prison Service on an IPRT visit to the Progression Unit, Mountjoy Prison, 18th May 2018 in Irish Penal Reform Trust (IPRT), (2017). *Progress in the Penal System: A Framework for Penal Reform in Ireland*. [Online]. IPRT. Available from: [https://www.iprt.ie/site/assets/files/6431/progress\\_in\\_the\\_penal\\_system\\_compressed\\_.pdf](https://www.iprt.ie/site/assets/files/6431/progress_in_the_penal_system_compressed_.pdf). [11 August 2021].

314 Gallagher, C., (2018). ‘Life-sentence prisoners should get in-cell telephones’. [Online]. The Irish Times. Available from: <https://www.irishtimes.com/news/crime-and-law/life-sentence-prisoners-should-get-in-cell-telephones-1.3521700>. [23 December 2021].

315 Irish Penal Reform Trust (IPRT), (2017). *Progress in the Penal System: A Framework for Penal Reform in Ireland*. [Online]. IPRT. Available from: <https://pips.iprt.ie/site/assets/files/Progress-in-the-Penal-System-2018.pdf>. [11 August 2021].

316 Information obtained from the Irish Prison Service on 7 January 2022.

317 *Written Answers, Prisoner Data 11 July 2017*: <https://www.kildarestreet.com/wrans/?id=2017-07-11a.756>. In Irish Penal Reform Trust (IPRT), (2017). *Progress in the Penal System: A Framework for Penal Reform*. [Online]. IPRT. Available from: [https://www.iprt.ie/site/assets/files/6431/progress\\_in\\_the\\_penal\\_system\\_compressed\\_.pdf](https://www.iprt.ie/site/assets/files/6431/progress_in_the_penal_system_compressed_.pdf). [11 August 2021]. P. 53.

318 Irish Penal Reform Trust (IPRT), (2017). *Progress in the Penal System: A Framework for Penal Reform*. [Online]. IPRT. Available from: [https://www.iprt.ie/site/assets/files/6431/progress\\_in\\_the\\_penal\\_system\\_compressed\\_.pdf](https://www.iprt.ie/site/assets/files/6431/progress_in_the_penal_system_compressed_.pdf) [11 August 2021]. P. 53.

319 In September 2018, a total of 509 prisoners had access to communal dining: Loughan House (140); The Grove, Castlereagh (55); Shelton Abbey (115); Independent Living Skills Unit, Midlands (38); Wheatfield (31) and Dóchas Centre (130) (Information provided by the Irish Prison Service to IPRT on 18th September 2018). See, Irish Penal Reform Trust (IPRT), (2018). *Progress in the Penal System: A Framework for Penal Reform*. [Online]. IPRT. Available from: <https://www.iprt.ie/site/assets/files/6470/pips2018.pdf>. [16 November 2021]. P.74. Also, “On 6 June 2019 (according to the IPS), 426 prisoners across the prison estate had access to communal dining.” See, Irish Penal Reform Trust (IPRT), (2019). *Progress in the Penal System: A Framework for Penal Reform*. [Online]. IPRT. Available from: <https://pips.iprt.ie/site/assets/files/Progress-in-the-Penal-System-2019.pdf>. [30 November 2021]. P.73.

320 There were 92 people in Shelton Abbey in November 2021. See, Irish Prison Service (IPS), (2021). *Irish Prison Service Monthly Information Note – November 2021*. [Online]. IPS. Available from: [https://www.irishprisons.ie/wp-content/uploads/documents\\_pdf/November-2021.pdf](https://www.irishprisons.ie/wp-content/uploads/documents_pdf/November-2021.pdf). [13 January 2022]. Information obtained from the Irish Prison Service on 18 November 2021.

321 Information obtained from the Irish Prison Service on 18 November 2021.

## Areas of Insufficient Data:

### Independent Living Skills Units (ILSUs)

There is a scarcity of information available regarding paths to progression for sentenced prisoners across the estate and where ILSUs sit within this progression path. For example, it is important to understand exactly what criteria qualify a prisoner for access to an ILSU and whether they are a step along the way from a closed to an open prison. In 2017, the IPS published a report which provided a description of the operation of an ILSU.<sup>322</sup> Otherwise, information regarding the availability and development of ILSUs in Irish prisons is not publicly available, and the previous data cited in PIPS came from data requests made directly to the IPS. There is also a lack of publicly available information around other initiatives in place alongside ILSUs to promote normalisation and reduce the risk of institutionalisation in both closed and open prisons, such as life skills courses.

### Communal Dining

Since 2019, there has been no information at all on the number of prisoners with access to communal dining: this is because IPRT has not specifically queried this with the IPS and the information is not publicly available.

## Data Expectations:

It is crucial that systems are in place for tracking and reviewing paths of progression, including the availability and efficacy of life skills activities/courses in Irish prisons, and that the information from these systems is made available for external scrutiny.

In this context, IPRT sets the following data expectations:

- The Irish Prison Service should conduct and publish a review of ILSUs across the estate to further understand their role and effectiveness in the progression path of people in prison.
- The Irish Prison Service should conduct and publish a mapping exercise of all life skills initiatives available to prisoners in each prison, which includes an analysis of the numbers of prisoners involved in these initiatives. This mapping exercise would assist in identifying gaps in provision/access and areas for potential development.
- The Irish Prison Service should record the numbers of prisoners with access to communal dining across the estate and make this information publicly available in a quarterly census report.

***“Yeah, I think, when I was imprisoned the best thing about when I was in prison was certain prisons had workshops, and they taught us how to brick-lay, they taught us how to use wood and how to carve and all of that. I think a lot of people benefitted from that. They got skills that they could use at home. So, when I got home, I could build a shed or fix a door or something like that. They were skills that I could take home with me.”***

322 Irish Prison Service, (IPS), (2017). *Examination of the Sentence Management of People Serving Life Sentences*. [Online]. IPS. Available from: [https://www.irishprisons.ie/wp-content/uploads/documents\\_pdf/Life-Sentenced-Prisoner-Report-Final-April-2017.pdf](https://www.irishprisons.ie/wp-content/uploads/documents_pdf/Life-Sentenced-Prisoner-Report-Final-April-2017.pdf). P:18 (Description of ILSU).

## Standard 19: Education

**Standard 19:  
Every prison provides each prisoner with access to a wide range of educational activities that meet the individual's needs and interests and take into account their aspirations.**

It is well documented that the prison population is often characterised by low educational attainment.<sup>323</sup> Issues such as poor literacy skills, a negative history with the mainstream education system or early school-leaving are often barriers to engaging with education for people in prison.<sup>324</sup> It is for these reasons that the education provided within prison must reflect the diverse needs of the prison population and consist of a number of different teaching methods and methods of assessment. In Ireland, research has highlighted the importance and functions of prison education.<sup>325</sup> The importance of education in prison has also been highlighted in numerous human rights instruments including the Mandela Rules<sup>326</sup> and the European Prison Rules.<sup>327</sup> Furthermore, it has been highlighted in a number of Irish policy documents.<sup>328 329</sup> Prison education has the potential to reduce the damage caused by imprisonment and support reintegration through enhancing employability. Equally significant is the potential of prison education for lessening the pain of imprisonment as the person attempts to navigate life in prison.

### ► Indicators for Standard 19

In 2017, PIPS set out the following indicators to track progress of *Standard 19 – Education*:

- 19.1** Participation rates of prisoners in education.
- 19.2** Access to education for prisoners on restricted regimes and regular publication of information on same.
- 19.3** The number of people in prison completing further or higher education (including Open University courses and QQI courses) and regular publication of information on same.

323 Hawley, J., Murphy, L., Souto-Otero, M., (2013). *Prison Education and Training in Europe: Current State-of-Play and Challenges*. [Online]. European Commission.

Available from: [http://www.antonioacasella.eu/nume/Hawley\\_UE\\_education\\_may13.pdf](http://www.antonioacasella.eu/nume/Hawley_UE_education_may13.pdf). [11 August 2021].

324 Irish Prison Service (IPS) & Education and Training Board Ireland (ETBI), (2016). *Joint IPS/ETBI Education Strategy 2016-2018*. [Online]. IPS.

Available from: [http://www.irishprisons.ie/wpcontent/uploads/documents\\_pdf/education\\_strategy\\_2016.pdf](http://www.irishprisons.ie/wpcontent/uploads/documents_pdf/education_strategy_2016.pdf). [11 August 2021].

325 Behan, C., (2014). Learning to Escape: Prison Education, Rehabilitation, and the Potential for Transformation. *Journal of Prison Education and Re-entry*, 1(1): 20-31. Available from: <https://files.eric.ed.gov/fulltext/EJ1148803.pdf>. [11 August 2021].

326 United Nations Office on Drugs and Crime, (2015). *The United Nations Standard Minimum Rules for the Treatment of Prisoners*. [Online]. UNODC.

Available from: [https://www.unodc.org/documents/justice-and-prison-reform/Nelson\\_Mandela\\_Rules-E-ebook.pdf](https://www.unodc.org/documents/justice-and-prison-reform/Nelson_Mandela_Rules-E-ebook.pdf). [30 July 2021]. (See Rules 4, 40, 92, 102 & 104).

327 Council of Europe (CoE), (2020). *Revised European Prison Rules – Allocation and Accommodation: Article 18.1*. [Online]. CoE.

Available from: [https://search.coe.int/cm/Pages/result\\_details.aspx?ObjectId=09000016809ee581](https://search.coe.int/cm/Pages/result_details.aspx?ObjectId=09000016809ee581). [30 July 2021].

328 The Joint Committee on Education and Skills has further recommended that education programmes in prisons be “developed and expanded” as it is necessary for reintegration to society on release. See, Houses of the Oireachtas Joint Committee on Education and Skills, (2019). *Joint Committee on Education and Skills Report on Education Inequality & Disadvantage and Barriers to Education* [Online]. Houses of the Oireachtas Joint Committee on Education and Skills.

Available from: [https://data.oireachtas.ie/ie/oireachtas/committee/dail/32/joint\\_committee\\_on\\_education\\_and\\_skills/reports/2019/2019-06-05\\_report-on-education-inequality-disadvantage-and-barriers-to-education\\_en.pdf](https://data.oireachtas.ie/ie/oireachtas/committee/dail/32/joint_committee_on_education_and_skills/reports/2019/2019-06-05_report-on-education-inequality-disadvantage-and-barriers-to-education_en.pdf). [11 August 2021].

329 “The aim of the Prison Education Service is to deliver a high quality, broad, flexible programme of education that helps people in custody cope with their sentence, achieve personal development, prepare for life after release and establish an appetite and capacity for life-long learning” See, Irish Prison Service (IPS) and Education and Training Board Ireland (ETBI), (2019). *Joint Irish Prison Service/Education and Training Boards Ireland - Prison Education Strategy 2019 -2022*. [Online]. EPS & ETBI.

Available from: [https://www.irishprisons.ie/wp-content/uploads/documents\\_pdf/Irish-Prison-Service-Joint-Education-Strategy\\_PRINT-final.pdf](https://www.irishprisons.ie/wp-content/uploads/documents_pdf/Irish-Prison-Service-Joint-Education-Strategy_PRINT-final.pdf). [11 August 2021]. P.1.

See below the overall status of progress under  
*Standard 19 – Education:*

2017	2018	2019	2020	Overall Status 2021
Standard Set	Regress	Insufficient Data	Standard Not Reviewed	Insufficient Data

### Reviewing the Indicators:

<b>19.1 Participation rates of prisoners in education.</b>	<b>Mixed</b>
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In March 2017, the initial year of PIPS, the average participation rate in education across the prison estate was 42%.<sup>330</sup> By March 2018, the average rate of participation in education across the estate had reduced to around 28.9%.<sup>331</sup> By February 2020, the participation rates in education had increased again to approximately 42%.<sup>332</sup> This coincided with the IPS/ETBI's joint commitment to promote the value of education to all prisoners in the *Prison Education Strategy 2019–2022*.<sup>333</sup> Nevertheless, shortly after this figure was recorded in 2020, prison schools were closed due to the onset of the COVID-19 pandemic. This meant no prisoners participated in face-to-face education from approximately mid-March to the beginning of June 2020 as well as the beginning of January to mid-April 2021.<sup>334</sup> As a substitute to participation in formal education, the IPS provided prisoners with education modules on in-cell TVs as well as quizzes and books centred around mindfulness.<sup>335</sup>

PIPS 2017 and 2018 recommended action on improving access to educational technology in prisons. In 2020, while schools were closed during the pandemic, one welcome change was the limited roll-out of digital technology to facilitate education. During this period, a small cohort of students were provided with in-cell laptops with which they could continue their education online in virtual classrooms.<sup>336</sup> While IPRT firmly believes that in-person participation in education is crucial and cannot be replaced by online learning, the provision of such in-cell technology to a group of people in prison, albeit a small number, is progress by the IPS. This feature should be further developed and retained going forward as it supports technological literacy and normalisation.<sup>337</sup>

330 Kildare Street, (2017). *Written answers Tuesday, 11 July 2017 - Educational Services for Prisoners*. [Online]. Kildare Street. Available from: <https://www.kildarestreet.com/wrans/?id=2017-07-11a.731>. [16 November 2021].

331 Kildare Street, (2018). *Written answers Tuesday, 12 June 2018 – Prison Education Service*. [Online]. Kildare Street. Available from: <https://www.kildarestreet.com/wrans/?id=2018-06-12a.1341>. [30 November 2021].

332 *Response by the Irish Prison Service to IPRT Data Clarifications & Additional Requests for PIPS 2020*, 18 August 2020, in Irish Penal Reform Trust, (2020). *Progress in the Penal System: Assessing Progress During a Pandemic*. [Online]. IPRT. Available from: <https://pips.iprt.ie/site/assets/files/Progress-in-the-Penal-System-2020.pdf> [3 August 2021]. P.65.

333 Irish Prison Service (IPS) & Education and Training Boards Ireland (ETB), (2019). *Joint Irish Prison Service/ Education and Training Boards Ireland – Prison Education Strategy 2019–2022*. [Online]. IPS. Available from: [https://www.irishprisons.ie/wp-content/uploads/documents\\_pdf/Irish-Prison-Service-Joint-Education-Strategy\\_PRINT-final.pdf](https://www.irishprisons.ie/wp-content/uploads/documents_pdf/Irish-Prison-Service-Joint-Education-Strategy_PRINT-final.pdf). [25 July 2021].

334 *Information Provided by the IPS on 14 January 2022*.

335 Irish Penal Reform Trust, (2020). *Progress in the Penal System: Assessing Progress during a Pandemic*. [Online]. IPRT. Available from: <https://pips.iprt.ie/site/assets/files/Progress-in-the-Penal-System-2020.pdf> [03 August 2020]

336 Irish Prison Service (IPS), (2020). *Family Information Booklet for People in Our Custody*. [Online]. IPS. Available from: [https://www.irishprisons.ie/wp-content/uploads/documents\\_pdf/Family-Information-Booklet-September-2020.pdf](https://www.irishprisons.ie/wp-content/uploads/documents_pdf/Family-Information-Booklet-September-2020.pdf). [16 November 2021].

337 Council of Europe Development Bank (CEB), (2019). *Doing More with Less: Prisoner Rehabilitation in Ireland*. [Online]. CEB. Available from: [https://coebank.org/media/documents/Doing\\_More\\_with\\_Less\\_Prisoner\\_Rehabilitation\\_in\\_Ireland.pdf](https://coebank.org/media/documents/Doing_More_with_Less_Prisoner_Rehabilitation_in_Ireland.pdf). [30 November 2021].

## 19.2 Access to education for prisoners on restricted regimes and regular publication of information on same.

Regress

The high number of people in prison on restricted regime continues to affect prison education. The IPS has attributed poor participation rates among people in prison on protection (which are the majority of people on restricted regime) to the unwillingness of restricted prisoners to mix with other prisoners on protection.<sup>338</sup> Nonetheless, IPRT firmly believes that people on protection cannot be blamed for poor participation rates; if they feel too unsafe to engage in education in the prison school setting, they should be supported to access education in alternative ways, such as through tailored timetables or in-cell TVs or laptops.

Since the beginning of PIPS in 2017, IPRT has requested information regarding participation rates in education among people in prison held on restricted regime. However, this information has never been provided, making it difficult to monitor the progress of this indicator. In 2020, a report from the Office of Inspector of Prisons (OIP) highlighted that prisoners subjected to quarantine and isolation had “no access to education” during the pandemic period, which suggests that those on restricted regime are not always provided with adequate educational services.<sup>339</sup>

In 2017, PIPS set out the importance of developing a strategy for prisoners on restricted regime to ensure that they have access to education. To date, no such strategy has been forthcoming. In the 2016-2018 Joint Prison Education Strategy, the IPS/ETBI highlighted the challenges in facilitating education for prisoners on restricted regime (with reference to scheduling and timetabling in particular) and aimed to resolve some of these challenges through the digitalisation of education or “in-cell E Learning”.<sup>340</sup> In the most recent joint IPS/ETBI Prison Education Strategy 2019–2022, this

challenge was once again acknowledged but there was no mention of a commitment to digitalisation or face-to-face education provision. Instead, the Strategy simply referred to a plan to ensure the provision of “education materials and services to students on restricted regimes where possible”.<sup>341</sup>

The lack of information on access to education for prisoners on restricted regime, coupled with a scaling down in the commitment to address access issues for these prisoners, indicates regress under this indicator.

## 19.3 The number of people in prison completing further or higher education (including Open University courses and QQI courses) and regular publication of information on same.

Regress

In the early days of PIPS in 2017, the most recent available figures for participation in Open University courses amounted to 54 prisoners.<sup>342</sup> In 2018, there were a reported 57 prisoners completing Open University courses, which is a small but significant increase of 5%. No information on participation in Open University courses has been made available to IPRT since 2018 and therefore progress in this area cannot be assessed. However, one welcome change was the launch of the Mountjoy Prison – Maynooth University (MJMU) in 2019, which promotes access to third-level education in prison through a range of educational activities within prison and through the provision of shared learning spaces between students in prison and students in university.<sup>343</sup>

338 Houses of the Oireachtas (2018), *Prison Education Service*, Parliamentary Question 162, 28 June 2018 <https://www.oireachtas.ie/en/debates/question/2018-06-28/162/> in Irish Penal Reform Trust, (2018). *Progress in the Penal System: A framework for Penal Reform*. [Online]. IPRT. Available from: <https://pips.iprt.ie/site/assets/files/Progress-in-the-Penal-System-2018.pdf> [25 July 2021].

339 Office of the Inspector of Prisons (OIP), (2020). *Annual Report 2020*. [Online]. OIP. Available from: <https://www.OIP.ie/wp-content/uploads/2021/06/OIP-Annual-Report-2020.pdf>. [16 November 2021]. P.12.

340 Irish Prison Service (IPS) & Education and Training Boards Ireland (ETB), (2016). *Joint Irish Prison Service/ Education and Training Boards Ireland – Prison Education Strategy 2016-2018*. [Online]. IPS. Available from: [http://www.irishprisons.ie/wp-content/uploads/documents\\_pdf/education\\_strategy\\_2016.pdf](http://www.irishprisons.ie/wp-content/uploads/documents_pdf/education_strategy_2016.pdf) [July 2021]. P.7.

341 Irish Prison Service (IPS) & Education and Training Boards Ireland (ETB), (2019). *Joint Irish Prison Service/ Education and Training Boards Ireland – Prison Education Strategy 2019-2022*. [Online]. IPS. Available from: [https://www.irishprisons.ie/wp-content/uploads/documents\\_pdf/Irish-Prison-Service-Joint-Education-Strategy\\_PRINT-final.pdf](https://www.irishprisons.ie/wp-content/uploads/documents_pdf/Irish-Prison-Service-Joint-Education-Strategy_PRINT-final.pdf). [25 July 2021]. P.6.

342 Irish Penal Reform Trust, (2017). *Progress in the Penal System: A Framework for Penal Reform*. [Online]. IPRT. Available from: [https://www.iprt.ie/site/assets/files/6431/progress\\_in\\_the\\_penal\\_system\\_compressed\\_.pdf](https://www.iprt.ie/site/assets/files/6431/progress_in_the_penal_system_compressed_.pdf) [03 August 2021]

343 Maynooth University (MU), (2021). *Mountjoy Prison – Maynooth University Partnership*. [Online]. Available from: <https://www.maynoothuniversity.ie/access-office/mountjoy-mu-partnership>. [06 December 2021].



### Areas of Insufficient Data:

There is a consistent lack of information on education participation across the Irish prison estate. Participation rates in education in Irish prisons are not published regularly by the IPS or the Education and Training Board (ETB) either on their respective websites or through their annual reports. On just one occasion, in 2017, the IPS annual report published participation rates in education and training. However, between 2018 and 2020, these figures were not included. Even when IPRT has proactively sought this information, the information has not always been made available.

The lack of regular publication of data on education participation and access is a real and ongoing challenge. This data is necessary for identifying trends in education provision and participation and developing strategies for improvement of such services for people in prison.

### Data Expectations:

PIPS sets the following data expectations:

- The Irish Prison Service and the Education and Training Board Ireland should systemise the routine collection, reporting and publication of data pertaining to access and participation rates in education and training across the prison estate, with specific data on participation rates among people in prison on restricted regimes. This system of monitoring should be carried out effectively and in line with public sector duty with the inclusion of a diversity of categories to ensure equality in access to and participation in education.
- The Irish Prison Service and the Education and Training Board Ireland should publish the number of people in prison completing the following educational milestones:
  - Junior Certificate;
  - Leaving Certificate; and,
  - Further/higher education including Open University and QQI courses, further or higher/education (including Open University and QQI courses) on a yearly basis in their annual reports.

*“I couldn’t read or write a letter and then I started writing letters home. ... I learned. I know how to read. ... I can write simple words and this and that. I can’t write a big lot now. But I learned a lot. But you take it home with you. What you learn in prison you take home with you.”*

## Standard 20: Community engagement and involvement

**Standard 20:**  
Civil society access to prisons is encouraged and there are opportunities for prisoners to participate and engage in the community through structured forms of temporary release.

Community engagement and involvement plays an important role in the reintegration of prisoners. It is important that they are not excluded from society as a result of their imprisonment, as maintaining community connections can increase the likelihood of successful resettlement post-release.<sup>344</sup> It is important that people in prison are allowed opportunities to engage with their communities through education and employment and that community services are allowed to regularly visit and engage with people in prison.

As well as community services visiting and carrying out initiatives with people in prison, it is important that people in prison are allowed day release to work outside of the prison, attend educational courses and/or workshops, and to engage in practices that support family relationships. Day release is of particular importance to people serving longer sentences so as to support their reintegration when they re-join their communities.

### ➤ Indicators for Standard 20

In 2019, PIPS set the following indicator to track the progress of *Standard 20 – Community Engagement and Involvement*:

- 20.1** The number of external community projects in each prison in 2019 including projects that allow for day release

See below the overall status of progress under *Standard 20 – Community Engagement and Involvement*:

2017	2018	2019	2020	Overall Status 2021
Standard Set	Mixed	Progress	Standard Not Reviewed	Mixed

344 Jolliffe, D., Farrington, D. & Howard, P., (2013). How Long Did it Last? A 10-year Reconviction Follow-up Study of High Intensity Training for Young Offenders, *Journal of Experimental Criminology*, 9(4): 515-531.

**Reviewing the Indicators:**

**20.1 The number of external community projects in each prison, including projects that allow for day release.**

Mixed

In the period 2017–2019, PIPS shed light on a number of positive examples of community engagement initiatives across the prison estate. However, it was unclear if/how these initiatives continued to operate during the pandemic period 2020–2021, or whether or not people in prison were permitted to engage with the community through various day release programmes during this period.

Where information on the status of such initiatives was available during this period, it related to the work of the Irish Red Cross. The work of the Irish Red Cross is an excellent example of community engagement in Irish prisons,<sup>345</sup> and their work has been of particular significance and value during the pandemic. For example, the “*foundational knowledge through the CBHFA Prison Programme*” enabled volunteers to help prepare and respond to COVID-19 measures in Irish prisons.<sup>346</sup> As well as continuing to provide peer education regarding infection control procedures, volunteers distributed information throughout the prison communities about COVID-19 and the volunteers also spread

positive messages attempting to keep up the morale among their peers. Volunteers are trusted and respected members of prison communities and this enabled them to carry out “*non-professional mentally and emotionally supportive roles*”.<sup>347</sup> The work of the IRC during the pandemic has demonstrated the value of community engagement for people in prison in supporting rehabilitative outcomes even in the most challenging and restrictive circumstances.

345 The Community Based Health and First Aid (CBHFA) Prison Programme is established across all prisons since 2014 and is facilitated by the IPS, the Irish Red Cross (IRC) and Education and Training Board Ireland (ETBI). This programme allows prisoners to be trained up as volunteers by completing modules such as first aid, communication and community health assessment. See, Orcutt, J. (2020). *Irish Red Cross (IRC): Community Based Health and First Aid (CBHFA) Prison Program: IRC Inmate Volunteers Response to COVID-19 in Irish Prisons*. [Online]. Irish Red Cross. Available from: <https://www.redcross.ie/wp-content/uploads/2021/02/CBHFA-Volunteer-Response-to-COVID-19.pdf>. [30 November 2021].

346 Orcutt, J. (2020). *Irish Red Cross (IRC): Community Based Health and First Aid (CBHFA) Prison Program: IRC Inmate Volunteers Response to COVID-19 in Irish Prisons*. [Online]. Irish Red Cross. Available from: <https://www.redcross.ie/wp-content/uploads/2021/02/CBHFA-Volunteer-Response-to-COVID-19.pdf>. [30 November 2021]. P.16.

347 Orcutt, J. (2020). *Irish Red Cross (IRC): Community Based Health and First Aid (CBHFA) Prison Program: IRC Inmate Volunteers Response to COVID-19 in Irish Prisons*. [Online]. Irish Red Cross. Available from: <https://www.redcross.ie/wp-content/uploads/2021/02/CBHFA-Volunteer-Response-to-COVID-19.pdf>. [30 November 2021]. P.7.

### Areas of Insufficient Data:

It is clear that there have been a number of community engagement initiatives which have been carried out in Irish prisons over the course of the PIPS review period 2017–2020 and have had a positive impact on prison life. Examples include the Alternatives to Violence Project (AVP),<sup>348</sup> the Bohemian Foundation,<sup>349</sup> the Progression Parkrun,<sup>350</sup> and a number of initiatives run by Loughan House.<sup>351</sup> However, there is limited publicly available information on the exact number of services operating across the estate, the work that they carry out or which initiatives allow for day release. Information about the work of the Irish Red Cross<sup>352</sup> or AVP<sup>353</sup> can be found on their respective websites, however; the Irish Prison Service does not provide information or communicate the work being carried out through these initiatives either on their website or through their more recently published annual reports (2017 to 2020). Furthermore, the IPS has not published any information on how COVID-19 has affected community engagement initiatives across the prison estate.

### Data Expectations:

PIPS sets the following data expectations under *Standard 20 – Community Engagement and Involvement*:

- The Irish Prison Service should carry out a mapping exercise of all community engagement initiatives operating across the prison estate. This mapping exercise should include a breakdown of:
  - number and type of community engagement initiatives;
  - number of people in prison engaged with each community engagement initiative; and
  - number of community engagement initiatives which allow people in prison access to day release.
- The Irish Prison Service should provide an update on how community engagement initiatives, including those that allowed for day release, operated across the estate during COVID-19.

348 Irish Penal Reform Trust, (2019). *Progress in the Penal System: A Framework for Penal Reform in Ireland*. [Online]. IPRT. Available from: <https://pips.iprt.ie/site/assets/files/Progress-in-the-Penal-System-2019.pdf>. [25 August 2021]. P. 77.

Irish Penal Reform Trust, (2017). *Progress in the Penal System: A Framework for Penal Reform in Ireland*. [Online]. IPRT. Available from: [https://www.iprt.ie/site/assets/files/6431/progress\\_in\\_the\\_penal\\_system\\_compressed\\_.pdf](https://www.iprt.ie/site/assets/files/6431/progress_in_the_penal_system_compressed_.pdf) [25 August 2021]. P. 57. See the Alternative to Violence Project, <http://avpireland.ie/>.

349 The European Football for Development Network (EFDN), (2021). *Reintegration through Sport*. [Online]. EFDN. Available from: <https://www.efdn.org/blog/project/reintegration-through-sport/>. [16 November 2021].

350 Irish Penal Reform Trust, (2019). *Progress in the Penal System: A Framework for Penal Reform in Ireland*. [Online]. IPRT. Available from: <https://pips.iprt.ie/site/assets/files/Progress-in-the-Penal-System-2019.pdf>. [25 August 2021]. P. 76.

351 Irish Penal Reform Trust, (2019). *Progress in the Penal System: A Framework for Penal Reform in Ireland*. [Online]. IPRT. Available from: <https://pips.iprt.ie/site/assets/files/Progress-in-the-Penal-System-2019.pdf> [25 August 2021]. P. 76.

352 Irish Red Cross, (2021). *Prison Programme – Community-Based Health and First Aid*. [Online]. Irish Red Cross. Available from: <https://www.redcross.ie/programmes-and-services-in-ireland/prison-programme-community-based-health-first-aid/>. [16 November 2021].

353 AVP Ireland, (2021). *Workshops*. [Online]. AVP Ireland. Available from: <https://avpireland.ie/workshops/>. [16 November 2021].

**Short-Term Actions:****Chapter 3  
Ensuring the Focus is on Desistance****Action 3.1**

**Standard 11 Family Contact:** The Irish Prison Service should complete the installation of in-cell telephones in all cells and rooms across the prison estate by the end of 2022.

**Action 3.2**

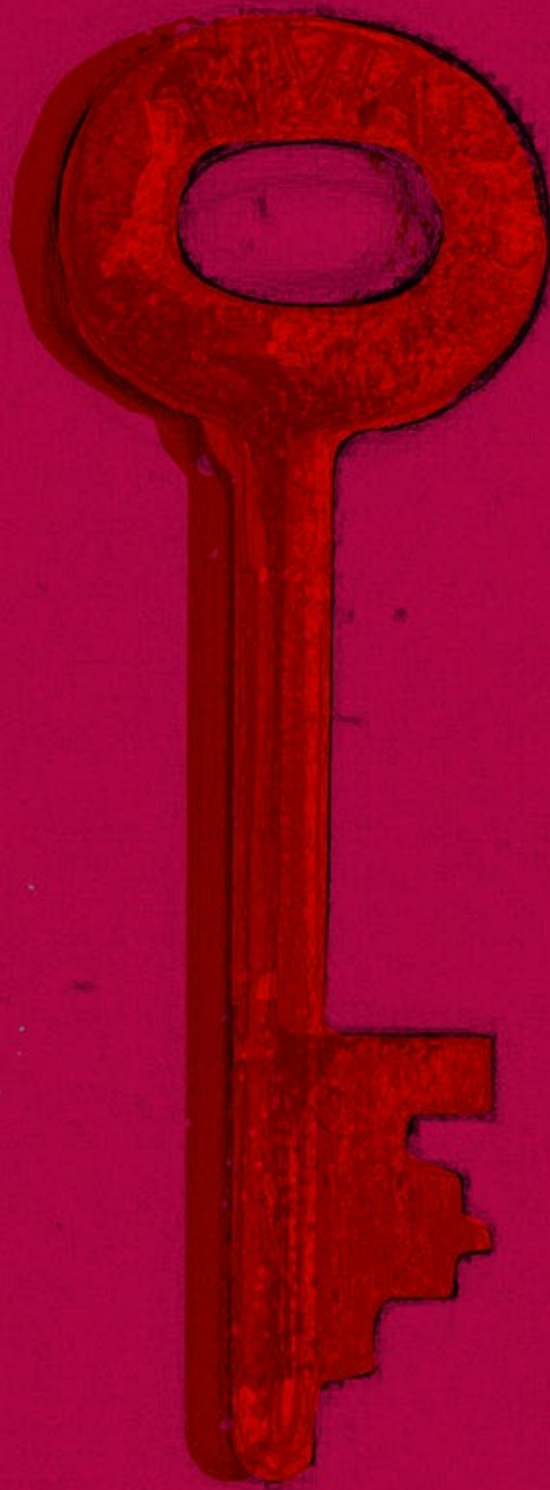
**Standard 18 Life Skills:** Following the review of the existing Independent Living Skills Units (set out in data expectations under Standard 18) across the Irish prison estate, the Irish Prison Service should publish plans for the further development of progression paths across the estate.

**Action 3.3**

**Standard 19 Education:** The Irish Prison Service and Education Training Board Ireland should follow through on their earlier commitment to the digitalisation of education and ensure that all prisoners, particularly those on restricted regimes, have access to in-cell e-learning by the end of 2022. This action should be accompanied by a commitment to supporting prisoners with their technological literacy.

**Action 3.4**

**Standard 20 Community Engagement and Involvement:** The Irish Prison Service should ensure that by the end of 2022, at the very minimum, all community engagement initiatives in operation across the prison estate return to pre-pandemic practices, which include allowing for day release of people in prison.



## CHAPTER 4:

### Supporting Return to the Community

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The previous chapters highlighted the importance of monitoring the use of imprisonment in Ireland through: focusing on diversion and alternatives to prison; making certain that the operation of prison life and regimes supports rather than hinders desistance; and ensuring that people in prison have access and are encouraged to engage in opportunities that promote normalisation and support reintegration.

This final chapter highlights how supporting the return of people from prison back into the community is a crucial step in promoting desistance. Many legally binding international human rights standards acknowledge the importance of social reintegration of offenders as a means of preventing reoffending and contributing to the overall health and safety of communities.<sup>354</sup>

As outlined in previous chapters, to guarantee that every possible measure is taken to support the reintegration of people in prison and to ensure that these measures are appropriate and effective, transparency of practice is needed across all of the systems within prison. However, the same level of effort and accountability must also exist throughout post-release services in the community.

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354 More specifically, the International Covenant on Civil and Political Rights (General Assembly resolution 2200 A (XXI), annex) states that “the penitentiary system shall comprise treatment of prisoners the essential aim of which shall be their reformation and social rehabilitation” United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules) (General Assembly resolution 70/175, annex), preliminary observation 1 and rule 4.

## Standards 34 and 35: Reintegration

**Standard 34:**  
All prisoners have comprehensive preparation and structured plans for release. National policy and legislation provide for a structured release system.

**Standard 35:**  
Protocols are in place for inter-agency co-ordination in order to ensure the successful reintegration of prisoners on release.

A commitment to resourcing the full range of supports to promote the reintegration of people leaving prison is a crucial component of any effective criminal justice system. According to the Mandela Rules, the period of imprisonment must in so far as possible support “the reintegration of such persons into society upon release so that they can lead a law-abiding and self-supporting life.”<sup>355</sup>

Even when prison life is managed effectively and effective programmes are in place in prison, challenges to reintegration will still exist. This is due to a lack of follow-up and support post-release,<sup>356</sup> not to mention access to stable accommodation, employment and other aspects of normal life. Therefore, special attention must be given to supporting people on release from prison within the wider goal of supporting desistance.

### Standards 34 & 35

“It was weird because you’re emm... it was like you are after being in a bubble, you know... you’re in a bubble and you’re waiting for someone to open the door for you.”

In achieving this, there needs to be strong inter-agency working and coordination between the prison and the relevant departments and agencies in the community to guarantee that on release from prison, people have access to essential services such as housing, education, employment, family support and if needed, mental health and drug and alcohol support. This work should be carried out prior to release and a strategy should be in place to ensure that people leaving custody are guaranteed this support.

### ► Indicators for Standards 34 and 35

Standards 34 & 35 combine both reintegration and inter-agency co-ordination underpinned by the principle that inter-agency co-ordination is essential for successful reintegration to occur.

In 2017, PIPS set the following indicators to track progress of *Standards 34 & 35 – Reintegration*:

- 34.1** The existence of a reintegration policy and legislation for prisoners.
- 35.1** The review and expansion of spent convictions legislation.

355 United Nations Office on Drugs and Crime (UNODC), (2015). *The United Nations Standard Minimum Rules for the Treatment of Prisoners*. [Online]. UNODC.

Available from: [https://www.unodc.org/documents/justice-and-prison-reform/Nelson\\_Mandela\\_Rules-E-ebook.pdf](https://www.unodc.org/documents/justice-and-prison-reform/Nelson_Mandela_Rules-E-ebook.pdf).

[30 July 2021]. Rule 4.1: “The purposes of a sentence of imprisonment or similar measures deprivative of a person’s liberty are primarily to protect society against crime and to reduce recidivism. Those purposes can be achieved only if the period of imprisonment is used to ensure, so far as possible, the reintegration of such persons into society upon release so that they can lead a law-abiding and self-supporting life.” P.5.

356 United Nations Office on Drugs and Crime (UNODC), (2018). *Introductory Handbook on the Prevention of Recidivism and the Social Reintegration of Offenders – Criminal Justice Handbook Series*. [Online]. UNODC.

Available from: [https://www.unodc.org/documents/justice-and-prison-reform/18-02303\\_ebook.pdf](https://www.unodc.org/documents/justice-and-prison-reform/18-02303_ebook.pdf). [16 November 2021].



See below the overall status of progress under Standards 34 & 35 – Reintegration since 2017:

2017	2018	2019	2020	Overall Status 2021
Standard Set	Mixed	Progress	Standard Not Reviewed	Progress

### Reviewing the Indicators:

#### 34.1 The existence of a reintegration policy and/or legislation for prisoners.

Mixed

In 2014, the PPRG highlighted the need for a “whole-of-Government approach” in assisting people exiting custody in their reintegration into the community, as well as the need to legislate to ensure this co-operation.<sup>357</sup> Since 2017, PIPS has repeatedly recommended stronger inter-agency co-operation around release.<sup>358</sup> In May 2018, the Joint Committee on Justice and Equality called for an “integrated, cross-department approach” to addressing issues such as drug addiction, homelessness and recidivism, and emphasised how the period just after release from prison is a particularly vulnerable time for people.<sup>359</sup> July 2018 saw progress in this area as the Department of Justice and Equality published the *First Report of the Interagency Group for a Fairer and Safer Ireland*.<sup>360</sup> The main aim of the Interagency Group was to implement two key recommendations from PPRG’s *Strategic Review of Penal Policy* relating to

enhancing cross-government and interagency co-operation in the management and rehabilitation of offenders.<sup>361</sup> In the group’s 2019 annual report, the rationale for its establishment was outlined as follows:

*“The socio-economic factors which may be involved when someone goes to jail are the same factors which need to be addressed when he or she comes out of prison. That is to say, many people convicted of criminal offences have similar characteristics and deficits, which have contributed to their offending, and issues that are likely to inhibit them leading lives free of crime and predispose them to re-offending.”<sup>362</sup>*

In 2018, inter-agency co-ordination between the IPS, the HSE, and the Citizen’s Information Bureau led to the development of a pilot Medical Card Scheme which encouraged prisoners to apply for a medical card in preparation for release.<sup>363</sup> In their 2019 annual report, the Interagency Group highlighted several other welcome examples of interagency

357 Department Of Justice (DoJ), (2014). *Strategic Review of Penal Policy*. [Online]. DoJ.

Available from: <http://www.justice.ie/en/jelr/strategic%20review%20of%20penal%20policy.pdf/files/strategic%20review%20of%20penal%20policy.pdf>. [02 September 2021]. P.31

358 PIPS 2017 (Action 35.1, P.82 ), PIPS 2018 (Action 35.1, P.109); PIPS 2019 (Action 35.1, P.111).

359 Houses of the Oireachtas, (2018). *Joint Committee on Justice and Equality Report on Penal Reform and Sentencing*. [Online].

Houses of the Oireachtas. Available from: [https://data.oireachtas.ie/ie/oireachtas/committee/dail/32/joint\\_committee\\_on\\_justice\\_and\\_equality/reports/2018/2018-05-10\\_report-on-penal-reform-and-sentencing\\_en.pdf](https://data.oireachtas.ie/ie/oireachtas/committee/dail/32/joint_committee_on_justice_and_equality/reports/2018/2018-05-10_report-on-penal-reform-and-sentencing_en.pdf). [01 September 2021]. Recommendation 13. “In order to fully address the complex, interrelated problems of drug addiction, homelessness and recidivism, a more integrated, cross Departmental approach should be adopted, that includes the Health Service Executive and the Departments of Justice and Equality, Children and Youth Affairs, Social Protection, Education and Skills, and Housing, Planning, Community and Local Government. Post-release programmes must be followed through in the community. This includes not just methadone programmes but also housing stability, and the supports associated with this. Former prisoners are particularly at risk of overdose if they are intravenous drug users when they are decanted from prisons. A continuum of care must be provided that offers supports and plans that include an accommodation option.” P.55.

360 Department of Justice (DoJ), (2018). *First Report of the Interagency Group for a Fairer and Safer Ireland*. [Online]. DoJ.

Available from: [http://www.justice.ie/en/JELR/Interagency\\_Group\\_for\\_a\\_Fairer\\_and\\_Safer\\_Ireland\\_Annual\\_Report\\_2017.pdf/Files/Interagency\\_Group\\_for\\_a\\_Fairer\\_and\\_Safer\\_Ireland\\_Annual\\_Report\\_2017.pdf](http://www.justice.ie/en/JELR/Interagency_Group_for_a_Fairer_and_Safer_Ireland_Annual_Report_2017.pdf/Files/Interagency_Group_for_a_Fairer_and_Safer_Ireland_Annual_Report_2017.pdf). [01 September 2021].

361 Department of Justice (DoJ), (2020). *Annual Report of the Interagency Group for a Fairer and Safer Ireland, 2019*. [Online]. DoJ.

Available from: [http://www.justice.ie/en/JELR/Annual\\_Report\\_of\\_the\\_Interagency\\_Group\\_for\\_a\\_Fairer\\_and\\_Safer\\_Ireland\\_2019.pdf/Files/Annual\\_Report\\_of\\_the\\_Interagency\\_Group\\_for\\_a\\_Fairer\\_and\\_Safer\\_Ireland\\_2019.pdf](http://www.justice.ie/en/JELR/Annual_Report_of_the_Interagency_Group_for_a_Fairer_and_Safer_Ireland_2019.pdf/Files/Annual_Report_of_the_Interagency_Group_for_a_Fairer_and_Safer_Ireland_2019.pdf). [01 September 2021]. P. 2.

362 Department of Justice (DoJ), (2020). *Annual Report of the Interagency Group for a Fairer and Safer Ireland, 2019*. [Online]. DoJ.

Available from: [http://www.justice.ie/en/JELR/Annual\\_Report\\_of\\_the\\_Interagency\\_Group\\_for\\_a\\_Fairer\\_and\\_Safer\\_Ireland\\_2019.pdf/Files/Annual\\_Report\\_of\\_the\\_Interagency\\_Group\\_for\\_a\\_Fairer\\_and\\_Safer\\_Ireland\\_2019.pdf](http://www.justice.ie/en/JELR/Annual_Report_of_the_Interagency_Group_for_a_Fairer_and_Safer_Ireland_2019.pdf/Files/Annual_Report_of_the_Interagency_Group_for_a_Fairer_and_Safer_Ireland_2019.pdf). [16 November 2021]. P.6.

363 The Medical Card Scheme pilot was first rolled out in Cork Prison in 2018 and was extended to all prisons in 2019. Between 2018 and 2019, there was an increase in the number of prisoners who applied for a medical card prior to release from 183 to 412. See, Department of Justice (DoJ), (2020). *Annual Report of the Interagency Group for a Fairer and Safer Ireland, 2019*.

cooperation such as plans to establish a six-month pilot scheme that ensures information regarding people's education and training achievements while in custody is shared with INTREO (the Public Employment Service) staff on return to the community.<sup>364</sup>

Despite the progress outlined above, the Interagency Group continue to highlight the provision of housing as a major concern for people leaving custody. The Interagency Group welcomed the inclusion of offenders in the 2019 Housing First initiative.<sup>365</sup> In 2020, in response to the pandemic, improved planning around structured releases between the IPS and community organisations prevented people coming out of prison into homelessness. Progress during this time was attributed to “*top-level institutional and political support*” as well as “*clear coordination*” and decision-making.<sup>366</sup> The rapid mobilisation and coordination of agencies to ensure people leaving custody during the pandemic were not homeless is an example of what can be achieved when departments and agencies collaborate in their strategic planning and action.

In their 2020 report, and as in previous reports, mental health continued as an area of concern for the Interagency Group. The Report notes that the new Central Mental Hospital will not provide much relief for the demand for mental health services. The IPS, in collaboration with IASIO, have created a new dedicated role for a Training & Employment Officer to work full-time in the new CMH. The Group positively reported on the new cross-departmental/cross-agency High Level Taskforce which looks at how best to provide for those in prison with mental health and addiction issues.<sup>367</sup>

While there has been some progress in this standard, further work needs to be carried out in putting legislation in place to ensure that there is continued co-operative effort to support people coming out of prison and to ensure that agencies are working together to prevent the cycle of imprisonment.

While IPRT welcomes the work of the Interagency Group for a Fairer and Safer Ireland, it reinforces the recommendations made in both 2017 (Action 43.1) and 2018 (34.1) to develop and publish legislation which provides clarity around temporary release, enhances inter-agency co-operation and enables greater access to support on release.

[Online]. DoJ. Available from: [http://www.justice.ie/en/JELR/Annual\\_Report\\_of\\_the\\_Interagency\\_Group\\_for\\_a\\_Fairer\\_and\\_Safer\\_Ireland\\_2019.pdf/Files/Annual\\_Report\\_of\\_the\\_Interagency\\_Group\\_for\\_a\\_Fairer\\_and\\_Safer\\_Ireland\\_2019.pdf](http://www.justice.ie/en/JELR/Annual_Report_of_the_Interagency_Group_for_a_Fairer_and_Safer_Ireland_2019.pdf/Files/Annual_Report_of_the_Interagency_Group_for_a_Fairer_and_Safer_Ireland_2019.pdf). [01 September 2021]. P.16.

364 Department of Justice (DoJ), (2020). *Annual Report of the Interagency Group for a Fairer and Safer Ireland, 2019*. [Online]. DoJ. Available from: [http://www.justice.ie/en/JELR/Annual\\_Report\\_of\\_the\\_Interagency\\_Group\\_for\\_a\\_Fairer\\_and\\_Safer\\_Ireland\\_2019.pdf/Files/Annual\\_Report\\_of\\_the\\_Interagency\\_Group\\_for\\_a\\_Fairer\\_and\\_Safer\\_Ireland\\_2019.pdf](http://www.justice.ie/en/JELR/Annual_Report_of_the_Interagency_Group_for_a_Fairer_and_Safer_Ireland_2019.pdf/Files/Annual_Report_of_the_Interagency_Group_for_a_Fairer_and_Safer_Ireland_2019.pdf). [01 September 2021].

365 The Housing First Initiative is an example of interagency co-ordination between the HSE, IPS, Probation Service, Department of Health, Department of Housing, Planning and Local Government and local authorities. See, Department of Justice (DoJ), (2020). *Annual Report of the Interagency Group for a Fairer and Safer Ireland, 2019*. [Online]. DoJ. Available from: [http://www.justice.ie/en/JELR/Annual\\_Report\\_of\\_the\\_Interagency\\_Group\\_for\\_a\\_Fairer\\_and\\_Safer\\_Ireland\\_2019.pdf/Files/Annual\\_Report\\_of\\_the\\_Interagency\\_Group\\_for\\_a\\_Fairer\\_and\\_Safer\\_Ireland\\_2019.pdf](http://www.justice.ie/en/JELR/Annual_Report_of_the_Interagency_Group_for_a_Fairer_and_Safer_Ireland_2019.pdf/Files/Annual_Report_of_the_Interagency_Group_for_a_Fairer_and_Safer_Ireland_2019.pdf). [01 September 2021].

366 O'Carroll, A., Duffin, T., & Collins, J., (2020). *Saving Lives in the time of COVID-19 Case Study of Harm Reduction, Homelessness and Drug Use in Dublin, Ireland*. [Online]. London School of Economics and Political Science (LSE). Available from: <https://www.lse.ac.uk/united-states/Assets/Documents/Harm-Reduction-in-the-time-of-COVID19.pdf>. [16 November 2021]. P.3.

367 Department of Justice (DoJ), (2021). *Annual Report of the Interagency Group for a Fairer and Safer Ireland, 2020*. [Online]. DoJ. Available from: <https://www.justice.ie/en/JELR/Annual%20Report%20of%20the%20Interagency%20Group%20for%20a%20Fairer%20and%20Safer%20Ireland%202020%20.pdf/Files/Annual%20Report%20of%20the%20Interagency%20Group%20for%20a%20Fairer%20and%20Safer%20Ireland%202020%20.pdf>. [14 January 2022].

### 35.1 The review and expansion of spent convictions legislation. Progress

People who have been convicted of crime can face several barriers when trying to access important elements of everyday life such as education, employment, finance, insurance and travel.<sup>368</sup> People who have been convicted of a crime are also likely to face discrimination due to their conviction history.<sup>369</sup> In 2016, the Criminal Justice (Spent Convictions and Certain Disclosures) Act 2016 was enacted with the goal of ensuring individuals did not have to disclose a previous conviction in certain circumstances. The legislation was intended to support the meaningful rehabilitation and reintegration of a convicted person, underpinned by a belief that this is beneficial for society as whole.<sup>370</sup>

In 2017, PIPS highlighted the limitations of the Criminal Justice (Spent Convictions and Certain Disclosures) Act 2016, noting that it excluded a substantial cohort of people from reintegrating into everyday life after prison. In 2017, in Action 35.1, PIPS urged legislators to review the legislation with the aim of broadening the eligibility criteria by the end of 2018.<sup>371</sup> In May 2018, the Joint Committee on Justice and Equality also called for an urgent review of the legislation.<sup>372</sup> Later that same year, the Criminal Justice (Rehabilitative Periods) Bill 2018 was initiated.<sup>373</sup> This Private Member's Bill aimed to broaden the cohort of people who could benefit from the legislation through recognising 18-23 year olds as a distinct group, broadening the range of convictions which can become spent

and introducing the principle of proportionality in deciding when a conviction can become spent.<sup>374</sup>

In 2020, the Programme for Government committed to reviewing the Criminal Justice (Spent Convictions and Certain Disclosures) Act 2016 to expand the range of convictions that could be considered spent.<sup>375</sup> October 2020 saw further progress on this, with the launch of a public consultation on spent convictions that allowed for input from all communities, including those disproportionately impacted by the issue of spent convictions.<sup>376</sup> In June 2021, the Criminal Justice (Rehabilitative Periods) Bill passed through the Seanad with Government support and was progressed to the Dáil for debate.<sup>377</sup>

The last five years have accordingly seen significant progress in the review towards expansion of spent convictions legislation in Ireland. In its current form (as amended at Committee stage) the Criminal Justice (Rehabilitative Periods) Bill 2018 will benefit thousands who have been held back by their historic conviction(s), and communities across Ireland will benefit from the education and employment of people who were previously excluded based on their convictions history.

368 Houses of the Oireachtas, (2018). *Joint Committee on Justice and Equality Report on Penal Reform and Sentencing*. [Online]. Houses of the Oireachtas. Available from: [https://data.oireachtas.ie/ie/oireachtas/committee/dail/32/joint\\_committee\\_on\\_justice\\_and\\_equality/reports/2018/2018-05-10\\_report-on-penal-reform-and-sentencing\\_en.pdf](https://data.oireachtas.ie/ie/oireachtas/committee/dail/32/joint_committee_on_justice_and_equality/reports/2018/2018-05-10_report-on-penal-reform-and-sentencing_en.pdf). [01 September 2021].

369 Houses of the Oireachtas, (2019). *Joint Committee on Justice and Equality Report on Spent Convictions*. [Online]. Houses of the Oireachtas. Available from: [https://data.oireachtas.ie/ie/oireachtas/committee/dail/32/joint\\_committee\\_on\\_justice\\_and\\_equality/reports/2019/2019-10-22\\_report-on-spent-convictions\\_en.pdf](https://data.oireachtas.ie/ie/oireachtas/committee/dail/32/joint_committee_on_justice_and_equality/reports/2019/2019-10-22_report-on-spent-convictions_en.pdf). [01 September 2021].

370 The Department of Justice (DoJ), (2020). *Review of the Criminal Justice (Spent Convictions and Certain Disclosures) Act 2016 Public Consultation*. [Online]. DoJ. Available from: [http://www.justice.ie/en/JELR/Review\\_of\\_the\\_Criminal\\_Justice\\_Act\\_2016-Spent\\_Convictions.pdf/Files/Review\\_of\\_the\\_Criminal\\_Justice\\_Act\\_2016-Spent\\_Convictions.pdf](http://www.justice.ie/en/JELR/Review_of_the_Criminal_Justice_Act_2016-Spent_Convictions.pdf/Files/Review_of_the_Criminal_Justice_Act_2016-Spent_Convictions.pdf). [01 September 2021].

371 Irish Penal Reform Trust, (2017). *Progress in the Penal System: A Framework for Penal Reform*. [Online]. IPRT. Available from: [https://www.iprt.ie/site/assets/files/6431/progress\\_in\\_the\\_penal\\_system\\_compressed.pdf](https://www.iprt.ie/site/assets/files/6431/progress_in_the_penal_system_compressed.pdf). P.82. Action 35.1

372 Houses of the Oireachtas, (2018). *Joint Committee on Justice and Equality Report on Penal Reform and Sentencing*. [Online]. Houses of the Oireachtas. Available from: [https://data.oireachtas.ie/ie/oireachtas/committee/dail/32/joint\\_committee\\_on\\_justice\\_and\\_equality/reports/2018/2018-05-10\\_report-on-penal-reform-and-sentencing\\_en.pdf](https://data.oireachtas.ie/ie/oireachtas/committee/dail/32/joint_committee_on_justice_and_equality/reports/2018/2018-05-10_report-on-penal-reform-and-sentencing_en.pdf). [01 September 2021].

373 Houses of the Oireachtas, (2018). *Criminal Justice (Rehabilitative Periods) Bill 2018 – As Initiated*. [Online]. Houses of the Oireachtas. Available from: <https://data.oireachtas.ie/ie/oireachtas/bill/2018/141/eng/initiated/b14118s.pdf>. [01 September 2021].

374 Irish Penal Reform Trust, (2019). *IPRT Briefing on Criminal Justice (Rehabilitative Periods) Bill 2018 [PMB]*. [Online]. IPRT. Available from: [https://www.iprt.ie/site/assets/files/6488/iprt\\_briefing\\_on\\_cj\\_rehabilitative\\_periods\\_bill\\_2018\\_pmb.pdf](https://www.iprt.ie/site/assets/files/6488/iprt_briefing_on_cj_rehabilitative_periods_bill_2018_pmb.pdf). [02 September 2021].

375 Government of Ireland, (2020). *Programme for Government: Our Shared Future*. [Online]. Government of Ireland. Available from: <https://assets.gov.ie/130911/fe93e24e-dfe0-40ff-9934-def2b44b7b52.pdf>. [01 September 2021].

376 Merrion Street, (2020). [Press Release] *Minister McEntee launches public consultation process on Spent Convictions Policy*. [Online]. Merrion Street. Available from: [https://merrionstreet.ie/en/category-index/crime-justice/minister\\_mcentee\\_launches\\_public\\_consultation\\_process\\_on\\_spent\\_convictions\\_policy.161560.shortcut.html](https://merrionstreet.ie/en/category-index/crime-justice/minister_mcentee_launches_public_consultation_process_on_spent_convictions_policy.161560.shortcut.html). [23 December 2021].

377 Houses of the Oireachtas, (2018). *Criminal Justice (Rehabilitative Periods) Bill 2018*. [Online]. Houses of the Oireachtas. Available from: <https://www.oireachtas.ie/en/bills/bill/2018/141/>. [01 September 2021].

## Data Expectations:

IPRT welcomes the work of the *Interagency Group for a Fairer and Safer Ireland* in both identifying and highlighting issues for people leaving prison, as well as examples of good practice in inter-agency co-operation. However, information on the work being carried out to support people post-release and ensure their successful reintegration needs to be robust and detailed, held up against international best practice and published in real-time. In this context, PIPS sets the following data expectations:

- As reflected in the Government of Ireland's *Working to Change - Social Enterprise and Employment Strategy 2021 – 2023*,<sup>378</sup> the Department of Justice should conduct research with Employment Intervention Providers to identify the employment needs of people upon leaving prison as well as barriers and opportunities to employment for this cohort of people. Using the insight from this research, the Department of Justice should consider developing a system (in conjunction with relevant agencies and Departments) which would allow for the regular tracking of employment outcomes for people released from prison (e.g. at 6 months, 1 year, 2 years post-release).
- As also reflected in the *Working to Change Strategy*, the Interagency Group for a Fairer and Safer Ireland should conduct a review of the current joint protocol between IPS, PS, IASIO and INTREO so that there is a smooth transition from prison-based supports to INTREO community-based supports for people on release.
- The Department of Justice should, in conjunction with the Central Statistics Office, conduct more in-depth and detailed analysis of recidivism rates and, based on the information obtained, develop a plan of action for addressing recidivism.
- The Department of Justice should include within its research on post-release outcomes an analysis of the effects of specific measures taken within prison, such as the use of restricted regimes, in order to identify what (if any) impact such measures have on individuals upon their release.
- The Department of Justice should conduct research (with support of relevant agencies) into the relationship between convictions (both spent and unspent) and access to social supports that support reintegration such as housing, social welfare, employment and education.
- The Department of Justice should improve the collection and use of data across its agencies to ensure that data is publicly available to respond effectively to the ethnic and cultural needs of people post-release and inform more effective targeted interventions for supporting people from ethnic minority and foreign national backgrounds post-release. To this end, ethnic equality monitoring must be rolled out across penal data collection systems (e.g. IPS/ PIMs, Probation Service, etc.), inclusive of a standardised ethnic identifier and ethnicity should be recorded based on human rights principles. This will require appropriate training and oversight for all staff across the penal system as well as awareness raising among staff and people who come into contact with the criminal justice system for the purpose of data collection.
- The agencies involved in the *Housing First Initiative* – the Irish Prison Service, the Probation Service, the Department of Health, the Department of Housing, Planning and Local Government and local authorities - should publish data on the number and type of accommodation available to people on release from prison e.g., emergency and temporary accommodation (bed and breakfasts, hostels, family hubs), transitional housing, long-term supported housing, private rentals that operate under the Housing Assistance Payment (HAP) and local authority social housing.
- The Courts Service should collect, record and publish data, appropriately anonymised, each year on the number of people who have received a conviction in the courts, the nature of the conviction and the sentence handed down.

378 Government of Ireland, (2021). *Working to Change - Social Enterprise and Employment Strategy 2021 – 2023*. [Online]. Gov.ie. Available from: <https://www.gov.ie/en/publication/76b9e-working-to-change-social-enterprise-and-employment-strategy-2021-2023/>. [14 January 2022].

## Short-Term Actions

### Chapter 4 Supporting Return to the Community

#### Action 4.1



**Standards 34 & 35 Reintegration:** The Department of Justice, by the end of 2022, should develop a strategy which identifies the key departments and agencies responsible for ensuring the successful reintegration of people post-release, and the potential for legislative action in this regard. This strategy should set goals and actions for these departments and agencies to co-operate in ensuring access to housing, social welfare, healthcare (including mental health and addiction support), employment, education and family support for people on release from prison.

#### Action 4.2



**Standards 34 & 35 Reintegration:** The Government should progress the Criminal Justice (Rehabilitative Periods) Bill 2018 through the Dáil without further delay, and without removing the progressive amendments made at Committee Stage.





