

KNOW YOUR RIGHTS

Your Rights as a Prisoner



Irish Council for
Civil Liberties



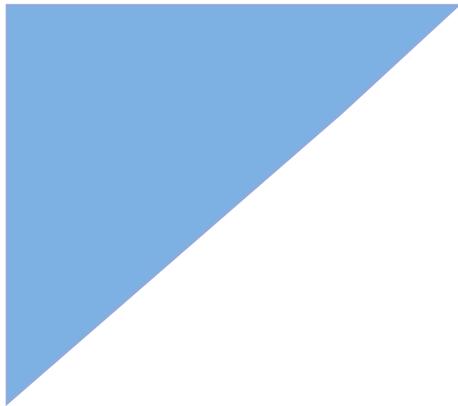
Irish
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A note for readers



Hello,

This booklet was created to help you better know and understand your rights while you are in prison. This will help you to see if your rights are not being met. Please don't be put off by the length of this booklet. You can just read the pieces relevant to you.

We have done our best to write and present this information as clearly as we can, and we start on the next page by explaining key words we use in the booklet. These are also words you might hear while you are in prison.

We used Plain English Guidelines to help as many people as possible understand the information in this booklet. If you find reading hard, please let a member of staff know.

Thank you.

Key words (A – Z listing)

Appeal

A challenge in a higher court to a decision made in a lower court.

Authorised structured activities

Activities and facilities available to prisoners including:

- education
- training
- recreation.

Bail

Bail is where you have been charged with a crime, and you are released from custody (explained below) while waiting for your trial because you or someone else has promised that you will appear in court for your trial.

Barrister

Specialist in:

- litigation – legal actions
- advocacy – speaking up for or acting on behalf of a client.

Usually, the solicitor instructs the barrister about the case. The barrister does not usually deal directly with the person taking the case.

Case

A legal dispute between two parties (individuals or organisations) that is settled by a court or by some other legal process.

Class Officer

The officer in charge of your unit or prison landing (also known as Unit Officer). The Class Officer can tell you about the prison routine. They can also arrange for you to see the:

- doctor
- psychiatrist
- probation services.

Close supervision cell

This is a special kind of cell to separate prisoners who prison staff think are:

- a danger to others in the prison
- disruptive.

When a prisoner is considered to be disruptive by prison management, the close supervision cell may be used to keep them separate from other prisoners to make sure the prison stays safe and secure.

Committal

The process of being admitted to prison.

Custody

A period of time during which you are kept in one place and not allowed to leave, for example in a Garda station or a prison.

Detention

A period of time during which you are kept in one place and not allowed to leave, for example in a Garda station or a prison.

Deportation

A process in which a government forces a person to leave a country. This may be because they were living there illegally or because they have committed a crime.

European Court of Human Rights

The court that hears cases when people feel their rights under the European Convention on Human Rights have been affected.

European Committee for the Prevention of Torture (and Inhuman or Degrading Treatment or Punishment) (CPT)

This Committee visits places of detention including prisons and psychiatric institutions in Europe. They write reports about the conditions there.

European Convention on Human Rights (ECHR)

This is an agreement that protects rights like the right to:

- a fair trial
- privacy
- freedom of expression
- freedom of association.

Extradition

A person accused or convicted of a crime can be transferred ('extradited') from one country to another country. Ireland has extradition agreements with several countries.

Governor

The Governor is in charge of the day-to-day running of the prison. They are responsible for:

- managing the prison
- security
- the safety of prisoners and staff.

The Governor must also make sure sentence management plans are met, and services are delivered to prisoners. Your plan will help you prepare for your release. For example, it may set goals in areas such as education and training.

In possession of

Owning, carrying, storing or otherwise being responsible for, or having control over, an item or items. The term is used often in connection with:

- stolen goods
- firearms
- controlled drugs (these are drugs that you are not legally allowed to use).

Incentivised Regimes (Policy)

Incentivised Regimes (IR) is a rewards scheme based on a prisoner's level of engagement with services and their behaviour. There are three levels: basic, standard and enhanced. See page 38.

Integrated Sentence Management

Integrated Service Management (ISM) is a system developed to support the sentence management of prisoners serving sentence of one year or more. ISM involves an initial assessment, a sentence plan (explained later) and review to measure your progress.

Integrated Sentence Management Co-ordinator

An Integrated Service Management (ISM) Co-ordinator is a prison officer who is responsible for developing a sentence plan (explained below) with you.

Inspector of Prisons

The Inspector visits prisons and writes reports on human rights problems relating to:

- physical conditions
- healthcare
- complaints.

The Inspector's recommendations can lead to positive changes in prison policy and conditions.

Irish Prison Service (IPS)

The Irish Prison Service is responsible for managing prisons and for the safe and secure custody of prisoners.

Judgment

A formal decision made by a court.

Legal advisor

A legal advisor is a solicitor or barrister who advises people before they:

- are arrested and charged
- take a case.

Often, a solicitor is the only legal advisor you will need.

Legislation

The law.

Litigation

Taking legal action in court to settle a dispute.

'On protection'

You may be separated from the general prison population if prison staff consider:

- you pose a threat to your own safety
- you pose a threat to another prisoner's safety
- a prisoner or group of prisoners may harm you.

This is known as being 'on protection'.

Press Ombudsman

If efforts to resolve an issue directly with the newspaper have been unsuccessful, members of the public can send their complaints about newspaper stories to The

Office of the Press Ombudsman. The Ombudsman decides if the complaint is valid and tries to settle the matter so that everyone is satisfied.

Prison custody officer (escort)

This is the person with you when you are taken from or to a prison. They may be a member of the prison service or a member of the Gardaí.

Prison doctor

The prison doctor will help you look after your health. The Irish Prison Service employs prison doctors. Prison doctors should follow the same rules as if they were working in the community and cannot reveal any confidential medical information about you to any prison staff.

Prisoner Information Management System

The Prisoner Information Management System (PIMS) is the IT system used to records your personal details as a prisoner. (IT stands for information technology and the PIMS is a computer system.)

Prison nurse

The prison nurse will help you look after your health. The Irish Prison Service (IPS) employs prison nurses. Prison nurses should follow the same rules as nurses who work in local communities and they cannot reveal any confidential medical information about you to any prison staff. They are there to speak for you and help you with any medical needs you may have.

Prohibited items (sometimes called banned items)

Things you are not allowed to have in prison, including:

- mobile phones
- illegal drugs
- alcohol
- weapons.

Regime

The range of educational, training and recreational out-of-cell activities available to prisoners. Regime can also refer to the lock and unlock hours in each prison, and the reward level you are on under the incentivised regimes policy (explained earlier).

Remand prisoner

A remand prisoner is someone:

- charged with committing an offence; and
- who is not given bail; and
- who has to stay in prison until their trial.

Remission

This is the official term for early release given to prisoners for good behaviour when they have served three quarters of their sentence.

Resettlement Co-ordinator

A Resettlement Co-ordinator works with people both before and after their release. Resettlement co-ordinators work with other services in prisons such as probation, counsellors, psychology and teachers. A Resettlement Co-ordinator will help you access any supports or services that you're entitled to after you've been released.

Safety observation cell

This is a special type of cell to keep prisoners who pose an immediate and serious danger to themselves or others for medical reasons. They are used when there is no suitable alternative to reduce risks.

Solicitor

A solicitor is a lawyer or legal advisor who deals directly with a person taking a legal case.

Special observation cell

This is a cell with special safety features and furniture that improve your safety and allow you to be observed. There are two types of special observation cell: safety observation cells and close supervision cells (explained earlier).

State agents

Employees of the government who carry out the functions of the State, for example:

- the Gardaí
- Prison Officers
- the army
- local authorities.

Tusla

Tusla is the Child and Family Agency. It is the State agency responsible for child protection and welfare.

Training and Employment Officer

A Training and Employment Officer (TEO) works with people in prison to help them develop a plan for what they will do after they're released. The plan is focused on your particular training, employment or educational needs.

United Nations Committee against Torture (CAT)

The Committee has 10 independent experts. They make sure that the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment is followed by States that have signed up to the convention.

Every four years the Committee examines State reports and recommends improvements.

Work Training Officer

Work Training Officers (WTO) guide prisoners through work and training programmes in prisons.

About this booklet

This booklet aims to help you to understand the rights you have while in prison. It is a summary of some important legal rules. It is an update of the Irish Penal Reform Trust's 'Know Your Rights – Your Rights as a Prisoner' booklet published in 2012 and so includes changes made to legal rules or relevant laws since then.

We have included a section 'Key words' at the start of the booklet that we hope will help you better understand this document. **This booklet does not and should not replace legal advice for your own particular situation.**

If anything you read in this booklet makes you think about making a complaint, you should read the section on 'Complaints' (page 88) or speak to your legal advisor.

If you need legal advice, you must check with a legal advisor such as a solicitor. We can't advise you on your individual situation or on the law.

The answers in this booklet – a word of warning!

This booklet is long, and you are not expected to read it all at one time.

It will be useful for you when you have a particular question you want answered, so keep it safely. If you find it hard to follow, you can ask prison staff to help with any questions you may have.

We have done our best to make sure this booklet is accurate, but we cannot be responsible for any mistakes or things left out. Also, rules and laws change over time and this booklet may not be up to date when you use it.

You should make sure that you find out what the current position is on any particular issue from the prison or your solicitor.

Many of the answers to questions in this booklet are not answered with a definite 'yes' or 'no'. Sometimes we might answer a question with a 'maybe' or use words like 'if possible' and so on.

This is because many of the rights of prisoners listed in the Prison Rules say things like 'as far as practicable'. This means that the prison authorities have to do their best to respect these rights but still have to work with the resources available to

them. However, remember that lack of resources is not an excuse for not delivering your rights.

There is an index (list) of these questions at the back of this booklet.

General information

The Constitution of Ireland gives the State its power

The State gets its power from the people of Ireland through the Constitution of Ireland (Bunreacht na hÉireann).

The Constitution sets out some of the rights of people who live in Ireland.

The Courts decide what Constitutional rights mean in practice. All laws must respect the principles in the Constitution.

Rights under the European Convention on Human Rights

We also have rights under the European Convention on Human Rights (ECHR). The law must also follow the ECHR and the decisions of the European Court of Human Rights.

Everyone who works for the State ('State agents'), including Prison Officers, must act in line with the Constitution and the ECHR.

Prison Service must act in line with the law

The Irish Prison Service must act in line with the law and the judgments made in court. You should tell the Governor or any staff member if you feel:

- the prison authorities have treated you in a way that is against the law
- your rights have not been respected.

Alternatively, as soon as possible, you should complain using the complaints process. You may also contact a solicitor.

Main source of prisoners' rights

The main source of prisoners' rights in Ireland are the Prison Rules, 2007-2020. However, it is also important to pay attention to changes in Irish law that apply to prisoners. For example, the Public Sector Equality and Human Rights Duty is a legal duty introduced in 2014. It states that public bodies like the Irish Prison Service should:

- promote equality
- prevent discrimination
- protect the human rights of people in custody
- protect their staff.

Remember: Professional healthcare staff must also follow the professional standards of their particular professional bodies. For example, doctors must follow the professional standards of the Irish Medical Council.

At the end of this booklet, you can find a list of organisations who may be able to help you in relation to your rights.

International treaties for treatment of prisoners

Ireland has agreed to follow the terms of four international treaties (agreements) which lay out standards for treating prisoners. These are:

- the European Convention on Human Rights (ECHR)
- the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment (ECPT) from the Council of Europe
- the International Covenant on Civil and Political Rights (ICCPR)
- the United Nations Convention against Torture (UN CAT).

EU Charter of Fundamental Rights of the European Union

This Charter puts all the rights of all EU citizens into one legally binding document.

Other relevant United Nations (UN) agreements include:

- International Covenant on Economic, Social and Cultural Rights (ICESCR)
- Convention on the Elimination of All Forms of Racial Discrimination (UN CERD)
- Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)
- Convention on the Rights of the Child (CRC)
- Convention on the Rights of Persons with Disabilities (CRPD)

Guidance on minimum standards for prisons

The following rules are not the law, but they are also important because they give important guidance on minimum standards for prisons.

- the Council of Europe's European Prison Rules
- the United Nations Standard Minimum Rules for the Treatment of Prisoners (sometimes known as the "Nelson Mandela Rules")
- the United Nations Rules for the Treatment of Women Prisoners and Non-Custodial Measures for Women Offenders (the "Bangkok Rules").

Similarly, there are recommendations from the Council of Europe related to prison specific issues.

More organisations that can help you

At the end of this booklet, you will find a list of organisations that may be able to help you.

Answers to some questions you may have

Do I lose my rights when I am in prison?

Everyone has certain basic human rights. You should have these rights protected as much as anyone else. The basic rights protected by the Irish Constitution and European Convention on Human Rights include the following:

Life

Everyone has the right to life.

Free from torture

Everyone has the right to be free from:

- torture
- inhuman and degrading treatment or punishment.

Education, family life and religion

Everyone has the right to:

- education
- family life
- religious freedom.

If you are convicted of a criminal offence and sentenced to a term in prison, the loss of your freedom is the punishment. The way you're treated or the conditions in prison should not be used as additional punishment.

Life in prison

Everyone in prison who comes into contact with you must follow the Prison Rules, 2007-2020. We number the rules we mention so you can look them up if you need to.

Going to prison

How will I be treated on the way to prison?

You have the right to be hidden from the public as much as possible while being taken to and from prison.

You should not have to suffer insult or publicity of any kind.

The vehicle in which you are travelling should be safe and comfortable. (Rule 50)

What does the Prison Officer or Garda do?

A Prison Custody Officer will be with you at all times when you are being taken to or from a prison.

Search

If the officer believes you have banned items in your possession, they will search you. You may have to sit on the Body Orifice Security Scanner (BOSS) chair. This is a highly sensitive metal detector, which can detect items like mobile phones if you hide them inside your body.

Gives court order to Governor

When you arrive at the prison, the Garda or Prison Officer must give the Governor the court order about your prison sentence. (Rule 3)

Medication

If you are on any medication or you have a prescription for any medication, the Garda or Prison Officer must give this to the Governor and pass on any information that they have about your health. (Rule 4)

Information about you

The Garda or Prison Officer cannot give information about you to anyone outside the Prison Service unless the Minister for Justice orders them to. (Rule 51)

The committal process

What does the committal process involve?

The committal process deals with admitting you into the prison. You can only be committed to prison with a valid committal order from a court. The Garda or Prison Officer must give this to the Governor. (Rule 3)

Steps when being admitted

Your details

First, the prison officer will bring you to the prison reception area where your details will be written down. (Rule 4) These details include your:

- name
- address
- date of birth
- closest relative
- occupation
- religion
- reason you are being sent to prison ('reason for committal')
- date and time of your admission
- date you are to be released.

Physical details

You will be weighed and measured. Details of any marks or scars on your body will be put in your personal prison file.

Family contact

You will be allowed to tell a family member or some other person where you are as soon as possible. (Rule 5)

What prison staff need to know about you

You should tell prison staff if you:

1. were ever in prison before
2. take drugs
3. were ever in a mental health facility like a closed hospital
4. ever self-harmed
5. are feeling suicidal
6. have any injuries on your body that have not been noted.

You need to do this so that they can get you the treatment you need. All information you give is treated in confidence. You should tell the prison staff if:

- you believe it is not safe for you to be among other prisoners
- you wish to be placed on protection (separated from the general prison population).

Meeting the Governor

The Governor of the prison, or somebody who represents them, should meet you soon after you are admitted to prison (Rule 14). They should ask you if you have been told about the prison rules. This includes whether or not you have been told about:

- how you are expected to behave
- things to which you are entitled when in prison.

You can also ask the Governor to write down further details of information that may be important for you to understand, but which were not written down when you were committed.

If you're not an Irish citizen

If you are not an Irish citizen, you should be given information about how to contact your:

- Embassy, or
- the Consulate representing citizens of your country.

If you are an asylum seeker

If you are an asylum seeker, you should get information about how to contact:

- the office of the United Nations High Commissioner for Refugees, or
- their representative in Ireland.

You can also ask to contact other organisations if you would like them to protect your rights as an asylum seeker or refugee. (Rule 16)

Will I be given information about my rights and duties in prison?

Yes. You should get a booklet explaining your rights and privileges and what your duties are in prison. (Rule 13) A full copy of the Prison Rules should be available for you to access in a convenient place in the prison.

Language you can understand

If you are not fluent in English, if possible, you should be given a copy of the prison booklet in a language you can understand.

If the prison booklet is not available in your native language and you cannot understand it, prison staff should try to explain the information so that you understand it.

If you cannot read or cannot understand the prison booklet, the Governor should arrange to have your rights and duties explained to you as soon as possible.

If you have a **disability**, the Irish Prison Service is obliged by law to do anything appropriate it can to meet your information needs.

Can I be searched?

Yes. You can be searched at any time if the Governor considers there are reasonable grounds to do so (Rule 6).

You will be searched by a person of your own gender. They should respect your decency, privacy and dignity during the search.

A search may mean you remove your clothing like:

- hat
- overcoat
- jacket
- outer clothing.

At no stage should you be left completely naked. The search should not be done if another prisoner can see you.

If you refuse the search

If you refuse to be searched, the Prison Officer may only use enough force as is reasonably necessary to carry out the search. This must not involve a search of your anus or vagina.

Any banned items like mobile phones or weapons will be taken from you. You may get items like your mobile phones back when you are released.

Can I be photographed and have my finger and palm prints taken?

Yes. If you have been convicted of a crime, your photograph, fingerprints and palm prints will be taken (Rule 10). At any point during your time in prison, if the Governor asks, these details about you can be taken:

- measurements
- photograph
- fingerprints
- palm prints.

Sometimes the Governor may order your photograph and prints to be taken if the Gardaí have asked for a copy of these and there is a legal reason for this. For example, if your prints are needed to investigate a different offence.

The law allows for a sample of DNA to be taken. DNA is a chemical that contains unique information about you. DNA is often sampled from your hair or mouth. A sample of DNA can legally be taken from a person who:

- is serving a sentence
- is on temporary release
- has a sentence that is still in force.

If the Governor authorises it, a Prison Officer may take such a sample from you.

What is the role of the Prison Governor?

The Governor is head of the prison (Rule 75). You will meet the Governor or somebody who represents them, within 24 hours of when you are committed to prison, or as soon as possible afterwards.

You should let the Governor or their representative know if you have any legal plans, for example if you intend:

- to apply for bail or legal aid
- to appeal your conviction or the length of your sentence.

Governor's duties

The Governor should protect and uphold the human rights of all prisoners. They should make sure you understand your:

- rights
- duties
- privileges.

The Governor should make sure that you are not discriminated against because of:

- gender
- marital status
- family status
- age
- disability
- sexual orientation
- race
- religion
- membership of the Traveller community.

The Governor manages the delivery of all services to prisoners.

The Governor makes sure that a sentence management plan is prepared and put in place for you. This should help ease you back into society when you are released.

The Governor supervises those who provide services to prisoners and those making your sentence management plan. The aim is that they work together to get the best possible result for you.

Will I be told my release date?

Yes. If you are convicted and sentenced to a time in prison, you should be told the date of your release as soon as possible (Rule 15). If your sentence is for more than one month, this date will be worked out based on your full sentence with a quarter off for good behaviour. (See page 65 for more information).

If there is any change to your release date, you should be told as soon as possible and given the reason for the change of date.

Will I see a doctor and nurse?

Yes. The Garda or Prison Officer who brought you to prison must give the Governor any medication or prescriptions belonging to you and pass on any information they have about your health.

A nurse will do a health check on you as soon as possible after you are committed.

Ideally, a doctor should examine you on the day you are committed **or** as soon as possible after that. You should tell the doctor if you have any:

- illness – including an infectious disease
- injuries
- disability.

Tell the doctor if you:

- take prescribed medication
- need treatment
- need to go to medical appointments outside the prison.

This information is stored on a computer system that only healthcare staff can access. It is confidential.

The prison doctor will continue to prescribe any medication you may need – if they think it is appropriate for you.

Let the nurse and doctor know, so that they can arrange appropriate treatment for you, if you:

- have a drink or drugs problem
- were on a methadone programme in the community or in another prison.

Your drug history and urine test results will decide the treatment you need. The doctor will put you on suitable treatment. It is very important to be honest with healthcare staff about your alcohol and drug taking to keep you safe in prison. Again, this service is confidential.

Can I wear my own clothes in prison?

It depends on the Governor and the prison you are in. Once you are weighed and so on, you should be given the chance to shower and then change into prison clothes or your own clothes. You will get suitable underwear, clothes, socks and shoes if needed.

The Governor may allow you to wear your own clothes in prison. If so, you must have enough clothes, including underwear, to change regularly. Your clothes must be warm enough and you must keep them in a decent, clean condition. (Rule 21) Arrangements should be made for the cleaning and laundering of your clothes.

If you are not allowed to wear your own clothing, for example, if you are in Cloverhill remand prison, you will be given clothes that are warm enough and, if possible, suitable for people of your age and gender outside prison.

If visitors wish to bring you clothing or other property, they must have it in a bag labelled with your:

- name
- prisoner number
- date of birth
- home address.

They must hand the bag in at the reception desk in the visitors' waiting room. If the Class Officer in charge of your landing decides that you have too many clothes in your locker, you will have to parcel them up to be stored or collected by your family.

What happens to my personal belongings?

A list of all your personal property will be made when you enter prison. (Rule 8) Any valuable items like jewellery will be noted and stored safely in the General Office. Other personal property will be listed and stored safely at reception.

If you want to keep any personal property in your cell, you need to get permission from prison management. If permission is given, you keep this property at your own risk. You do not have a right to give away or sell your property to another prisoner, nor can you swap it. If you want any of your property from the reception, you must get the Governor's permission.

What happens to my money?

When you're admitted to prison, your cash is lodged in an account in the General Office. The Governor should make a list of all articles, including cash, brought in by you or sent to you. They should keep a record of this.

Friends and family members can put money into this account for you, and they will get a receipt. If you do not spend all your money in prison you will get it back when you are released.

The Irish Prison Service no longer accepts money from your visitors when they visit you. Instead, your relatives can transfer money to you using electronic transfer of money options or using a special An Post Bill Pay Card.

You may send money to your family (for example if you work in prison and get paid) but you need to ask the Governor for permission.

Physical conditions

Will I be given toiletries?

Yes. Your Class Officer will provide items like:

- soap
- sanitary towels
- toothpaste
- a toothbrush
- razors.

Throughout your time in prison, you will be given, free of charge, the items needed for good health and hygiene (cleanliness).

How often can I shower?

You should be allowed to take a hot shower or bath as often as possible, however, you are entitled to a hot shower or bath at least once a week. (Rule 25 [2])

If necessary, you may be excused from having a hot shower or bath for medical reasons.

What can I expect my cell to look like?

All prison cells or rooms should have the necessary furnishings. They should be:

- well ventilated
- well lit
- warm enough.

When you arrive in prison you will be given enough bedding. This is usually:

- a blanket
- sheets
- a pillow.

Every prisoner should have at least a mattress, if not a bed, to sleep on. (Rule 22)

If possible, toilets and washing facilities will be in the cell or room. If this isn't the case, you should have reasonable access to toilets and washing facilities outside the cell.

Can I have a cell on my own?

Generally, no. If possible, prisoners should have individual cells to sleep in. However, overcrowding in Irish prisons means that not many prisoners have single cells, but instead usually share with one or two others.

The Minister for Justice has the power to specify the maximum number of people who may be put in a cell. (Rule 18 [2])

Sometimes prisoners can be held for a short time in a place other than a cell (for example, an office, recreation area or lobby). This happens if the Governor decides that exceptional circumstances like extreme overcrowding justify it.

The Governor must notify the Minister for Justice if circumstances mean you are going to be accommodated in a place other than a cell for more than 24 hours. (Rule 19)

Am I responsible for cleaning my cell?

Yes, prisoners need to keep their cells clean, with their belongings neatly arranged. (Rule 20) Prison staff will give you cleaning materials.

Prison food

What kind of food can I expect in prison?

You should receive a balanced diet with food that is nutritious and somewhat varied each day (Rule 23). If you are a member of a particular religion or culture the Governor will try, as far as possible, to respect the dietary practices of your religion or culture. For example, you may be a:

- Muslim who requires a Halal diet
- Jewish person who requires a Kosher diet
- Hindu who is a strict vegetarian.

If you are suffering from a medical condition or being treated for one, the doctor can recommend that your diet be adjusted or changed if it affects your condition. You should have access to enough clean drinking water every day.

Cigarettes, alcohol and drugs

Am I allowed to smoke in prison?

You don't have a right to smoke in prison. (Rule 26) However, you may smoke in prison with the permission of the Governor. You must ask for permission to smoke in your cell or in other parts of the prison. Smoking is only allowed in certain areas in prison including your cell and outside areas.

Am I allowed to drink alcohol in prison?

You do not have a right to drink or possess alcohol unless the Governor gives you permission to do so. (Rule 26)

Am I allowed to use illegal drugs in prison?

No. Unless you have a valid prescription from a doctor, a psychiatrist or dentist (Rule 26), you may not have, and no member of the prison staff should provide you with, any controlled drug or medicine.

Hair, urine and saliva samples

You might have to give a hair, urine or saliva sample so prison staff can detect the presence or use of any:

- alcohol
- controlled drug
- medicinal product.

This is not done for substances prescribed by a prison doctor, psychiatrist or dentist.

If you refuse to provide a sample, this is serious as you are breaching (not following) prison discipline.

Prison staff may randomly search you after a visit, even if you are not a known drug user. This is because you could be put under pressure to bring drugs into the prison for other prisoners.

Addictions

If you wish to stop smoking or if you have a drink or drug addiction problem, you should discuss this with the staff. They will be able to advise you about appropriate services or give you information about counselling available in your prison.

Education, training and services

What do I do during the day?

The facilities available to prisoners outside their cells include:

- education
- training
- recreation
- sporting.

This is called the 'prison regime'.

You should be able to take part in what the Irish Prison Service (IPS) calls 'authorised structured activities'. This includes work, training and education. It also includes taking part in programmes designed to reduce offending and help you to prepare for going back into society.

Where possible, you should get involved and have access, to these activities for at least five hours a day, five days a week (Rule 27 [3]).

Working in the prison might mean doing jobs to keep the prison running smoothly. These jobs might include cleaning or painting of landings or yards or other parts of the prison.

You do not have to take part in work if the prison doctor certifies in writing that you are unfit to work due to health reasons, or due to age or disability.

How much can I exercise in prison?

By law you have the right to at least one hour of recreation in the open air every day, like walking around the yard. (Rule 32)

Your entitlements to recreation, exercise and training may be stopped, restricted or changed for a specified period if this needs to happen to prevent or limit the spread of an infectious disease.

Where possible, you should have access to suitable indoor space and equipment for:

- recreation
- exercise
- training.

You will not have to take part in exercise or training if a prison doctor certifies in writing that you are unfit due to ill-health or age.

Remedial therapy or care

The Governor in consultation with the Director of Prison Healthcare should provide remedial physical education or therapy to you if the prison doctor certifies that it is necessary.

Can I access education and training in prisons?

Yes. You should be able to access education programmes to suit you in prison.

(Rule 110) All prisons in Ireland have a duty to provide education and training facilities so that prisoners can serve their sentence in the most useful way possible.

You should be allowed to access education facilities in the prison where you are serving your sentence. A wide range of educational resources should be available to you while you are in prison.

Soon after you are committed, you should meet with the head teacher to talk about your options for education and work training. Classes are available in subjects like:

- English
- maths
- computers
- art
- music
- woodcraft
- personal development
- parenting
- nutrition.

Some courses may be available before you are released. These include professional development and career guidance. You can study some subjects at Junior Cert and Leaving Cert level, and you may even move on to third-level courses.

Staff should encourage you to take on some educational activities while you are in prison.

Can I take classes to improve my reading and writing?

Yes. If you feel you need help with basic reading and writing skills, the education and prison staff should help you to take part in literacy and numeracy education programmes. (Rule 110 [2])

Can I use the library?

Yes. A library and information centre should be provided in every prison. Prisoners should have regular access to a wide range of information. You should be able to use the library service at your prison at least once a week. (Rule 110 [7])

Staff in the education unit and library of the prison should treat you with the same respect and dignity as if you were a student in an outside educational facility or library.

Incentivised Regimes

Incentivised Regimes (IR) is a **rewards scheme** based on a prisoner's level of engagement with services and their behaviour. There are three levels: basic, standard and enhanced.

All prisoners enter the system at '**standard**' level.

A prisoner is eligible for an '**enhanced**' regime when they meet relevant conditions for two months in a row.

A prisoner can also be put back to a '**basic**' regime level. This can happen if you refuse to engage in structured activities or you do not meet expected behaviour standards.

Incentivised Regimes is an Irish Prison Service policy. It is not governed by the Prison Rules.

Letters, phone calls and visits – contact with the outside world

How often can I make phone calls in prisons?

If you are a sentenced prisoner, you have the right to make at least one phone call a week to a family member or friend (Rule 46 [2]). The Governor can decide how long your phone calls should be, but generally the computer system allows up to six minutes. You must tell staff the phone numbers you wish to ring, and these numbers will be checked and listed on a list of numbers you are clear to ring. You may have the right to ring more often than once a week, but this depends on the regime level you have achieved under the Incentivised Regimes Policy (described in the box on the previous page).

As well as your weekly calls to family or friends, you may call your legal advisor at any time that is reasonable. (Rule 46 [5])

If you are a remand prisoner, you have a right to make at least five phone calls a week. (Rule 46 [4] (a)). You are also allowed to make as many calls as you need, within reason, to manage your property or business affairs while you are on remand. (Rule 46 [4] (b)).

Will someone listen to my phone calls?

Yes. All phone calls are monitored and recorded except for calls you make to your solicitor (legal advisor) and to counselling services like the Samaritans.

Prison staff may listen to or record your phone calls at any time, but they should make you aware they are doing this. For example, there might be a sign on the wall near the phone saying that your call is being listened to; or you might hear a recorded message on the phone before you get through to the number you're calling.

The Governor may also end your phone call if they believe that it is threatening, upsetting or offensive to the person you are speaking to, or that it could interfere with the course of justice. (Rule 46 [8])

It is against the law to have a mobile phone in prison unless you have the permission of the Governor. (Section 36, Prison Act 2007)

How many letters may I send a week?

You can send letters to your family and friends. (Rule 43) If you send more than seven letters in one week, you may be charged for the cost of postage and materials for every letter over seven. There is no limit on the number of letters you can receive.

If you are a remand prisoner, you can send as many letters as necessary each week, to manage your property or business affairs.

Can my letters be opened and read before they leave the prison?

Yes. A Prison Officer will open and check each letter before it is sent. The letter may be taken away from you and not be sent if the:

- Governor considers it to be threatening in nature
- person you're writing to has told the Governor that they don't want to receive letters from you.

Also, your letter could be taken from you if it could help a criminal offence to be committed or if it would obstruct (block) a criminal investigation.

Can I send any letters that will not be inspected?

Yes. Letters you send to certain organisations or bodies will not be opened before they are sent. Prison staff will post them without delay. (Rule 44). These include letters to:

- your solicitor (legal advisor)
- the Minister for Justice.

They also include letters to the:

- Chief Justice
- President of the High Court
- President of the Circuit Court
- President of the District Court
- Presiding Judge of the Special Criminal Court.

Prison staff will not open letters you send to the following:

- a member of the Prison Visiting Committee
- the Inspector of Prisons
- the European Court of Human Rights
- the Irish Human Rights and Equality Commission
- the Parole Board
- the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT)
- the International Committee of the Red Cross.

Prison staff may open mail addressed to you from your solicitor or any of the organisations or bodies listed above, but just to make sure that it is from your solicitor or one of the listed organisations. If they are going to examine any letter addressed to you from the bodies listed above, they **must** open it while you are there.

If you are concerned about any communication with any of the listed bodies above or about your solicitor being interfered with, you should tell your legal advisor.

As a disciplinary sanction, you may be banned from sending or receiving letters for a period of up to 60 days. This sanction does not apply to letters with the bodies listed on the previous page. It also does not apply to voting at an election or referendum.

How many visits can I get from friends and family each week?

Type of prisoner.	You may get at least the number of visits shown below.	The greatest number of visits you can get each week is shown below.	Length of visit.
Sentenced	1	Governor can decide.	30 minutes
Remand	3	6	15 minutes

If you are a **sentenced prisoner**, you are entitled to at least one visit per week from relatives or friends for at least 30 minutes. (Rule 35 [1]) The Governor at your prison may allow you to have more visits if they believe it would benefit your welfare or rehabilitation.

If you are a **remand prisoner**, you are entitled to a minimum of three 15-minute visits each week and maximum of six visits a week. (Rule 35 [3])

All prisoners can name six to eight people a month to visit them. Visitors can book an appointment through the prison (online or by phone).

The governor may restrict the number of people allowed to visit you at any one time to three.

The prison must provide facilities to allow you and your visitors to see and talk to each other. However, they can prevent physical contact, for example, by making you sit apart or be separated by a screen.

You are not allowed to pass items to your visitors, unless the Governor allows it.

The Governor has a wide discretion (decision-making powers) to regulate visits. The governor can refuse to allow a visit to take place to maintain good order and safe and secure custody. You may also refuse to go on a visit at any time.

If there is a need to prevent or limit the spread of an infectious disease, your entitlements to visits may be suspended (stopped for a period of time) or visits may change in terms of how often they happen, their length and the number and age of visitors permitted to see you.

Three levels of privilege

The Irish Prison Service operates three tiers (levels) of privileges under the Incentivised Regimes Policy:

- basic
- standard
- enhanced.

All prisoners enter prison on the standard level. Moving through the tiers depends on how well you work with prison services and on your behaviour while in prison. The higher your privilege level, for example 'enhanced', the more likely you are to be allowed more visits and phone calls. However, this is a policy made by the Irish Prison Service, it is not a right.

Will my visitors be searched?

Prison staff will search visitors when they are entering the prison. This happens as follows:

- normally, the visitor passes through an electronic body scanner
- this is followed by an electronic search by a Prison Officer using a handheld device
- this may then be followed by having to stand for an inspection by a sniffer dog.

If a visitor does not pass any of these inspections, the Governor may decide to cancel or restrict the visit. If a visitor refuses to be searched, the Governor may cancel the visit.

Do I have a right to conjugal visits?

No. Conjugal visits are not allowed. This means you cannot have sex with your spouse or partner in prisons in Ireland.

How often can my legal advisor visit me in prison?

You can receive a visit from your legal representative any day of the week within normal visiting hours to discuss any legal action or case or appeal concerning you. (Rule 38) Your solicitor will have to book the visit with the prison.

A visit from your legal advisor is not counted as an ordinary visit, which means you are still allowed to receive the normal number of visits from your family or friends. Visits from legal advisors should take place in view of a Prison Officer, but not within their hearing. Access to your legal advisor is **completely confidential**.

What if I need an interpreter?

If you are a foreign national or you need an interpreter so you can fully understand your legal advisor, you might be able to get an interpreter. The Governor will need to give their permission to get an interpreter.

What if I have a disability?

If you have a disability, the prison service has a duty to accommodate your needs. This means the Irish Prison Service must take appropriate steps to help you make

contact with the outside world as needed. Please turn to page 78 for more information on what your rights are if you have a disability.

Religious and spiritual practice

Do I have a right to practise my religion or faith in prison?

You have the right to practise your religion or faith in prison (Rule 34) as long as the prison can still keep good order and safe and secure custody. This means you should be able to take part in relevant religious services in prison, or have access to relevant religious books or materials.

The chaplains are responsible for the spiritual care of all prisoners no matter what their religion or faith. Representatives of various religions or faiths can also attend the prisons on a visiting basis.

Do I have a right to receive spiritual or pastoral visits?

Yes. You can have visits from a spiritual or pastoral advisor with the permission of the Governor. (Rule 34) You should be allowed access to a representative of any denomination if a visit is orderly and safe.

What if there is no authorised chaplain?

If you belong to a religion for which there is no authorised chaplain at the prison, you may receive spiritual or pastoral visits from an advisor or representative of your religion. You must get the Governor's written consent.

The supervising Prison Officer is allowed to see these visits, but they are not allowed to hear what you are saying.

If you have a visit from a spiritual advisor, it is not counted as an ordinary visit, so you are still allowed to receive the normal number of visits from your family or friends.

You should not be forced to take part in any religious service or meeting.

Does a chaplain do more than provide spiritual visits?

Yes. Chaplains have a 'pastoral' role. This means that they can provide you with care and counselling. They can help you to:

- explore treatment and rehabilitation options
- keep up contact with your family and community.

The chaplain will listen to you, and support and encourage you at times of trauma, crisis, illness or grief.

You can speak to a chaplain if you have concerns about any issue, including worries about:

- your health
- your family
- legal matters
- your emotional well-being.

A chaplain can visit you if you are under restraint or confined to a cell. They will always treat everything you say as confidential. Meetings with prison chaplains are generally not in view or hearing of a prison officer. The chaplains can also help you to prepare for your release.

Voting

As a prisoner, do I have the right to vote?

Yes. If you are in prison, and are not registered for voting, you can register for a postal vote. This should be for a vote in the area that you would be living in if you were not in prison. You do this by completing a 'Form RFA4' and posting it to the relevant address in good time before the vote.

If you are already registered to vote in that area and wish to be able to vote from prison, then you should fill out a 'Form RFG'.

These forms are available in all prisons. You should send the form to the local authority for your area. If you need more information about how to register, ask the Governor or your Class Officer.

Healthcare

What standard of medical care should I receive in prison?

You should be provided with healthcare that is the same standard as if you were outside the prison and had a medical card. (Rule 33)

The Irish Prison Service must maintain the well-being of all prisoners in its care. This includes making sure that infectious diseases, like TB or Covid-19, do not spread.

This is why the medical examination at the committal stage is so important. It should:

- identify any prisoner who needs to be isolated because they might have a contagious condition
- organise any necessary suitable treatment.

You can expect the same level of confidential treatment as you would get in any other healthcare setting outside the prison.

You should never be asked to take part in any medical experiment or drug trial.

Who is responsible for the healthcare of prisoners?

The prison doctor is responsible for the healthcare of prisoners. If you get sick or suffer from a medical condition, the doctor will diagnose and treat you within the prison if this is possible. If the doctor or nurse cannot treat you properly within the prison, they can, with the Governor's approval, arrange for you to be treated in hospital.

The doctor or nurse in prison should treat you with the same dignity and respect as patients would receive outside the prison.

What should I do if I am sick and need to see a doctor?

If you feel sick, tell your Class Officer who will tell the nurse. The nurse will either come to see you and treat you if they can or they'll make an appointment for you at the next doctor's clinic.

If you cannot go to the healthcare or surgery area because you are too ill, arrangements can be made for the doctor to come see you in your cell. When you are ill, you should be assessed by someone from the medical staff as soon as possible. Healthcare staff should visit you if it is a medical emergency and arrange for you to be sent to a hospital for further medical attention if needed.

Will my consultation with the doctor be kept confidential?

Generally, yes. Healthcare professionals must make sure they respect your confidentiality. If you have to see the doctor, the consultation should take place in private unless the doctor requests a Prison Officer to be there. They might do this if, for example, they have concerns for their own safety. Those concerns or reasons must be written down.

What you discuss with the doctor is your own business. The doctor must not discuss your health with anyone else except other healthcare staff. The doctor should give you all the information you need to help you make good decisions about your healthcare. In exceptional circumstances, you will be asked for your consent (agreement) to share your medical information. This means you will be asked to read and sign a form describing what information, why and to whom this information is to be shared with.

When can the doctor share medical information about me?

Information about your health should only be shared with other people on a 'need-to-know' basis.

For example, the doctor might talk to the Governor about your health if they are concerned that some aspect of the prison environment or activities is damaging to your physical or mental health.

The doctor may also need to share your health information if you:

- need specialist care outside the prison
- need to be transferred out of the prison in an emergency.

The prison doctor or psychiatrist should write to the Governor if they believe:

- your life will be in danger if you stay in prison
- you are unlikely to live until the end of your sentence
- you are unfit to remain in prison
- you are unfit for the particular prison's regime
- your mental or physical health is being seriously affected by being in prison
- you are unfit to travel outside the prison, even for court appearances.

If the prison doctor or psychiatrist writes to the Governor about any of these issues, the Governor must let the Minister for Justice know about this medical opinion as soon as possible.

If I have a mental health problem, can I access any special services?

If you are suffering from a mental health problem and you want or need to talk to someone about it, the Irish Prison Service must do its best to provide you with the services you need.

All prisons have access to mental health services and the doctor will make arrangements for treatment if they think it's necessary.

The first thing to do is to talk to the prison nursing staff, many of whom have mental health training. Addiction counsellors will see anyone with an addiction problem. The prison psychologist will see you and, if you need it, they'll treat you as much as they can.

The prison psychologist must always respect your dignity and confidentiality. If they are concerned about your safety or if they think you might be a risk to yourself or to others, they can make recommendations to the Governor about your needs.

The doctor in the prison must pay attention to any mental health problems you have. They can then ask the prison psychologist or the Governor to send you for a mental health assessment.

The failure to provide you with adequate psychiatric healthcare could be found to be a breach of the European Convention on Human Rights.

If I have a drug problem, can I access treatment services in prison?

Yes. If you are taking drugs or are addicted to drugs, then there are drug treatment programmes available to you while in prison.

These services should be the same as services that can be found in the community and should be suitable to the prison setting. If you have a history of opiate use and you test positive, you may be offered medical help to detox.

If I am worried about my sexual health, can I access screening and treatment services in prison?

Yes. You should speak to the medical staff at the prison about getting a blood test to set your mind at ease. If you are worried you have:

- a sexually transmitted disease or infection
- HIV, hepatitis B or hepatitis C.

All prisoners are offered a hepatitis B vaccination and screening for blood-borne viruses like hepatitis and HIV.

What happens if I have a contagious disease like Covid-19 or TB?

If you have a contagious disease you should tell the nurse when you're being admitted to prison. Healthcare staff will contact the Public Health Department.

If there's a danger that you could infect others, you will be separated from other prisoners as quickly as possible to stop the spread of the disease.

The medical examination identifies any possible contagious diseases in prisoners, so you can be kept apart from other prisoners and treated.

When you are being committed, you should be asked specific questions about the symptoms of any illnesses you have or have had in the past. You'll also be asked about any:

- medications you are taking
- history of contact with any infectious diseases.

All prisoners should, if possible, be put in a cell on their own until they have been medically checked. Infectious diseases may be more likely to spread in prison due to the close contact prisoners may be in with each other, particularly if you are sharing cells.

If the nurse suspects that you might have TB or Covid-19 when you are committed, you should be isolated in suitable accommodation until the diagnosis is confirmed. If you receive a positive test result, appropriate action will be taken to make sure the disease does not spread any further. These procedures can change so you should ask prison staff what this will mean for you.

What are my healthcare rights if I have a disability?

You have the same healthcare rights as everyone else.

You will have a full health check with the prison doctor or nurse when you come into prison. They may ask you if you have a disability. This is a good time to tell them you have a disability so you can get the support you may need. If you tell them that you have any type of disability, your needs are more likely to be met.

This is because, by law, the prison has a duty to accommodate your needs within reason if you have a disability. This is called a 'reasonable accommodation'. However, if the 'accommodation' or support is very expensive or it is difficult to provide, the Prison Service may not have to provide it.

You may also ask staff for support later on.

If a prison doctor says that you need remedial physical education or therapy, the Governor should, if possible, provide these services to you.

It is very important for your own safety that you say if you have a disability, including deafness or sight problems. This is so that you can be cared for properly if there is an emergency like a fire.

See section on 'Different types of prisoners' (page 73) which includes more information on your rights if you have a disability.

Will I be able to see a dentist?

Yes. All prisons have arrangements so that you can access the same standard of dental treatment that is available in the community. You can ask to be placed on the list for the dentist and, in some instances, the prison doctor or nurse may refer you.

Safety

Will I be protected by prison staff while I am in custody?

You should be, yes. The Governor and Prison Officers have a duty to keep you safe while you are in prison. The Governor must make sure the prison regime is orderly and that all prisoners are safe from harm, either from others or from themselves.

Prison Officers are responsible for the day-to-day well-being of all prisoners. A Prison Officer must tell the Governor or other higher-ranking officer immediately if they believe that you might need:

- medical care
- psychiatric care
- other assistance
- special care
- close observation.

The Governor may decide to order you to be monitored if it is brought to their attention that you are:

- likely to harm yourself or someone else
- at risk of harm
- you pose a risk to security or order in the prison. (Rule 80)

This monitoring will last for as long as there is a risk. The details will be recorded.

What does removal 'on grounds of order' mean?

A Governor may decide 'on grounds of order' that you are not allowed to:

- a) take part in authorised structured activities, like education,
- b) take part in recreation with others, and/or

c) associate with other prisoners. (Rule 62)

The Governor should only give this instruction if they believe that to allow you to do so, would result in a significant threat to the maintenance and good order in the prison. This means that it would cause significant disruption or threaten safe and secure custody of you and others.

You should get written reasons explaining why the Governor made such a decision. A review of this decision should take place at least once every seven days after the original direction was given. You should be told about the result of this review.

The Governor should have written records of:

- any direction they give
- the period for which you will be removed from normal activities
- the reasons why the direction was given
- your views
- decision made after a review.

If you are removed 'on grounds of order', the Governor should ask the doctor to visit you. If you have any medical condition, the doctor should keep it under regular review. The Governor should also inform the chaplain who should be able to visit you at any time.

The Governor should submit a report to the Director General of the Irish Prison Service to justify the need for any continued removal, which is more than 21 days. If the period is to be extended beyond 21 days, the Director General of the Irish Prison Service should then authorise it.

What does it mean to be put 'on protection'?

If, for some reason, you do not feel safe in the general prison population, you can ask to be put 'on protection'. This means you would be separated from other prisoners. If the Governor becomes aware that you are at risk of harm, based on the information available they will decide whether or not to put you on protection.

Therefore, you can be placed 'on protection' on either a voluntary or involuntary basis. (Rule 63)

If you are placed on protection, the Governor must keep a detailed record of your protection regime. This must include:

- the reasons for placing you on protection
- the date and time it started
- any views you expressed on the matter
- the date and time the protection ends.

If I am on protection, can I still have access to education and work facilities?

Generally, yes. If you are placed on protection, and the Governor thinks that it would be in your best interests, you can take part in supervised structured activity with other prisoners 'on protection'.

However, if the threat to your safety is so large that you cannot mix with any other prisoners, you will only have access to a 'restricted regime'. This means you may get as little as one hour of recreation or outdoor activity a day. All prisoners should have at least two hours out of their cell a day.

What is solitary confinement?

Solitary confinement is when you are held in a cell on your own or with a small number of other prisoners for 22 hours a day or more.

What are my rights if I am held in solitary confinement?

By law, you should have a daily minimum of two hours out of your cell. (Rule 27 [1]) During this time, you should have an opportunity for meaningful human contact with

other people. This means you should have contact with another person close enough to you so you can have a conversation. The contact you have with other prisoners is at the discretion of the Governor.

When could I be placed in a special observation cell?

A special observation cell is a cell that has special safety features to make sure that a prisoner placed there is safe and cannot self-harm. If staff are concerned that you may hurt yourself or others, the Governor may decide to place you in this type of cell for up to 24 hours. They will only do this if there is nothing else they can do to avoid such harm. (Rule 64)

In 2005, the Irish Prison Service (IPS) decided that 'special cells' would be divided into two types:

- safety observation cells
- close supervision cells.

The Governor should only put you in a safety observation cell if they believe:

- you need frequent observation for medical reasons, or
- you are a danger to yourself, for example, because you are at risk of self-harm or suicide.

A safety observation cell has special features, furnishings and ways to observe those inside to improve their safety. You should not be put in one of these cells unless it is necessary for your immediate well-being. It is not appropriate for prison authorities to put you in a safety observation cell for any other reason.

As soon as possible after you are put in a safety observation cell, a prison doctor should examine you. If the prison doctor advises that you should be put somewhere else, the Governor must review the matter. If the Governor goes against the advice of the prison doctor, they must write down the reasons for this.

If you have been disruptive or if you pose a danger to others, you may be put in a close supervision cell. This is a cell with special features, furnishings and methods of observation. These improve safety for yourself and other prisoners and help to keep good order in the prison. As soon as possible after you are put in a close supervision cell, a prison doctor should examine you.

You should not be held in a special observation cell as a punishment.

What are my rights if I am placed in a special observation cell?

The Governor should record:

- the decision to place you in the cell
- the date and time you were placed in the cell
- the reasons why the decision was given
- the date and time of when you left the cell
- all visits you receive during the period.

The Governor should also record any request you make to receive a visit from the:

- doctor
- psychologist
- chaplain
- healthcare professional
- legal advisor

and their response to such request.

Any other significant requests you make should also be recorded.

If you are in a special observation cell, the following should happen:

- a prison doctor should examine you as soon as possible

- the Governor and the doctor should visit you in a special observation cell at least once a day.

Clothing

You may be asked to remove your clothing including underwear when you are placed in a special observation cell. The Governor may ask you this to ensure your own safety from self-harm. However, if your clothes have to be removed for your safety they should be removed with regard to your dignity.

You should not be left without clothes in a special observation cell, however, you may be provided with different clothing that won't pose a risk to your own safety.

Prison Officer check

A Prison Officer should check on you every 15 minutes when you are being held in a special observation cell.

Governor must authorise any time over 24 hours

You can only be held in a special observation cell for more than 24 hours if the Governor directs it, having consulted the prison doctor and considered all other relevant matters.

Up to five days

Generally, the longest you can be held in a special observation cell is five days. This time period can only be extended with the written permission of the Director General of the Irish Prison Service.

Are Prison Officers allowed to use force against me?

Prison Officers may only use force when it is strictly necessary and proportionate so that they can keep or restore order or safe and secure custody. (Rule 93) Prison staff may use restraint if they are concerned you may:

- injure yourself or others

- cause significant damage to property. (Rule 65)

A Prison Officer should not hit you unless it is to prevent injury to themselves or others. If you suffer excessive force, you should immediately report the matter to the Governor who will start an investigation and report the matter to the Gardaí.

In such circumstances, the Prison Officer who used force on you must write to the Governor and explain why they used such force and how much force they used. If force is used on you, the Governor should make sure that you are examined by a healthcare professional as soon as possible after the event.

You may also report the matter to the:

- Minister for Justice
- Office of the Inspector of Prisons
- European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT)
- UN Committee against Torture.

You could also speak to your solicitor about taking a legal action against the Prison Officer and the prison authorities.

Prison procedures for transfer, temporary release, remission and parole

What is the procedure for being transferred?

Each prison services a particular court area. When you are sentenced to prison, you will be committed to the prison named for the court area where you appeared during your case. The Minister for Justice may change the prison where you are to serve your sentence.

As a prisoner, you have no legal right to serve your sentence in the prison of your choice. However, you can apply to the Governor to ask for a transfer to another prison if you have a good reason. The Prison Service will try to make sure you are in a prison as close to your home as possible. The Irish Prison Service will also decide to transfer you from one prison to another.

If you are a foreign national and you wish to return to your own country, you may apply to the Minister for Justice for a transfer to serve your sentence in your home state. There is no guarantee that your application will be accepted. It is up to the Minister for Justice to decide.

Sometimes you may be transferred to another prison, the Central Mental Hospital or another place like a hospital for medical treatment. Other times you may be released on temporary release. If any of these transfers happen, the Governor must record the date and on whose order you were transferred or released. (Rule 60)

If you are transferred from one prison to another prison, you should be allowed, as soon as possible, to let a family member or friend know that you have been transferred. (Rule 5)

When happens when I am released, including temporary release?

The Minister for Justice decides whether or not to grant you a temporary release. Temporary release means that you will be allowed to leave the prison for a certain period of time set by the Governor. The Minister will consider a number of things when deciding to grant temporary release. These include:

- the offence you committed
- your family circumstances
- your attitude to rehabilitation
- your employment and training skills.

Temporary release is usually granted in these three circumstances:

- on compassionate grounds

- day-to-day and weekly release
- reviewable temporary release towards the end of your sentence.

Temporary release on compassionate grounds

Temporary release on compassionate grounds may be granted if there is an emergency in your family, for example where someone has died or is seriously ill. You may also be released to go to special family occasions like weddings, christenings or communions, or to deal with family matters.

Day-to-day and weekly release

Day-to-day and weekly release is usually granted to allow you to do work outside the prison. In some circumstances a Prison Officer will go with you ('under escort'), or you may go alone.

Reviewable temporary release

Reviewable temporary release towards the end of your sentence is like parole. It means early release from prison towards the end of your sentence. 'Reviewable temporary release' usually depends on certain conditions being met. In most cases, these may include a condition that you report to a Garda station on a regular basis. Of course, if you don't meet the conditions, the Gardaí may arrest and return you to prison immediately.

When temporary release is not allowed

The Minister will not release you for one or more of the reasons listed previously if they feel it is not appropriate to do so. The Minister may be unable to release you if it is against the law. You will not be allowed temporary release if you are charged or convicted of an offence and remanded to appear at a future court hearing.

Providing you with practical things for temporary release

If you are granted temporary release, the Governor must make sure that you have sufficient means to travel to your destination. If you have no clothes of your own or if your own clothes are unsuitable, you should be provided with clothes suitable to your age and gender.

If you don't have enough money to get by when you're out on temporary release, the Governor should, if possible, provide you with as much as they think you'll need.

If I get temporary release, must I agree to certain things?

Yes. The Minister for Justice can rule that a person on temporary release must:

- stay at a particular location, or
- stay away from a particular location, or
- both.

There may be other rules attached to your temporary release. If you are granted temporary release you must agree with any conditions that are set. For example, you might have to:

- go to a particular place each day or each week, like a Garda station
- avoid going to certain places or types of places.

What would happen if I did not follow all the conditions?

If you break the conditions of your temporary release, you may be arrested without warrant and returned to prison. You may not be granted temporary release again. You might also be punished for not having followed the rules. If you do not return when your period of temporary release ends, you could be charged with being 'unlawfully at large'. This means that you are out of prison when you should be in prison.

Other than temporary release, can I be released early from prison?

Yes, you can, however, there is no right to early release. Currently, there are programmes that allow you to be released early from prison (although you will still have to serve the rest of your sentence in the community).

For example, if you are serving a prison sentence of between three and 12 months, you may qualify to take part in the Community Support Scheme. Under the Community Support Scheme, you can be released from prison and supported in reintegrating back into the community.

If you are serving a sentence of more than one year and fewer than eight years, you may qualify for Community Return. Under the Community Return Programme, you can be released from prison after serving at least half of your sentence. You complete the rest of your sentence by carrying out community service.

The Irish Prison Service and the Probation Service decide if you are suitable for these programmes.

How do I get remission?

The term 'remission' describes the early and complete end of your sentence. It is based on good behaviour during the sentence. Remission means you can earn up to one quarter off your whole sentence by good behaviour.

For example, if your sentence is 24 months long, remission means you can get out in 18 months, six months earlier.

You cannot get remission if you are serving a life sentence or you are in prison because of contempt of court. In practice, one quarter remission is automatic if you do not commit an offence in prison. This is called 'standard' remission.

What is enhanced remission?

The Minister for Justice decides whether or not to grant **enhanced remission**, which you need to apply for. Enhanced remission would reduce your sentence by up to one third. A third off a 24-month sentence would mean you could leave prison eight months earlier. For this type of remission, you must show further good behaviour by getting involved in authorised structured activities. The Minister must be satisfied that

you are less likely to re-offend and you are better able to go back into the community.

The Minister must inform you in writing if you are going to get enhanced remission and by how much they will reduce your sentence. If the Minister refuses to give you enhanced remission, they must write to you telling you why. The Minister may consider the following circumstances when deciding whether or not to give you enhanced remission.

1. Structured activities

How much and in what way you took part in structured activities in prison, for example, in education.

2. Your behaviour

If you took action to address your offending behaviour.

3. Seriousness of your offence

The nature and gravity of the offence for which you are serving a prison sentence.

4. Original sentence

Your original sentence and any recommendations made by the court that sentenced you.

5. How long you've served

The period of the sentence served by you so far.

6. Any threats you pose

The potential threat to the safety and security of members of the public (including the victim of the offence) if you were released from prison.

7. Other offences

If you were convicted for any other offence before being convicted of the offence that you are now serving a sentence for.

8. Your behaviour

Your behaviour while in prison or during a period of temporary release.

9. Any reports

Any report of, or recommendation made by:

- a) the Governor of the prison concerned, or the person temporarily carrying out the role of the Governor
- b) An Garda Síochána
- c) a probation officer
- d) any other person the Minister thinks may help them to decide about your application.

Parole

What is parole and how does the parole system work?

The term 'parole' means temporary release for people serving longer sentences, including life sentences. Usually, the Board tries to review individual cases half-way through your sentence or after seven years, whichever comes first.

The Parole Board's main role is to:

- manage long-term prison sentences so that prisoners are given the best opportunity to rehabilitate themselves
- advise the Minister for Justice on what it thinks is the best way to manage a prisoner's sentence.

Before the Parole Board can review your case the Minister for Justice must first refer it to them. The Irish Prison Service will tell the Parole Board if your case should be reviewed in the next 18 months.

'On licence'

If you are on temporary release (parole) you are 'on licence'. This means that if you are given parole or temporary release, there may be conditions that apply to your release. This could include supervision by the Probation Service.

If you do not follow these conditions, you could:

- be called back into prison
- have to serve the rest of your sentence in prison rather than in the community
- have to wait for another parole review.

What influences the Parole Board's recommendation on my release?

The safety of the public is top of the Parole Board's priorities. The board advises the Minister of your progress to date. The main factors taken into account are the following.

Your offence

The type of offence and the seriousness of it.

Your sentence

The sentence you're serving and any recommendations made by the Judge.

How much of the sentence you have served at the time of the review.

Threat

The level of threat you pose to the safety of the public should you be released.

Risk of further offence

How high the risk is of you committing further offences while you're on temporary release or parole.

Risk of absconding

The risk of you failing to return to custody from any period of temporary release.

Prison conduct

Your conduct while in prison

Your use of therapeutic services

How much you have used the therapeutic services available, like counselling or courses related to the offence committed. And how likely it is that temporary release would improve your prospects of safely reintegrating when you go back into your community.

Minister makes final decision

The Minister for Justice makes the final decision on parole, based on the recommendations of the Parole Board. The Minister usually, but not always, accepts the recommendations of the Parole Board.

Parole Act 2019: will allow Parole Board to make binding decisions

A new law, the Parole Act 2019, was signed into law in July 2019 but it is not yet in operation (as of December 2020).

Under the Parole Act 2019, once it is in operation, the Parole Board will make binding decisions, independently of the Minister, about:

- the release of life-sentenced prisoners.

The Minister for Justice will decide when this new law will come into operation. A significant change under the new law will be that if you are serving a life sentence, your first parole review will take place after serving 12 years of your sentence.

If I am granted parole, will I be supervised in the community?

Yes. The Probation Service will supervise you.

If you are released on parole from a life sentence and commit a further offence, you will:

- be arrested again
- put back in prison
- have to go through the whole process again before the Parole Board in the future.

Are there any offences that the parole process does not cover?

Yes. The parole process will not cover you if you are serving a sentence for certain offences like, murder or attempted murder:

- of a Garda or a member of the Prison Service in the course of their duties
- for political purposes, of the head of a foreign state or a diplomat
- while supporting the activities of an unlawful organisation.

If you are serving a mandatory minimum sentence, you will not qualify for parole until you have served the minimum period. You can't get parole if you are detained by the Central Mental Hospital or in another designated psychiatric centre.

If I am not granted parole, when will I be eligible for parole again?

The decision to refuse parole must be given to you in writing. It must give you the reason for the decision. It must also give a date, which can't be more than two years from the date of the initial decision, on which you will become eligible for parole review again.

You cannot reapply for parole until the date chosen by the Parole Board. The Board can include recommendations in the report about how you and the prison can manage your sentence, so that your future application will be successful.

Preparing for release

How can I prepare for going back into the community?

If the Probation Service is to supervise you after your release, Probation Officers working in your prison can help you to prepare for life after release. They can give you information and put you in contact with things outside the prison like:

- social services
- hostels
- training and treatment programmes – individual and groups.

Probation Officers can also help you to reduce the risk of reoffending by guiding you on how to manage your:

- behaviour
- lifestyle
- personal affairs.

Probation Officers can also help you keep in contact with your family and community during your time in prison.

They should work under the Governor's direction to make sure that 'sentence management plans' are made and carried out. These should include plans for easing you back into society.

The Probation Service may supervise you after your release or it may not. It depends. If the Probation Service is not going to supervise you after your release and Probation Officers in the prison can't help, you can speak to a chaplain or other prison services like an Integrated Sentence Management Co-ordinator. They may be able to help you prepare for your release.

What happens if I don't have anywhere to go when I get out?

If you don't have a place to go when you are released from prison, or you don't have a family member or friend who can put you up, talk to the:

- Probation Officer
- relevant community-based organisations
- a chaplain at the prison
- Resettlement Co-ordinator.

They might be able to help you or to put you in contact with hostel accommodation. The Resettlement Co-ordinator may be able to help sentenced prisoners apply for social housing support. They may also be able to help these prisoners apply for an emergency medical card. This card will be given to prisoners who qualify for it when they are being released.

To find out information about how to access homeless services, read the Citizens Information Service release booklet in the library for remand prisoners. Sometimes Chaplains will help remand prisoners to connect with the local authority, if the release date is known. Local authorities can sometimes help to get housing for prisoners.

Different types of prisoners

Remand prisoners

What does being 'on remand' mean?

If you are charged with an offence and you are in prison waiting for your trial, then you are 'on remand'. You can be remanded in custody or released on bail.

The decision to remand you in custody depends on a number of things, including:

- the type of offence you are charged with
- the evidence in support of the charge
- your previous history of turning up at court
- your previous behaviour while on bail (if you ever were)
- whether or not you are awaiting trial for other offences
- whether or not there is evidence that witnesses will be intimidated while you are awaiting trial
- whether or not a senior Garda officer believes that you need to be remanded in custody to prevent a serious offence being committed.

The District Court can remand you in prison for up to eight days – no more – on your first appearance at the court.

On your second appearance, you can be remanded for a further 15 days or for 16 to 30 days if you and your legal advisor agree.

Your rights as a remand prisoner are not the same as sentenced prisoners in relation to visits. There is further information on this below.

If I'm on remand, will I be placed with convicted prisoners?

This depends on what prison you are sent to on remand. The Minister has to, as far as it is possible, separate remand prisoners from sentenced prisoners. (Rule 71)

This is to maintain the safety of prisoners and staff and to protect the human rights of prisoners as far as possible.

If you are a male remand prisoner in Dublin, you may be sent to Cloverhill prison. It is the only prison in Ireland which is just for remand prisoners. If you live outside Dublin, then you will be remanded in the nearest prison to you and you might have to share a cell with sentenced prisoners.

What right to visits do I have as a remand prisoner?

Remand prisoners have the right to a 15-minute-long ordinary visit each day, for up to six days of the week (see section on visits earlier in this booklet). A prisoner can name up to eight people on their visitor panel each month. Once you have nominated a person, they can book an appointment to visit you through the prison.

What access to a legal advisor will I have as a remand prisoner?

All remand prisoners have the right to legal advice at any reasonable time.

Can I have access to private healthcare as a remand prisoner?

Yes. Prisoners who have not yet been convicted can, with the permission of the Governor, access the services of a doctor or dentist other than the prison doctor or dentist.

The Governor must agree that there is a real medical need for the medical professional to visit the prison. (Rule 73)

If you are allowed to receive private healthcare, you will have to pay any expenses from the visit of the doctor or dentist to the prison. If you agree, the Governor can pay these expenses out of any money belonging to you which was kept by the Governor for safe keeping after you were admitted to prison. (Rule 74)

What type of regime will I have access to on remand?

Remand prisoners may, with the agreement of the Governor, take part in authorised structured activities, like education or work, but you will not be forced to do this. (Rule 72)

Immigration detainees

As an immigration detainee what can I expect in prison?

If you are not an Irish citizen and you are kept in prison for any reason, the prison Governor must make sure you:

- can contact a legal advisor
- understand the rules about legal visits.

Your legal advisor can visit you at any reasonable time during the day and you should always be allowed a visit from them.

What should I do if I am detained and want to apply for asylum?

Asylum is protection from the State for people who have left their native country as refugees escaping from danger.

You should tell the Governor or your Class Officer that you want your legal advisor to visit you to start your asylum application. If you need an interpreter to help you communicate with your legal advisor, the Governor may provide one.

If you are applying for asylum, you should also be able to contact, (Rule 16), the United Nations High Commissioner for Refugees through their office in Ireland. You should also be able to contact any bodies that aim to protect the civil and human rights of foreign nationals or asylum seekers in Ireland or internationally like:

- the Immigrant Council of Ireland
- the Irish Refugee Council
- NASC (The Irish Immigrant Support Centre).

You should be allowed visits from these organisations. However, a Prison Officer can be there during the visit, unless the Governor says otherwise.

Foreign nationals

Can I be transferred to my home country to serve my sentence?

If you are foreign national and you wish to return to your own country to serve your sentence, you can apply to the Minister for Justice for a transfer to service your sentence in your home state. Your application may or may not be accepted. There is no guarantee.

To be accepted, the consent of the Minister for Justice in Ireland, your home state, and your own consent are all needed.

Prisoners with disabilities

What are my rights if I have a disability?

There are various types of disabilities, for example, you might have:

- autism
- a learning difficulty
- experience of mental health services
- difficulties hearing, seeing or speaking
- difficulty getting around without devices, assistance or interpretation.

These combined with other various barriers may make it difficult for you to take part in society on an equal basis to others.

If you have a disability, you have the same rights as everyone else. Some things in prison may be more difficult for you if you have a disability. Therefore, you have a right to reasonable accommodation. This means the Irish Prison Service must take appropriate steps to meet your needs. This is to make sure you have access to the same rights as everyone else. You have a right to understand:

- what you are being told
- what is expected of you
- to be understood.

For example, if you:

- find it difficult reading the time, you can get a clock in a different format
- have difficulties reading and writing, you can get support to fill in forms.

Let the prison staff know what works best for you, for example:

- Easy Read
- Braille
- Sign Language
- mobility aids
- assisted devices
- captioning
- audio recordings.

Prison staff have a duty to help you

The prison staff have a duty to help you and must involve you in decisions that affect you.

The law says authorities like the Irish Prison Service have a duty to provide 'reasonable accommodation' for prisoners with disabilities. This means they should accommodate your needs as far as possible. However, be aware that the law states that if the accommodation is very expensive, the Prison Service may not have to provide it. The Prison Service may have to move you to another prison to meet your needs.

You don't have to say you have a disability if you do not want to. If you say it to prison authorities, you have a right to expect that this information will be kept confidential. If you do not tell people, people may not be able to support you because they will not know what support you need. If you ask for support but do not say you have a disability, you may be less likely to receive support.

Even if you do not describe yourself as having a disability, you have a right not to be discriminated by people who believe that you do have a disability.

Examples of discrimination in prison can be:

- not being able to take part in workshops, education or employment because there is no sign language interpreter
- not having access to the yard or gym because it is inaccessible
- not being given a wheelchair or cane when you need it
- not having an accessible cell
- being left in a cell all day because other parts of the prison are inaccessible
- being punished for breaking prison rules when rules were not communicated to you in an accessible way.

The Prison Service must make sure you have access to the same services and places as other prisoners. You can ask for extra support to do daily tasks or to take part in programmes within the prison including employment, education and rehabilitation programmes.

Female prisoners

As a female prisoner, how can I expect to be treated in prison?

Women should be kept in separate areas to male prisoners, and male prisoners should not be allowed access to areas at the same time as female prisoners.

However, the Governor may allow male and female prisoners to take part together in authorised activities. (Rule 52)

What happens if am pregnant, or have a baby when I am committed to prison?

If you are pregnant and likely to give birth while you're in custody, the Governor will arrange it so that you can give birth in a hospital with suitable facilities outside the prison. (Rule 33 [2])

If a woman with a baby is committed to prison or if she gives birth in prison, arrangements can be made for the child to stay with her, for example, to allow for breastfeeding, up to the age of 12 months. (Rule 17)

The Governor will check with Tusla (the Child and Family Agency) and the Probation Service and may allow your baby to stay with you for up to a year. If the Tusla assessment says that it is best that your child stays with you in prison until they are 12 months, the Governor will make sure you have the items and food that your baby needs.

Your child can only be taken away from you if:

- the court orders it
- you give your permission for the child to be removed.

Where you give permission for your child to be removed, this can only be done if the

Governor also directs it. The Governor will only direct your child's removal after they have consulted with a prison doctor and other appropriate healthcare professionals. Your child will only be allowed to stay with you in prison after the age of 12 months in very special circumstances. If the Governor allows your child to stay with you for longer than 12 months, you will have to arrange for any items or care needed at your own expense.

Towards the end of the baby's time with you, your baby may be allowed to spend time outside the prison. For example, they may be able to spend a few days with the person who will care for them during your time in prison. This will allow you and the baby to prepare for eventual separation.

The Governor will check with you and Tusla as to whether your child will be placed in care when they leave the prison. The best interests of your child should always be the main concern.

Prison discipline

What could happen if I don't behave properly in prison?

If you don't behave properly in prison, you could be in breach of prison discipline. This means you might be punished for disobeying (not following) the rules of the prison. This could happen if, for example, you:

- disobey lawful orders
- drink alcohol or take illegal drugs
- assault someone
- cause damage to property
- attempt to bribe a Prison Officer
- make false allegations (statement or claim) against any Prison Officer
- have prohibited items in your possession
- use abusive, threatening or racist language
- set fire to any part of the prison
- leave your cell or any prison area without permission.

A Prison Officer must report any breach of prison discipline to the Governor or to a Prison Officer of higher rank as soon as they become aware of it.

P19 form

The Governor does not have to hold an official inquiry into the breach of discipline, but if no inquiry takes place, the reason for this should be recorded. However, where the Governor chooses to hold an inquiry into your behaviour, they should write to tell you this, using a form traditionally called a P19.

You will have the right to attend the hearing. This should take place within seven days of the Governor's decision to hold the inquiry. You should be:

- told what you are supposed to have done wrong
- given an opportunity to examine or have explained to you any evidence that supports the allegation.

If you want to respond to the allegation, you can. If the Governor agrees, you should be able to call witnesses. You must give notice that you want to call such witnesses. You may also question witnesses through the Governor.

If the Governor is going to impose a penalty (punishment), you can make a plea in mitigation – give information that might make the punishment less severe.

If you are a foreign national, the Governor should, if necessary and possible, arrange for an interpreter to be present during the inquiry into your alleged (stated or claimed) breach of discipline.

If I am found guilty of a breach of discipline, how might I be punished?

You may:

- receive a caution (a warning)
- be confined in a cell (other than a special observation cell, which should only be used for medical purposes) for up to three days
- lose up to 14 days remission
- lose certain privileges – for a maximum of 60 days.

This temporary loss of privileges could include penalties like not being allowed to:

- access recreation time
- study
- send letters
- spend money
- make phone calls
- receive ordinary visits from anyone other than a family member.

You are still allowed ordinary visits from members of your family and professional visits from:

- solicitors
- chaplains
- doctors
- the Visiting Committee
- the Inspector of Prisons
- the European Committee for the Prevention of Torture (and Inhuman or Degrading Treatment or Punishment) (CPT)
- TDs (member of Irish Government)
- Senators
- The UN Committee against Torture
- the Irish Human Rights and Equality Commission (IHREC).

However, the Governor may decide not to impose the penalty (except the loss of remission) for up to three months from when the inquiry ended. If they do, and you meet certain conditions in the meantime, you won't be punished. If you don't meet them, the Governor may direct that the penalty be imposed.

Are there any types of punishments that would violate my rights?

Yes. You should never suffer:

- group punishment
- a physical beating
- punishment by putting you in a dark cell
- punishment by putting you in a cell without enough heating or ventilation
- any cruel, inhuman or degrading punishment
- the use of restraints like shackles
- be punished by being placed in a special observation cell
- being deprived of food or sleep
- a sanction (threat of penalty) for an unspecified period of time.

Can I appeal the findings of the inquiry? Can I appeal the sanction that is imposed?

Yes. If you are found guilty of a breach of prison discipline and you get a sanction, you can send a petition (write) to the Minister for Justice through the Governor within seven days to appeal:

- the finding
- the sanction or
- both.

After checking with the Governor, the Minister will either uphold (support) the Governor's finding on the sanction, or suspend or cancel the sanction.

A sanction can range from not being allowed to send or receive letters for a period of time, to the loss of 14 days of remission (possibility of early release). If you get the loss of 14 days of remission as a sanction, you can tell the Governor that you plan to appeal the decision to the Appeal Tribunal.

The Appeal Tribunal is made up of experienced practising barristers or solicitors. The Appeal Tribunal will hold a formal meeting (called a hearing) where they will

consider if this sanction is fair or unfair. The Appeal Tribunal may invite written submissions (documents) from you and the Governor. You may go to the hearing and get legal aid, advice or representation (including possibly free legal aid) for the Appeal hearing.

The Appeal Tribunal may:

- agree **or** disagree with (and overturn) the finding that you breached prison discipline
- agree with **or** disagree with (and overturn) the sanction of loss of remission
- reduce the loss of remission (from 14 days to fewer days)
- substitute the loss of remission with another sanction (penalty).

The Appeal Tribunal should write to you to tell you about its decision.

Complaints

What should I do if I think my human rights have been violated (not respected) in prison?

If you wish to complain, either by speaking to someone or in writing, you should do so as soon as possible after you believe your rights have been violated.

As a first step, you can raise the matter with the Governor. The Governor should meet with you if you ask them to. (Rule 55)

Where you make a complaint, the Governor should decide on the complaint and notify you as soon as possible. The Governor should record the details of this meeting. You can also request a meeting with the Visiting Committee. (Rule 56)

You may write to the Governor asking them if you can meet with an officer of the Minister for Justice. (Rule 57) Where you make a complaint to an officer of the Minister, they can make a recommendation to the Governor.

Where the Governor refuses to put in place the recommendation of the Office of the Minister, the Director General may direct the Governor to comply with the recommendation.

If I make an allegation or serious complaint, what should I expect to happen?

Any allegation (claim or statement) you make to a Prison Officer or member of the Irish Prison Service, about something that may be a criminal offence, should be reported to the Governor and An Garda Síochána.

It must be brought to the attention of the Governor where you allege any conduct against you of a nature and seriousness which would discredit the Prison Service.

This includes:

- assault or use of excessive force
- ill treatment
- racial abuse
- discrimination
- intimidation
- threats.

Every prisoner, Prison Officer and other prison staff member to whom this type of complaint is made must bring it to the attention of the Governor.

In relation to these types of complaints, the Governor should keep a record of the following, the:

1. identity of the complainant (you) and the time and date the complaint was made
2. details of the complaint
3. time and date the complaint was notified to the Governor
4. time and date of the notification of An Garda Síochána and the name of the member identified.

When the Governor is notified about the complaint, they should arrange for relevant evidence like CCTV recordings to be kept. These may be needed for any investigations by An Garda Síochána or any criminal proceedings. The Governor should arrange:

- for the prisoner to be questioned
- to record details of any injuries or marks
- to record the names of witnesses.

You should be given any help you need to record your complaint in writing. The Governor should take steps to make sure that you are not victimised.

The Director General of the Prison Service should appoint an external investigation team. You should be told who the members of the investigation team are and how you can contact the team. The Director General of the Prison Service may decide not to appoint an investigation team if they believe the complaint is vexatious or without foundation.

The investigation of the complaint should be finished within three months from the date of the complaint. The team should send the report to the Governor. If the Governor is the person about whom you are complaining, the report should be submitted to the Director General. A report should also be sent to the Inspector of Prisons.

What if I am not happy with the outcome?

If you are not satisfied with the outcome (result) of the complaints process, you can write saying why to:

- the Director General of the Irish Prison Service
- the Office of the Inspector of Prisons.

The Inspector of Prisons has oversight of investigations into serious complaints. They should have access to relevant materials in the investigation and may investigate any aspect they see fit. There is currently no fully independent complaints mechanism for prisoners in Ireland.

Can I complain about the healthcare staff?

Yes. You should explain your complaint in a letter to the Governor. It will then be investigated and sent to the Executive Clinical Lead of Healthcare of the Irish Prison Service.

Prisoners can also complain to the professional bodies governing doctors and nurses:

- the Irish Medical Council for doctors

- An Bord Altranais for nurses (see contacts section at end of this booklet for details).

What can I do if I have a complaint against the media?

If a story published about you in a newspaper is false and harms your reputation, you can write to the Office of the Press Ombudsman to complain. If the Press Ombudsman thinks that your complaint is valid, they will try to settle it to the satisfaction of everyone involved.

If this is not possible, the Press Ombudsman can refer your complaint directly to the Press Council for a decision. There is no charge for the services of the Press Ombudsman.

If your complaint relates to a story about you that was broadcast on the radio or TV, you can write to the Broadcasting Authority of Ireland who will investigate the matter.

As mentioned at the start of this booklet, prisoners have rights just like anyone else. Some of these rights are restricted because you're in prison, including the right to privacy. However, it does not mean that the media can invade your privacy and publish anything they like about you.

As a prisoner, you still have a personal reputation that can be damaged by false allegations. If you feel a false and damaging story about you has been published, you should speak to your legal advisor about the possibility of taking legal action. You may be able to seek damages for any harmful publication or you may be able to get a published apology or correction.

Are there external organisations I can tell if I think my rights have been violated?

Yes. You can write confidentially to several external bodies. (Rule 44) These include the:

- Inspector of Prisons
- Presidents of the various Irish Courts
- Irish Human Rights and Equality Commission
- European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT)
- the International Red Cross.

If you have a complaint, you can also:

- talk to a prison chaplain who can give you support or advice
- write to the United Nations Committee against Torture
- contact the Irish Penal Reform Trust (IPRT) (note: prison staff can open and read your letter to the IPRT)
- write to the International Red Cross.

The above bodies do **not** have specific powers to settle your complaint.

You can also write to your TD (an elected public representative for the area where you are from) if you think your rights have been violated.

Access to the courts

What type of cases have prisoners brought before the courts in the past?

Prisoners, in Ireland and abroad, have successfully challenged the lawfulness of their prison conditions. Where this has happened:

- prisoners have received financial compensation; or
- they've been granted a court order to make the prison in question change something, for example, the:
 - protection regime, or
 - education and training facilities.

You may consider that your rights under either the Irish Constitution or the European Convention on Human Rights have been violated. Under Irish and ECHR law, you have the right:

- for your health not to be put at risk
- to have your right to life protected
- to be free from inhuman or degrading treatment
- to a certain degree of privacy.

Prisoners have brought many cases under the European Convention on Human Rights.

When deciding if a prisoner has been subjected to inhuman or degrading treatment, a court must look at all of the conditions of your detention like:

- your living accommodation
- the size of your cell
- out-of-cell time

- facilities.

They then decide if, all together, they are inhuman or degrading.

For example, in 2019, the Irish Supreme Court found that a prisoner's constitutional right to protection of his person was violated because of the poor prison regime he was exposed to. This involved:

- 23 hours being locked up
- an overcrowded cell
- a requirement to 'slop out' (emptying your human waste).

The prisoner in this case was awarded compensation. However, there are no minimum specific requirements set out in relation to prison conditions. This means each case will likely be assessed on its individual merits.

Each case is different, and it is important to seek legal advice about your own circumstances. In most circumstances, you will be able to take your case to the European Court of Human Rights only after it has gone through Irish courts or another appropriate legal process. If you still consider (after final decision) that your rights were not protected you can take your case further.

If there is a problem with my detention and I want to access the courts, how do I do so?

You can get your solicitor to bring an action for you. This could be an order to:

- release you from custody, or
- directing the Governor to change something about the conditions of your detention.

Sometimes you may be able to ask for damages (compensation) from the Irish courts.

You can bring an application for an order for your release. (This is called a 'habeas corpus'.) You can do this if, for example, there was:

- no legal authority for your detention, for example, if you are held in prison without a valid warrant or court order, or
- a serious breach of your rights (particularly the deliberate breach of your rights by the prison authorities), or
- a serious error in the order authorising your detention, or
- a serious error in the procedure leading to your detention.

You can make a habeas corpus application:

- by writing a letter to the President of the High Court, or
- more usually, by your solicitor bringing an application to the High Court on your behalf.

In less urgent or less extreme situations, you can apply to the High Court looking for an order directing the prison authorities to change something about your detention, like the prison in which you are held.

How do I apply for legal aid?

If you want to apply for legal aid, contact the Governor and you will get the necessary forms.

How can I get a solicitor, if I do not have one already?

If you don't have a solicitor, you can contact the Free Legal Advice Centres listed in the contacts later in this document (page 110).

If you are a foreign national or have language barriers, you should be able to access an interpreter during discussions with your solicitor. You should ask for an interpreter if you are concerned that otherwise you will have substantial difficulty in communicating with your legal advisor. (Rule 38)

How do I appeal my conviction or my sentence?

If you want to appeal your conviction or sentence, you must generally appeal to a higher court to the one you were convicted in. For example, if you were convicted in the District Court, you have a right to appeal to the Circuit Court within 14 days of your sentence.

If you want to appeal your conviction or sentence, tell the Governor when you are being committed and your Class Officer will give you the relevant forms. Once you have filled in the forms, return them to your Class Officer and they will make sure that they are sent to the court immediately. You should be kept informed of the progress of your appeal.

Each appeal against conviction or sentence is different and it is important to seek legal advice about your own circumstances.

Court where you were sentenced	Court when you can appeal	Time you have to appeal	Do I have a right to appeal or do I need permission to appeal?	Is it possible to get extra time to appeal?
District Court	Circuit Court.	14 days from the date of sentence.	You have a right to appeal.	You can apply for extra time to appeal. The court will decide whether or not to grant your application.
<ul style="list-style-type: none"> • Circuit Court • Special Criminal Court • Central Criminal Court 	Court of Appeal (established in 2014).	28 days from date of sentence.	You have a right to appeal.	You can apply for extra time to appeal. The court will decide whether or not to grant your application.

What can the Appeal Court decide?

The Appeal Court can:

- dismiss the appeal,
- overturn your conviction and release you,
- overturn your conviction and order a retrial,
- overturn your conviction and decide you are guilty of some other lesser offence.

If they decide you are guilty of a lesser offence, the Appeal Court can substitute a verdict and impose a sentence which is less severe than the original one.

The Appeal Court can also:

- reduce your sentence,
- increase your sentence,
- leave the sentence as it is.

Can the Appeal Court increase my sentence?

Yes. As above, the Appeal Court can increase your sentence.

If your trial took place in the Circuit, Central Criminal or Special Criminal Court, the Director of Public Prosecutions (DPP) can also appeal your sentence if they believe that it was “unduly lenient” (too light). If the Appeal Court agrees with the DPP’s legal arguments, it can increase your sentence.

Is it possible for me to change my mind and drop my appeal?

Yes, you may apply to drop your appeal. If you decide to drop your appeal, you should complete a ‘Notice of Abandonment’ form. Your solicitor can also apply in

person at the appeal hearing for permission to withdraw your appeal. The court may or may not allow you to stop your appeal.

Data privacy

What is personal data?

Personal data is any information that could be used to identify you. Personal data can include your name, date of birth, address and sensitive information such as your health information. Rules about how this data can be used are set out by the General Data Protection Regulation (GDPR).

Personal data is 'processed' (used in some way) when any activity is carried out on the personal data, including the collection and storage of data or sharing data with someone else. Under GDPR, any person, public authority, agency, or other body processing the data needs to have a legal basis for doing so.

Who do I contact if I have concerns about how my personal data is being processed?

You have the right to expect your personal data will be stored safely and legally. If you have concerns about the privacy of your data, you could contact the Data Protection Commission by post. See page 120

Contacts

Asylum seekers and refugees

Irish Refugee Council

This non-governmental organisation (NGO) speaks for refugees and asylum seekers.

Address:	37 Killarney Street Dublin 1, D01 NX74
Phone:	01-764 5854
Email:	info@irishrefugeecouncil.ie

Nasc

Nasc works with migrants and refugees to:

- advocate and lead for change within Ireland's immigration and protection systems
- ensure fairness, access to justice and to protect human rights.

Address:	34 Paul Street Cork, T12 W14H
Phone:	021-427 3594
Email:	reception@nascireland.org

UN High Commissioner for Refugees

This United Nations (UN) agency coordinates efforts to protect refugees and resolve challenges facing refugees.

Dublin

Address:	102 Pembroke Road, Ballsbridge Dublin 4 D04 E7N6
Phone:	01-631 4613

Switzerland

Address:	United Nations High Commissioner for Refugees Case Postale 2500 CH-1211 Genève 2 Dépôt Suisse.
Phone:	+41 22 739 8111 (automatic switchboard)

Legal Aid Board

These details are for the specialised office of the Legal Aid Board that provides confidential and independent legal services:

- to people applying for asylum
- on immigration and deportation matters.

Dublin

Address: 48/49 North Brunswick Street, Georges Lane
Dublin 7, D07 PE0C

Freephone: 1800 23 83 43

Phone: 01-646 9600

Email: Smithfieldlawcentre@legalaidboard.ie

Cork

Address: North Quay House, Popes Quay
Cork, T23 HV26

Freephone: 1800 202420

Phone: 021-455 4634

Email: lawcentrecorknorth@legalaidboard.ie

Galway

Address: Seville House, New Dock Road
Galway, H91 CKV0

Freephone: 1800 502400

Phone: 091-562 480

Email: lawcentresevillehouse@legalaidboard.ie

Children and young people

Children's Rights Alliance

The Children's Rights Alliance is a partnership of non-governmental organisations working to secure the rights of children in Ireland.

Address:	7 Red Cow Lane, Smithfield Dublin 7, D07 XN29
Helpline:	01-902 0494 Monday 10am -2pm, Wednesday 2pm -7pm and Friday 10am - 12 noon
Email help:	help@childrensrights.ie Monday 10am -2pm, Wednesday 2pm -7pm and Friday 10am - 12 noon
Phone:	01-662 9400
Email:	info@childrensrights.ie
Website:	www.childrensrights.ie

Office of the Ombudsman for Children

This office gives advice to the government on children and young people. It also does research and handles complaints.

Address:	Millennium House, 52-56 Great Strand Street Dublin 1, D01 F5P8
Phone:	01-865 6800
Freephone:	1800 20 20 40
Email:	oco@oco.ie
Website:	www.oco.ie

Criminal justice

An Garda Síochána, The Irish police service

Address:	Garda Headquarters, Phoenix Park Dublin 8, D08 HN3X
Phone:	01-666 0000
Garda Confidential Line:	1 800 666 111
Emergencies:	999 or 112
Website	www.garda.ie

Courts Service of Ireland

The Courts Service manages the courts, including court facilities. It:

- maintains court buildings
- provides support services for judges
- gives information on the court system to the public.

Address:	15-24 Phoenix St North, Smithfield Dublin 7, D07 X028
Phone:	01-888 6000
Website	www.courts.ie

Garda Ombudsman

The Garda Ombudsman deals with complaints made by the public about the conduct of Gardaí. If you have a complaint to make against a Garda, you should contact the Garda Síochána Ombudsman Commission.

Address:	150 Upper Abbey Street Dublin 1, D01 FT73
Phone:	01-871 6727
LoCall:	1890 600 800
Email:	info@gsoc.ie
Website:	www.gardaombudsman.ie

Office of the Director of Public Prosecutions (DPP)

The DPP is in charge of prosecutions on behalf of the state and the people of Ireland.

Address:	Office of the Director of Public Prosecutions, Infirmarary Road Dublin 7, D07 FHN8
Phone:	01-858 8500
Email:	dpp@dppireland.ie
Website:	www.dpp.ie

Embassies

If you need to contact your embassy or consular office in Ireland, the best thing to do is to contact the Department of Foreign Affairs. They will give you information about your embassy or consular office.

Department of Foreign Affairs

This government department deals with international issues and Ireland's interests abroad.

Address:	Iveagh House, 80 St Stephen's Green Dublin 2, D02 VY53
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Phone:	01-408 2000
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Website	www.dfa.ie
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Government

Department of Justice

This government department deals with a broad range of issues like:

- criminal and civil law reform
- equality issues
- property issues
- asylum and immigration matters.

Address:	51 St. Stephen's Green Dublin 2, D02 HK52
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LoCall:	1890 221 227
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Phone:	01-602 8202
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Email:	info@justice.ie
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Website:	www.justice.ie
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Citizens Information Board

This is a national agency responsible for giving information and advice on social services and money matters. It also provides advocacy services. Information is available in person, by phone or on the website.

Address:	Citizens Information Board, Ground Floor, George's Quay House, 43 Townsend St Dublin 2, D02 VK65
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Phone:	Service: 0761 07 4000
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Website:	www.citizensinformation.ie
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Other government departments

To get information about other government departments, you should contact the Citizens Information Services. You can find a list of all government departments, agencies and bodies on www.gov.ie.

Health matters

Medical Council of Ireland

The Medical Council regulates doctors who practise medicine in Ireland. If you wish to make a complaint against a doctor, send your complaint to the Medical Council in writing, stating the name and address (if known) of the doctor. In your letter you should include all the details about the complaint.

Address:	Professional Standards, Medical Council, Kingram House, Kingram Place, Saint Peter's Dublin 2, D02 XY88
Phone:	01 498 3100
Email:	complaints@mcirl.ie
Website:	https://www.medicalcouncil.ie/

An Bord Altranais (The Nursing and Midwifery Board of Ireland)

An Bord Altranais (NMBI) regulates the practise and professional conduct of nurses and midwives in Ireland. You may make a complaint about the conduct of a nurse to the Fitness to Practise Committee of An Bord Altranais. Address complaints to the Preliminary Proceedings Committee of the NMBI and state the nature of the complaint and identify the nurse or nurses involved in the complaint.

Address:	PPC Division, Fitness to Practise Department, Nursing and Midwifery Board of Ireland, 18-20 Carysfort Avenue, Blackrock Co. Dublin, A94 R299
Email:	ftp@nmbi.ie
Phone:	Tel: 01 639 8500
Website:	www.nmbi.ie

Legal matters

Bar Council of Ireland

This is the representative body for barristers. If you are looking for a barrister, you can contact the Bar Council.

Address:	Bar Council Administration Office, The Four Courts, Inns Quay Dublin 7, D07 N972
Phone:	01-872 0622 or 01-817 5000
Email:	thebarofireland@lawlibrary.ie
Website	www.lawlibrary.ie

The Law Society of Ireland

This is the representative for solicitors. If you are looking for a solicitor, you can contact the Law Society.

Address:	Blackhall Place Dublin 7, D07 VY24
Phone:	01-672 4800
Email:	general@lawsociety.ie
Website:	www.lawsociety.ie

Legal Services Regulatory Authority

This is the regulatory body for legal services providers in Ireland. If you want to make a complaint about a barrister or solicitor, contact the Legal Services Regulatory Authority.

Address:	Complaints and Resolutions Unit, Legal Services Regulatory Authority PO Box 12906, Dublin 7
Phone:	01-859 2911
Mobile:	087-2199 100
Email:	complaints@lsra.ie
Website:	www.lsra.ie

Legal Aid Board

The Legal Aid Board is responsible for legal aid if people can't afford legal assistance. It provides legal aid for civil issues like suing for personal injury or applications for asylum.

It does not deal with criminal issues (aside from three ad-hoc legal aid schemes connected with criminal matters).

Kerry, Head office

Address: Head Office, Quay Street, Cahirciveen Co. Kerry, V23 RD36

Phone: 066-947 1000

LoCall: 1890 615 200

Email: info@legalaidboard.ie

Dublin office

Address: 48-49 North Brunswick Street, Georges Lane, Smithfield
Dublin 7, D07 PE0C

Phone: 01-646 9600

Website: www.legalaidboard.ie

Irish Human Rights and Equality Commission

The Irish Human Rights and Equality Commission (IHREC) carries out enquiries and can provide legal assistance or initiate legal proceedings in cases concerning human rights.

Address: 16-22 Green Street
Dublin 7, D07 CR20

LoCall: 1 890 245545

Phone: 01-858 9601

Email: info@ihrec.ie

Free Legal Advice Centres (FLAC)

This non-governmental organisation provides basic, free legal services to the public, including legal advice.

Address:	85/86 Dorset Street Upper Dublin 1, D01 P9Y3
Information and referral line:	1890 350 250
Phone:	01-874 5690
Website:	www.flac.ie

Immigration

Immigrant Council of Ireland

The Immigrant Council of Ireland is a non-governmental organisation that promotes the rights of migrants through:

- information
- legal advice
- advocacy
- lobbying
- research
- training

The Council is also an independent law centre.

Address:	2 St Andrew Street Dublin 2, D02 PD30 (Open 10am-1pm, Monday, Tuesday, Thursday and Friday)
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Phone:	01-674 0202
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Email:	admin@immigrantcouncil.ie
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Website:	www.immigrantcouncil.ie
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People with a disability

AsIAm

AsIAm undertakes a range of programmes and campaigns that work to bring about a more inclusive Ireland for those living with Autism.

Address: AsIAm Headquarters, Rock House, Main Street, Blackrock
Co. Dublin, A94 V9P1.

Phone: 01-4453203

Website: You can enter your questions at: asiam.ie/contact-us/

Chime

Chime is the National Charity for Deafness and Hearing Loss. For over 50 years it has been championing for equal rights, greater accessibility and opportunities for individuals with deafness and hearing loss.

Address: Chime Headquarters, 35 North Frederick Street
Dublin 1

Phone: 01-817 5700

Email: info@chime.ie

Information line: 1800 256 257

Disability Federation of Ireland

The Disability Federation of Ireland is the national support organisation for voluntary disability organisations in Ireland. They provide services to people with disabilities and disabling conditions.

Address: Disability Federation of Ireland,
Fumbally Court, Fumbally Lane
Dublin 8, D08 TXY8.

Phone: 01-454 7978

E-mail: info@disability-federation.ie

Inclusion Ireland

Inclusion Ireland is a national voluntary organisation working to promote the rights of people with an intellectual disability in Ireland.

Address:	Unit C2, The Steelworks, Foley St Dublin 1, D01 HV25
Phone:	01-855 9891
Email:	info@inclusionireland.ie
Website:	www.inclusionireland.ie

National Advocacy Service for People with Disabilities

The National Advocacy Service provides a free and confidential service to adults with a disability aged 18 or over.

Address:	National Office, C/O Citizens Information Board. George's Quay House 43 Townsend Street Dublin 2, D02 VK65
Phone:	076-107 3000
Email:	info@advocacy.ie
Website:	www.advocacy.ie

National Disability Authority

This is the state agency on disability issues. They provide advice to the government on disability issues.

Address:	25 Clyde Road Dublin 4, D04 E409
Phone:	01-608 0400
Email:	nda@nda.ie
Website:	www.nda.ie

Irish Deaf Society

This organisation provides support to people who have a hearing disability.

Address:	Deaf Village Ireland, Ratoath Road, Cabra Dublin 7, D07 W94H
Phone:	01-860 1878
SMS:	086 3807033
Email:	info@irishdeafsociety.ie
Website:	www.irishdeafsociety.ie

National Council for the Blind

This organisation offers support and services nationwide to people experiencing difficulties with their eyesight.

Address:	Whitworth Road, Drumcondra Dublin 9, D09 RP70
Phone:	01-830 7033
Email:	info@ncbi.ie
Website:	www.ncbi.ie

Media

Broadcasting Authority of Ireland

Address:	2-5 Warrington Place Dublin 2, D02 XP29
Phone:	01-644 1200
Email:	info@bai.ie
Website:	www.bai.ie

Press Council of Ireland and Office of the Press Ombudsman

Address:	3 Westland Square, Pearse Street Dublin 2, D02 N567
Lo-call	1890 208 080
Phone:	01-648 9310
Email:	info@pressombudsman.ie
Website:	www.pressombudsman.ie

Prisons

Committee Against Torture (CAT)

The Committee is made up of 10 independent experts who make sure the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment is followed by its State members. Every four years the Committee examines State reports and makes recommendations for improvements.

Petitions Team

Address:	Office of the High Commissioner for Human Rights, United Nations Office at Geneva 1211 Geneva 10 (Switzerland)
Phone:	+41 22 917 90 00
E-mail:	petitions@ohchr.org
Website	www2.ohchr.org/english/bodies/cat/

European Committee for the Prevention of Torture and Inhuman or Degrading Treatment of Punishment

The Committee visits places of detention including prisons and mental institutions in Europe and writes reports on the conditions there. It recommends improvements in conditions of detention and pays follow-up visits to prisons to see if the improvements have been made.

Address:	Council of Europe, F-67075 Strasbourg Cedex France
Phone:	+ 33 3 88 41 20 00
Website:	www.cpt.coe.int

International Committee of the Red Cross

Based in Geneva, Switzerland, the International Red Cross works worldwide to:

- provide humanitarian help for people affected by conflict and armed violence
- promote the laws that protect victims of war.

Address:	19 Avenue de la paix CH 1202 Geneva, Switzerland
Phone:	+41 22 734 60 01
Website:	www.icrc.org/en

Inspector of Prisons

The Inspector visits prisons and writes reports on human rights problems relating to:

- physical conditions
- healthcare
- programmes for prisoners
- prison management.

Head Office of the Inspector of Prisons

Address: 24 Cecil Walk, Kenyon Street, Nenagh, Co Tipperary, E45 NN73

Phone: 067-42210

Dublin Office of the Inspector of Prisons

Address: Pembroke Hall Offices, 38-39 Fitzwilliam Square West, Dublin 2, D02 NX53

E-mail: info@oip.ie

Website: www.oip.ie

Irish Prison Service

The Irish Prison Service is responsible for management of prisons and the safe and secure custody of prisoners.

Address: Irish Prison Service, IDA Business Park, Ballinalee Road
Longford, Co Longford, N39 A308

Phone: 043-333 5100

Fax: 043-333 5101

Email: info@irishprisons.ie

Website: www.irishprisons.ie

Irish Penal Reform Trust

This organisation campaigns for the rights of people in prison and for penal reform.

Address: MACRO, 1 Green Street
Dublin 7, D07 X6NR

Phone: 01-874 1400

Email: info@iprt.ie

Website: www.iprt.ie

Parole Board

The Parole Board's main role is to advise the Minister for Justice in relation to the administration of long-term prison sentences.

Address:	2nd Floor, 6/7 Hanover Street Dublin 2, D02 W320
Phone:	01-474 8767 or 01-474 8770
E-mail:	info@paroleboard.gov.ie

Translation and interpretation

Irish Translators and Interpreters Association

This body represents translators and interpreters. If you are looking for a translator or interpreter, you could contact them for advice.

Address:	ITIA, Irish Writers' Centre, 19 Parnell Square Dublin 1, D01 E102
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Phone:	086-673 8386
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Website:	www.translatorsassociation.ie
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Other

Data Protection Commission

The Data Protection Commission is responsible for upholding the data protection rights of individuals and dealing with organisations that breach those rights.

Dublin

Address: 21 Fitzwilliam Square South Dublin 2, D02 RD28

Portarlinton, Co Laois

Address: Canal House, Station Road, Portarlinton Co. Laois, R32 AP23

Website: www.dataprotection.ie

The Ombudsman

The Ombudsman examines complaints from people who feel a public servant has treated them unfairly. The Office of the Ombudsman can examine complaints against most organisations that deliver public services, including:

- government departments
- local authorities
- the HSE (Health Service Executive)
- nursing homes
- publicly funded third-level education bodies

Address: 6 Earlsfort Terrace
Dublin 2, D02 W773

Phone: 01-639 5600

Email: info@ombudsman.ie

Website: www.ombudsman.ie

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This is an updated version of the Know Your Rights – Your Rights as a Prisoner guide, first published in 2012 by the Irish Penal Reform Trust and the Irish Council for Civil Liberties.

This guide aims to help you to understand the rights you have while you are in prison. It is written in everyday language and we hope that you will

find it informative and easy to use.

This guide will be available on the IPRT and ICCL websites, and on www.rightsinprison.ie.

IPRT would like to acknowledge the generous support of the Community Foundation for Ireland in producing this pack.

IPRT would also like to thank the following individuals and organisations for their assistance with updating the guide:

- ▶ Damien Coffey, Sheehan and Partners
- ▶ The Irish Prison Service
- ▶ Irish Red Cross Prisoner Volunteers
- ▶ National Adult Literacy Agency (NALA)

IPRT IS RESPONSIBLE FOR ANY ERRORS OR INACCURACIES.

Statement of the law as of December 2020

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