

**OFFICE OF THE
INSPECTOR OF PRISONS
ANNUAL REPORT 2011**

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Office of the Inspector of Prisons Annual Report 2011

Presented to the Minister for Justice, Equality and Defence pursuant to
Part 5 of the Prisons Act 2007.

Judge Michael Reilly
Inspector of Prisons

17th April 2012

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Chapter 1

Introduction

- 1.1 This short Report covers the period 1st January 2011 to 31st December 2011.
- 1.2 In any organisation it is advisable, every number of years, that an evaluation is undertaken to ascertain whether or not such organisation is meeting the goals expected of it. This is particularly so in the case of the Irish Prisons which operate in an ever changing world environment where international best practice must be kept to the forefront.
- 1.3 Since I took up my position as Inspector of Prisons on 1st January 2008, I have identified many areas where Irish Prisons did not meet international best practice, where regimes and services were inadequate and where the rights of prisoners were not adequately vindicated.
- 1.4 In my various reports to date I have identified areas of concern. I have explained how certain practices do not meet international best practice. I have given guidance on how international best practice should be implemented. I have commented on the consequences of failure to implement best practice. I have suggested reforms in certain areas. I have published Standards against which prisons should be benchmarked. I have engaged, particularly during the last twelve months, with the Irish Prison Service and local management of certain prisons in an effort to ensure that our obligations as a country to our prisoners are understood, that operating procedures are standardised throughout all prisons and that the advice that I have given in my various reports detailing best practice is being acted upon.
- 1.5 After four years as Inspector of Prisons I had intended taking time to look back and give an assessment on where the Irish Prison System stands at the moment having regard to its obligations and the advice that I have given in this regard (paragraph 1.4). With this perspective I had also intended to look to the future.

- 1.6 It was my intention to use this Annual Report as the vehicle for giving such an assessment and suggesting pointers for the future (paragraph 1.5) but as I understand that the Irish Prison Service is bringing forward a Strategic Plan for the period 2012 to 2014, I intend deferring such assessment and suggestions for the future until after the publication of such Plan.
- 1.7 I will reflect on the Strategic Plan as soon as it is published. It is my hope that the Plan will reflect international best practice and that in formulating same the Irish Prison Service will be cognisant of the guidance that I have given in my various reports to date.
- 1.8 It is, therefore, my intention to submit a further report to the Minister for Justice and Equality (hereinafter referred to as the 'Minister') within three months of the publication of the Strategic Plan covering all issues referred to in paragraph 1.6.
- 1.9 In Chapter 2, I give details of the major issues that I have dealt with in the period the subject of this Report.
- 1.10 In Chapter 3, I set out many of the issues that I intend addressing in my proposed Report referred to in paragraph 1.8.

Chapter 2

Major issues dealt with in 2011

- 2.1 In this Chapter I give brief details of the major issues that I have dealt with during the year.
- 2.2 I have also dealt with a variety of other issues. As stated in paragraph 1.4, I have engaged with the Irish Prison Service and local management of certain prisons in an effort to ensure that our obligations as a country to our prisoners are understood, that operating procedures are standardised throughout all prisons and that the advice that I have given in my various reports detailing best practice is being acted upon. My engagement with and advice to the Irish Prison Service and the local management of prisons will be better understood and more readily placed in context when referred to in my upcoming report (paragraph 1.8).

Physical Health Care in Prisons

- 2.3 The issue of health can be divided into two categories – physical health and mental health. I submitted a Report titled *Guidance on Physical Healthcare in a Prison Context* to the Minister on the 18th April 2011.
- 2.4 This Report deals with physical health explaining that prisoners have a right to health, that they are entitled to the same healthcare as is available in the community and details the duties owed by healthcare professionals to the prisoners in their care.
- 2.5 The mental health of prisoners is a complex matter. I stated in my Report referred to in paragraph 2.3 that I would defer further comment on this aspect of healthcare until after the publication of the Report of the Commission of Investigation into the Death of Gary Douch.

Limerick Prison

- 2.6 On 25th November 2011, I presented a Report titled *Report on an Inspection of Limerick Prison* to the Minister.
- 2.7 This Report covered a period of approximately 9 months. During this time I visited the prison on numerous occasions mostly unannounced. These visits took place during the day, at night and at weekends.
- 2.8 In Chapter 6 of my Report referred to in paragraph 2.6, I set out my major concerns relating to different aspects of the prison. These concerns related to overcrowding, safety observation and close supervision cells, low level abuse by prison officers, intimidation of prisoners, the circumstances of a particular prisoner in a cell on D1 landing, lack of workshops, lack of recreational facilities, segregation of prisoners, healthcare of prisoners, record keeping, CCTV, integrated sentence management, educational facilities, a dedicated committal area, a high support unit and a drug free unit.
- 2.9 On 18th November 2011 (during the currency of my investigation) I had a meeting with the Secretary General of the Department of Justice and Equality, the Director of Operations and the Director of Corporate Services of the Irish Prison Service and the Governor of Limerick Prison. At this meeting timelines were agreed within which certain works would be completed. I incorporated such guidelines in my Report referred to in paragraph 2.6.
- 2.10 I stated in my Report that Limerick Prison could not be said, at the date of my Report, to comply with international best practice and that certain areas of the prison were not fit for purpose.
- 2.11 I stated that I would refer to Limerick Prison in 4 follow up reports and as necessary thereafter.

Arbour Hill Prison

- 2.12 On 13th December 2011, I presented a Report titled *Report on an Inspection of Arbour Hill Prison* to the Minister.

2.13 The purpose of this Report was to give an overview of Arbour Hill Prison, to refer to regimes and services which operate in the prison and to detail the programmes available to prisoners which contribute to their eventual reintegration into society.

2.14 I was satisfied that Arbour Hill Prison was a well run prison.

Prisoner Complaints

2.15 The Minister requested that I advise on a prisoner complaints model that could be introduced in Ireland that would meet the criteria of best international practice, would be viewed as fair and transparent and would attract public confidence.

2.16 On 26th March 2012, I presented my Report to the Minister.

2.17 In an international context, when formulating this report, I was conscious of this country's legal obligations to our prisoners as enshrined in the various International Treaties that we, as a country, are party to. I was also conscious of the Jurisprudence of the European Court of Human Rights and where relevant the Jurisprudence of other countries. I also took account of the Reports of the CPT and those other International Instruments that are relevant to a prisoner complaints procedure. In a domestic context I was conscious of the provisions of the Irish Constitution, of our domestic laws and the Jurisprudence of our courts. I also carried out a review of prisoner complaints systems in a number of countries.

St. Patrick's Institution

2.18 In 2011, I commenced an investigation into St. Patrick's Institution. The Report of this forensic investigation will cover all aspects of the prison and prison life. My visits to the prison have been and will be both announced and unannounced. These visits take place during the day, the night and at weekends.

2.19 Since commencing this investigation certain disturbing issues have come to light.

2.20 This investigation is far reaching and time consuming. I will submit my report to the Minister in due course.

Investigation into the circumstances surrounding the death of a prisoner

2.21 I was requested by the Minister to carry out an investigation into the circumstances surrounding the death, while on remand, of a named prisoner who died on 20th December 2011.

2.22 This is an ongoing investigation. I will submit a report to the Minister on the results of my investigation in due course.

Contact with international bodies and others

2.23 During the year I have maintained my contacts with international bodies such as the CPT, members of the Council of Europe, the United Nations, the APT and SPT. I have also forged new contacts. I maintain contact with many other international and domestic organisations that have an interest in prisoner welfare and the operation of prisons.

2.24 International contacts as outlined in paragraph 2.23 are important in that they enable me keep abreast of international best practice and inform me of changing practices.

Chapter 3

Issues for subsequent Report

3.1 In paragraph 1.8, I stated that I intend submitting a further report to the Minister within 3 months of the publication of the Irish Prison Service Strategic Plan 2012 – 2014.

3.2 Among the major issues that I will address in my forthcoming report (paragraph 3.1) will be:-

- **Overcrowding**
- **Slopping out**
- **Prison regimes**
- **Safety Observation Cells**
- **Close Supervision Cells**
- **Prisoner complaints**
- **Healthcare**
- **Prison discipline**
- **Deaths in custody**
- **High support units (HSU) and Low support units (LSU)**
- **Committal areas**
- **Drug free areas**
- **Officer Training for different cohorts of prisoners (juveniles, older prisoners, female prisoners, and mentally ill prisoners)**
- **Education**
- **Drugs/contraband in prisons**
- **Protection Prisoners**
- **Detention of Juveniles in St. Patrick's Institution**

TUARASCÁIL BHLIANTÚIL

OIFIG

CHIGIRE NA bPRÍOSÚN 2011

Oifig Chigire na bPríosún
24 Siúlán Shisil
Sráid Mhic Coinín
An tAonagh
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Tuarascáil Bhliantúil

Oifig Chigire na bPríosún 2011

Arna cur faoi bhráid an Aire Dlí agus Cirt, Comhionannais agus Cosanta de bhun Chuid 5 d'Acht na bPríosún 2007.

An Breitheamh Michael Reilly
Cigire na bPríosún

17 Aibreán 2012

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Caibidil 1

Réamhrá

- 1.2 Cumhdaítear an tréimhse 1 Eanáir 2011 go dtí 31 Nollaig 2011 sa Tuarascáil ghairid seo.
- 1.2 In eagraíocht ar bith moltar, gach cúpla bliain, go ndéanfaí measúnú lena dhearbhu an bhfuil eagraíocht dá leithéid ag baint amach na spriocanna a bhfuiltear ag súil leis a bhaint amach. Is é seo an cás go háirithe maidir le Príosúin na hÉireann a fheidhmíonn i dtimpeallacht dhomhanda atá ag athrú i gcónaí sa chás gur cheart an cleachtas idirnáisiúnta is fearr a choinneáil ar thús cadhnaíochta.
- 1.3 Ó thosaigh mé i mo phost mar Chigire na bPríosún an 1 Eanáir 2008, tá a lán réimsí sainaitheanta agam sa chás nár chomhlíon Príosúin na hÉireann an cleachtas idirnáisiúnta is fearr, sa chás go raibh réimis agus seirbhísí neamhleor agus sa chás nár seasamh cearta príosúnach go leor.
- 1.4 I mo tuarascálacha éagsúla suas go dtí seo shainaithin mé roinnt réimsí ábhair is cúram. Mhínigh mé an dóigh nach gcomhlíonann cleachtais áirithe an cleachtas idirnáisiúnta is fearr. Thug mé treoir maidir leis an dóigh ar cheart an cleachtas idirnáisiúnta is fearr a chur i bhfeidhm. Rinne mé trácht ar na hiarmhairtí a tharlaíonn mura gcuirtear an cleachtas is fearr i bhfeidhm. Mhol mé leasuithe i réimsí áirithe. D'fhoilsigh mé Caighdeán i gcoinne na gcaighdeán ba cheart do phríosúin a thagarmharcáil. Rinne mé teagmháil, go háirithe le dhá mhí dhéag anuas, le Seirbhís Príosún na hÉireann agus bainistíocht áitiúil príosún faoi leith le hiarracht a dhéanamh a chinntiú go dtuigtear ár n-oibleagáidí dár bpríosúnaigh mar thír, go ndéantar nósanna imeachta oibriúcháin a chaighdeánú ar fud gach príosúin agus go bhfuiltear ag gníomhú de bhun na comhairle a thug mé i mo thuarascálacha éagsúla ina bhfuil mionsonraí ar an gcleachtas is fearr.

- 1.5 I ndiaidh ceithre bliana mar Chigire na bPríosún bhí sé beartaithe agam féachaint siar agus measúnú a thabhairt ar an staid a bhfuil Córas Príosúin na hÉireann ann faoi láthair maidir lena oibleagáidí agus leis an gcomhairle a thug mise maidir leis seo (alt 1.4). Leis an bpeirspictíocht seo bhí sé beartaithe agam féachaint don todhchaí chomh maith.
- 1.6 Bhí sé de rún agam an Tuarascáil Bhliantúil seo a úsáid mar bhealach chun measúnú dá leithéid a thabhairt agus noda a mholadh maidir leis an todhchaí, (alt 1.5) ach faoi mar a thuigim é, tá Plean Straitéiseach á chur chun tosaigh ag Seirbhís Príosúin na hÉireann le haghaidh na tréimhse 2012 go 2014, tá sé de rún agam measúnú agus moltaí dá leithéid don todhchaí a chur siar agus go dtí go bhfoilseofar an Plean sin.
- 1.7 Déanfaidh mé machnamh ar an bPlean Straitéiseach a luaithe a fhoilseofar é. Tá súil agam go dtiocfaidh an Plean leis an gcleachtas náisiúnta is fearr nuair a bheidh an rud chéanna á cheapadh acu go mbeidh Seirbhís Príosúin na hÉireann ar an eolas faoin treoir atá tugtha agam i mo thuarascálacha éagsúla go dtí seo.
- 1.8 Tá sé de rún agam, dá bhrí sin, tuarascáil eile a chur isteach chuig an Aire Dlí agus Cirt agus Comhionannais (ar a dtabharfar an “tAire” anseo feasta) laistigh de thrí mhí d’fhoilsiú an Phlean Straitéisigh ina gcumhdófar na ceisteanna ar fad a luadh in alt 1.6.
- 1.9 I gCaibidil 2, tugaim sonraí maidir leis na mórcheisteanna ar dhéileáil mé leo laistigh den tréimhse lena mbaineann an Tuarascáil seo.
- 1.10 I gCaibidil 3, leag mé amach a lán de na ceisteanna a bhfuil sé beartaithe agam aghaidh a thabhairt orthu i mo Thuarascáil mholta dá dtagraítear in alt 1.8.

Caibidil 2

Na mórcheisteanna ar déileáladh leo in 2011

- 2.1 Sa Chaibidil seo tugtar mionsonraí maidir leis na mórcheisteanna ar dhéileáil mé leo le linn na bliana.
- 2.2 Dhéileáil mé le hiliomad ceisteanna eile chomh maith. Mar atá sonraithe in alt 1.4, rinne mé teagmháil le Seirbhís Príosún na hÉireann agus bainistíocht áitiúil príosún áirithe le hiarracht a dhéanamh a chinntiú go dtuigtear ár n-oibleagáidí dár bpríosúnaigh mar thír, go ndéantar nósanna imeachta oibriúcháin a chaighdeánú ar fud gach príosúin agus go bhfuiltear ag gníomhú de bhun na comhairle a thug mé i mo thuarascálacha éagsúla ina bhfuil mionsonraí ar an gcleachtas is fearr. Tuigfead mo theagmháil le Seirbhís Príosún na hÉireann agus bainistíocht áitiúil príosún agus an chomhairle a thug mé dóibh níos fearr agus níos éasca agus é curtha i gcomhthéacs nuair a dhéanfar tagairt de i mo thuarascáil atá ag teacht aníos (alt 1.8).

Cúram Folláine Coirp i bPríosúin

- 2.3 Is féidir an cheist um shláinte a roinnt ina dhá chatagóir – folláine coirp agus meabhairshláinte. Chuir mé tuarascáil dar dteideal *Guidance on Physical Healthcare in a Prison Context* faoi bhráid an Aire an 18 Aibreán 2011.
- 2.4 Pléitear folláine coirp sa Tuarascáil seo ina mínítear go bhfuil an ceart chun sláinte ag príosúnaigh, go bhfuil siad i dteideal an cúram sláinte céanna is atá ar fáil sa phobal agus sonraítear dualgais na ngairmithe cúram sláinte do phríosúnaigh faoina gcúram.
- 2.5 Is ceist chasta í meabhairshláinte príosúnach. Shonraigh mé i mo Thuarascáil dá dtagraítear in alt 2.3 go gcuirfinn tuairim ar bith eile maidir leis an ngné seo de chúram sláinte siar go dtí go bhfoilseofar Tuarascáil an Choimisiúin Imscrúdaithe maidir le Bás Gary Douch.

Príosún Luimnigh

- 2.6 An 25 Samhain 2011, chuir mé Tuarascáil dar teideal *Report on an Inspection of Limerick Prison* faoi bhráid an Aire.
- 2.7 Cumhdaíodh tréimhse thart ar 9 mí sa Tuarascáil seo. Le linn an ama seo thug mé cuairt ar an bpríosún go minic, gan fhógra den chuid is mó. Tugadh na cuairteanna seo le linn an lae, san oíche nó ag an deireadh seachtaine.
- 2.8 I gCaibidil 6 de mo Thuarascáil dá dtagraítear in alt 2.6, leag mé amach na príomhbhuarthaí a bhí agam maidir le gnéithe éagsúla den phríosún. Bhain na buarthaí seo le plódú, breathnóireacht sláinte agus cillíní dlúthmhonatóireachta, mí-úsáid íseal-leibhéil ag oifigigh phríosúin, imeaglú príosúnach, cúinsí príosúnaigh faoi leith i gcillín ar cheann staighre D1, easpa ceardlann, easpa saoráidí caitheamh aimsire, leithscaradh na bpríosúnach, cúram sláinte na bpríosúnach, coinneáil taifead, CCTV, bainistíocht pianbhreitheanna comhtháite, saoráidí oideachais, láthair tiomanta do chimiú, aonad ardtacaíochta agus aonad saor ó dhruaí.
- 2.9 Ar an 18 Samhain 2011 (le linn shaolré m'imscrúdaithe) bhí cruinniú agam le hArd-Rúnaí na Roinne Dlí agus Cirt agus Comhionannais, an Stiúrthóir Oibríochtaí agus Stiúrthóir Sheirbhísí Corparáideacha Sheirbhís Príosún na hÉireann agus Gobharnóir Phríosún Luimnigh. Comhaontaíodh línte ama ag an gcruinniú seo faoina mbeadh oibreacha curtha i gcrích. Rinne mé treoracha den sórt sin a chorprú i mo Thuarascáil dá dtagraítear in alt 2.6.
- 2.10 Shonraigh mé i mo Thuarascáil nach féidir a rá, ag dáta mo Thuarascála, go raibh Príosún Luimnigh ag cloí leis an gcleachtas idirnáisiúnta is fearr agus go raibh réimsí áirithe sa phríosún nach raibh oiriúnach don fheidhm.
- 2.11 Shonraigh mé go ndéanfainn tagairt do Phríosún Luimnigh i dtuarascálacha athleanúna agus mar is cuí ina dhiaidh sin.

Príosún Chnoc an Arbhair

- 2.12 Ar an 13 Nollaig 2011, chuir mé Tuarascáil dar teideal *Report on an Inspection of Arbour Hill Prison* i láthair an Aire.
- 2.13 Ba é ba chuspóir leis an Tuarascáil seo forbheathnú a thabhairt ar Phríosún Chnoc an Arbhair, tagairt a dhéanamh de na réimis agus na seirbhísí a fheidhmítear sa phríosún agus mionsonraí a thabhairt ar na cláir atá ar fáil do phríosúnaigh a chuireann lena n-ath-imeascadh de réir a chéile sa tsochaí.
- 2.14 Bhí mé sásta gur príosún é Príosún Chnoc an Arbhair a reáchtálar go maith.

Gearáin na bPríosúnach

- 2.15 D'iarr an tAire go dtabharfainn comhairle maidir le samhail um ghearáin príosúnach a d'fhéadfaí a thabhairt isteach in Éirinn a chomhlíonfadh na critéir um chleachtas idirnáisiúnta is fearr, a mbreathnófaí air a bheith cothrom agus trédhearcach agus a mheallfadh muinín an phobail.
- 2.16 Ar an 26 Márta 2012, chuir mé mo Thuarascáil i láthair an Aire.
- 2.17 I gcomhthéacs idirnáisiúnta, agus an tuarascáil á ceapadh agam, d'airigh mé oibleagáidí dlíthiúla na tíre seo dár bpríosúnaigh faoi mar atá cumhdaithe sna Conarthaí Idirnáisiúnta éagsúla a bhfuil muidne, mar thír, ina pháirtí iontu. D'airigh mé fosta Dlí-eolaíocht na Cúirte Eorpaí um Chearta an Duine agus más ábhartha Dlí-eolaíocht tíortha eile. Chuir mé Tuarascálacha an CPT agus na hIonstraimí Idirnáisiúnta eile atá ábhartha maidir le nós imeachta gearáin príosúnach san áireamh. I gcomhthéacs baile d'airigh mé forálacha Bhunreacht na hÉireann, ár ndlíthe baile agus Dlí-eolaíocht ár gcúirteanna. Rinne mé athbhreithniú ar chórais gearáin príosúnach i roinnt tíortha chomh maith.

Foras Naomh Pádraig

- 2.18 In 2011, chuir mé tús le himscrúdú ar Fhoras Naomh Pádraig. Cumhdófar gach gné den phríosún agus de shaol an phríosúin sa Tuarascáil ar an imscrúdú fóiréinseach seo. Bhí agus beidh mo chuid cuairteanna ar an bpríosún fógartha agus gan fhógra araon. Bíonn na cuirteanna seo ar siúl le linn an lae, san oíche agus ag an deireadh seachtaine.
- 2.19 Ó chuir mé tús leis an imscrúdú seo tá ceisteanna díshocraíochta áirithe tagtha chun suntais.
- 2.20 Tá an t-imscrúdú seo forleitheadach agus am-íditheach. Cuirfidh mé mo thuarascáil faoi bhráid an Aire in am agus i dtráth.

Imscrúdú ar na cúinsí i ndáil le bás príosúnaigh

- 2.21 D'iarr an tAire orm imscrúdú a dhéanamh ar an cúinsí i ndáil le bás príosúnaigh ainmnithe a fuair bás an 20 Nollaig 2011 agus é ar athchur.
- 2.22 Is imscrúdú leanúnach é seo. Cuirfidh mé tuarascáil isteach chuig an Aire maidir le torthaí m'imscrúdaithe in am agus i dtráth.

Teagmháil le comhlachtaí idirnáisiúnta agus eile

- 2.23 Le linn na bliana choinnigh mé mo theagmhálacha le comhlachtaí idirnáisiúnta cosúil leis an CPT, comhaltaí Comhairle na hEorpa, na Náisiúin Aontaithe, an APT agus an SPT. Tá teagmhálacha úra cruthaithe agam chomh maith lena lán eagraíochtaí idirnáisiúnta agus baile eile ag a bhfuil suim i leas príosúnach agus oibriú príosún.
- 2.24 Tá na teagmhálacha idirnáisiúnta arna léiriú in alt 2.23 tábhachtach toisc go gcoinníonn siad suas leis an gcleachtas idirnáisiúnta is fearr mé agus cuireann siad athrú cleachtas in iúl dom.

Caibidil 3

Ceisteanna le haghaidh Tuarascála ina dhiaidh seo

- 3.1 In alt 1.8, shonraigh mé go raibh sé de rún agam tuarascáil eile a chur faoi bhráid an Aire laistigh de 3 mhí d'fhoilsiú Phlean Straitéiseach Sheirbhís Príosún na hÉireann 2012 – 2014.
- 3.2 I measc na mórcheisteanna ar a dtabharfaidh mé aghaidh i mo thuarascáil atá le teacht (alt 3.1) beidh na ceisteanna seo a leanas:-

- **Plódú**
- **Na fualáin a fholmhú**
- **Réimis Phríosúin**
- **Cillíní Breathnóireachta Sábháilteachta**
- **Cillíní Dlúthmhaoirseachta**
- **Gearáin na bPríosúnach**
- **Cúram Sláinte**
- **Araíonacht Phríosúin**
- **Básanna daoine faoi choimeád**
- **Aonaid ardtacaíochta (HSU) agus aonaid Ísealtacaíochta (LSU)**
- **Láitreacha cimithe**
- **Láithreacha saor ó dhruaí**
- **Oiliúint Oifigeach le haghaidh cohóirt éagsúla príosúnach (ógánaigh, príosúnaigh scothaosta, príosúnaigh mhná, agus príosúnaigh ar a bhfuil meabhairghalar)**
- **Oideachas**
- **Drugaí/contrabhanna i bpríosúin**
- **Príosúnaigh faoi Chosaint**
- **Coinneáil Ógánach i bhForas Naomh Pádraig**