

'Insufficient data' was identified for two standards – *Privacy* (Standard 15) and *Out-of-cell time* (Standard 16) – as the available information did not allow for a proper assessment. While this is the third time (in the four years it has been assessed in PIPS) that *Privacy* has received this rating, it is the first time that an assessment of *Out-of-cell time* hasn't been possible due to a lack of available data. This is cause for concern.

In total, nine standards were assessed as 'no change' during 2022. This includes the 'Spotlight' Standard 32.1 on *Women in the penal system*. While there has been increasing recognition of the distinct needs of women in the criminal justice system, this has not been borne out in the experiences of women in contact with the penal system, nor in the female imprisonment trends we see in the data. There has been no significant change in *Access to healthcare services* (Standard 12) or *Drug and alcohol treatment* (Standard 14). For yet another year, action has stalled on the rollout of a prison complaints system and access to an external appeal mechanism. Where prisoners have limited access to redress, this fundamentally weakens access to rights, undermines trust, and fuels tensions.

Regrettably, five of the standards were assessed as 'regress'. This is due to the opening of more closed prison spaces (Standard 6), moves away from single-cell provision (Standard 9), challenges with overcrowding (Standard 3) and increases in the number of people being held on remand (Standard 10). Additionally, based on snapshot figures, the number of people held in solitary confinement increased in 2022 (Standard 26).

The assessment of progress against the 28 standards examined in *PIPS 2022* is set out below:

Assessment	2022
Progress	4
Regress	5
Mixed	8
No change	9
Insufficient data	2

**While there has been some welcome improvement during 2022, progress in meeting the vision to which this project aspires has been minimal.**

Above all, it has been disappointing to see an increase in the prison population during 2022, with this rising further into 2023. Imprisonment as a last resort is a fundamental principle of penal reform and the PIPS project. PIPS highlights clearly how increasing prison numbers touch on nearly all aspects of the prison system, including for example, a decrease in the proportion of prisoners with access to single-cell accommodation and longer waiting lists for essential rehabilitative services. This is all the more worrying given the successes during the pandemic in keeping people who posed a low risk to society out of prison. While the State has yet to learn from many of its failures in penal policy and practice, it seems it has yet to learn from its successes either.

The pandemic response demonstrated that it is possible to fast-track change and showed that the reasons often given for delays in the implementation of ambitious and progressive policy are unconvincing. Ireland's penal system, discrete areas of progress aside, continues to fall short of what PIPS strives for it to be.

We hope the 'Key actions' identified in *PIPS 2022* will be considered by the relevant stakeholders for progression during 2023 and into 2024. Despite the slow pace of change, IPRT still believes that having a world-class penal system is not beyond the realm of possibility. Given the progressive proposals that have been made, now is not the time to lose momentum and IPRT will continue to push strongly for implementation of these commitments.

# Progress in the Penal System (PIPS)

*A framework for penal reform (2022)*

## Summary

*Progress in the Penal System 2022 (PIPS 2022)* is the sixth edition of the Progress in the Penal System project. First conceived in 2016, PIPS aimed to set out a clear vision for the future of the penal system in Ireland, taking as its starting point that as a small wealthy country, Ireland should work towards becoming a leading model of international best penal practice.

*PIPS 2022* examines progress in Ireland's penal system during 2022, providing a comprehensive picture of the current context and state of Ireland's penal system. Findings show that, while there have been some pockets of progress during 2022, progress made in previous years is at risk of reversal as a result of continued overreliance on imprisonment and subsequent prison overcrowding.

Due to IPRT's previous efforts to place a more in-depth focus on a smaller number of standards during the pandemic years, many of the standards assessed in *PIPS 2022* have not been assessed in PIPS since 2019, with some not assessed since 2020. However, due to limits on available information and demands on internal capacity, *PIPS 2022* only reviews 28 of the 35 standards that have become synonymous with PIPS.

In 2022, 'progress' was identified in four of the standards assessed. Standard 1, *Towards progressive penal policy*, sets the scene for all of the other standards explored. The Government's *Review of Policy Options for Prison and Penal Reform 2022-2024*, published in September 2022, presents a progressive approach to penal policy. However, its ultimate success will depend on its implementation. Other progress was observed in the areas of *Family contact* (Standard 11) and *Mental healthcare* (Standard 13). On the latter, while there have been successes in addressing the mental health crisis in our prisons, there remains a vast unmet need in prison, ranging from people who urgently require psychiatric treatment in a therapeutic environment outside of prison, to those with learning difficulties, anxiety, and depression who need tailored psychological support.

While *Inspections and monitoring* (Standard 24) has received a 'progress' rating for 2022, this is largely in recognition of the increased output of the Office of the Inspector of Prisons (OIP) and progress

towards ratification of the Optional Protocol to the Convention against Torture (OPCAT), 15 years after Ireland became a signatory. The non-publication of investigation reports relating to the Dóchas Centre remains a stain on other areas of progress under this standard.

A total of eight standards were rated as 'mixed'. These include the two standards relating to prison staffing and culture, *In-cell sanitation* (Standard 8), *Parole system* (Standard 33) and *Cohorts of people at risk of discrimination* (Standard 32). *Humane prison conditions* (Standard 7) was also assessed as 'mixed', with many welcome reviews designed to improve prison conditions ongoing but overcrowding continuing to undermine efforts to improve prison life. Notably, *Imprisonment as a last resort* (Standard 2) was classified as 'mixed', with strong policy commitments to consider the incorporation of the principle of prison as a sanction of last resort in statute paired with the continued over-reliance on the use of imprisonment as a response to less serious offending.

## Assessment of Progress (2022)

No.	Standard	Assessment	Rationale
S1	Towards a progressive penal policy	Progress	Developments include publication of the <i>Review of Policy Options for Prison and Penal Reform 2022–2024</i> , continued focus on research, and ambitious commitments to more progressive responses to offending.
S2	Imprisonment as a last resort	Mixed	Despite policy commitments, the over-reliance on imprisonment in response to less serious offending continued.
S3	Safe custody limits	Regress	Overcrowding has remained a feature of the closed prison estate, particularly in the women's prisons.
S4	Size of prisons	No change	There have been no notable moves to reduce the size of prisons.
S5	Minimum prison security settings	No change	There continues to be limited use of minimum-security settings in the prison estate.
S6	Open prison provision	Regress	With the opening of more closed prison spaces, the proportion of open prison provision has decreased.
S7	Humane prison conditions	Mixed	Persistent levels of overcrowding and overly generalised prison rules are undermining efforts to improve life in prison.
S8	In-cell sanitation	Mixed	There has been a decrease in slopping out, but an increase in the number of people toileting in the presence of another.
S9	Single-cell accommodation	Regress	The proportion of people accommodated in single cells decreased in 2022.
S10	Pre-trial detention as an exceptional measure	Regress	The average number of people on remand has increased by 23% between 2021 and 2022.
S11	Family contact	Progress	Developments include in-cell telephones, investment in video call infrastructure, and extended access to Sunday visits.
S12	Access to healthcare services	No change	Progress on improving access to healthcare more generally has been slowed by the investment in the pandemic response.
S13	Mental healthcare	Progress	Issues persist with access to services, but there has been sustained government focus on mental health including through the work of the High Level Task Force.
S14	Drug and alcohol treatments	No change	Significant waiting lists for accessing addiction services persisted and there has been no update of the Irish Prison Service drugs strategy.
S15	Privacy	Insufficient data	Insufficient data were available to assess this standard.
S16	Out-of-cell time	Insufficient data	The number of people on restricted regimes has decreased from pandemic highs, but more data are required to enable thorough analysis.
S17	Sentence management	Not assessed	
S18	Life skills	Not assessed	

S19	Education	Mixed	There were welcome efforts to expand the delivery of education through technology but staffing shortfalls continued to have detrimental impacts.
S20	Community engagement and involvement	Not assessed	
S21	Political and civic participation	Not assessed	
S22	Complaints system	No change	The long-promised new complaints system has not been rolled out.
S23	Independent complaints and appeal mechanism	No change	There remains no recourse for prisoners to directly make or appeal a complaint to an external body.
S24	Inspection and monitoring	Progress	The commencement of general inspections, public consultation on the reform of Prison Visiting Committees and progress towards ratification of the Optional Protocol to the Convention against Torture are welcome.
S25	Investigations into deaths in custody	No change	Delay in the publication of these reports remains a concern.
S26	Solitary confinement	Regress	Solitary confinement in Irish prisons increased in 2022. Information on the lengths of time people are held in such conditions is still not available.
S27	Violence in Irish prisons	Not assessed	
S28	Prisoner escorts	Not assessed	
S29	Staff training	Mixed	Efforts to provide a wide range of training have improved but concern remains around staffing levels.
S30	Developing positive relationships and work culture	Mixed	Promotion of the Protected Disclosures Policy and introduction of a Code of Ethics are welcome. Dearth of research and information remains a challenge.
S31	Use of force	Not assessed	
S32	Cohorts of people at risk of discrimination	Mixed	Implementation of the Public Sector Duty across the relevant agencies has improved but a more strategic approach to anti-discrimination measures is required.
S32.1	Women in the penal system	No change	Female committal rates have decreased, but the persistently high daily population of women is cause for significant concern. The non-publication of reports on the Dóchas Centre remains a serious issue.
S33	Parole system	Mixed	The new independent parole system continues to be rolled out but there was no progress in extending eligibility for parole to long-sentenced prisoners.
S34 & S35	Effective reintegration of prisoners	No change	Inter-agency work needs to be further strengthened and there has been no expansion of the spent convictions regime.