



OIFIG AN CHIGIRE PRÍOSÚN
OFFICE OF THE INSPECTOR OF PRISONS

COVID-19 Thematic Inspection of Portlaoise Prison

22 - 23 April 2021

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EXECUTIVE SUMMARY

The Office of the Inspector of Prisons carried out the fifth of twelve COVID-19 Thematic Inspections in Portlaoise Prison on 22-23 April 2021. This inspection examined thirteen assessment areas across the Five Inspectorate Focus Areas: Respect & Dignity; Safety & Security; Health & Wellbeing; Rehabilitation & Development; and Resettlement.

Over the course of inspection, the prison was fully co-operative. Prison staff identified concerns and communicated ideas for how the prison might better respond to COVID-19 related restrictive measures.

The Inspection Team noted a number of positive outcomes in the prison, which included:

- The prison has been successful in managing and responding to COVID-19 outbreaks in the prison.
- There was a common effort amongst prisoners and staff in the prison to prevent transmission of COVID-19.
- There was consistent resource provided to the Integrated Sentence Management (ISM) post to help support prisoners in preparation for release from prison.

However, the Inspection Team also noted negative outcomes for prisoners, which included:

- Lack of in-person family visits has had a significant impact on prisoners.
- Delays in infrastructural refurbishment continued to impact on the standard of food and working conditions in the kitchen.
- The continued practice of “slopping out” in certain locations in the prison.
- Less access to structured activities for prisoners under certain categories of protection.

The Office of the Inspector of Prisons is concerned that the strategy implemented in Portlaoise Prison to prevent the transmission of COVID-19 has not taken into account fully the impact for prisoners. These restrictions at all times must have a legal basis, be proportionate, and necessary.

The Inspectorate encourages Portlaoise Prison to consider, in consultation with prisoners and staff, proactive initiatives to address the concerns raised in this report.

As the Government eases public health restrictions across the country, the Irish Prison Service should provide timely and prison-specific information, as well as clearly communicate information to prisoners about the relaxation of restrictions in prison settings.

As part of the COVID-19 Thematic Inspections the Inspectorate examines three over-arching questions:

1. How will prisons in Ireland come out of COVID-19 restrictions?
2. What are the implications of the normalisation of COVID-19 related measures?
3. How will the impact of COVID-19 restrictions on prisoners be redressed?

1 INTRODUCTION

1.1 Inspection Function of the Office of the Inspector of Prisons

The Office of the Inspector of Prisons was established pursuant to Section 30 of the Prisons Act 2007 (“the Act”) in January 2007. The Inspector of Prisons is appointed by the Minister for Justice to perform the functions conferred on her by Part 5 of the Act. Patricia Gilheaney is the current Inspector and was appointed on 7 May 2018 for a five year term in office subject to the provisions of Section 30 of the Act. The Inspector of Prisons is independent in the performance of her functions.

The Inspector of Prisons does not have statutory authority to publish inspection reports, investigation reports or annual reports. In accordance with Section 31 or 32 of the Act as applicable, as soon as practicable after receiving a report from the Inspector of Prisons, the Minister must, subject to the following caveats, lay it before both Houses of the Oireachtas and publish the report.

The Minister may omit any matter from any report laid before the Houses of the Oireachtas if she is of the opinion that:

1. Its disclosure may be prejudicial to the security of the prison or of the State, or
2. After consultation with the Secretary General to the Government, that its disclosure
 - a. would be contrary to the public interest, or
 - b. may infringe the constitutional rights of any person.

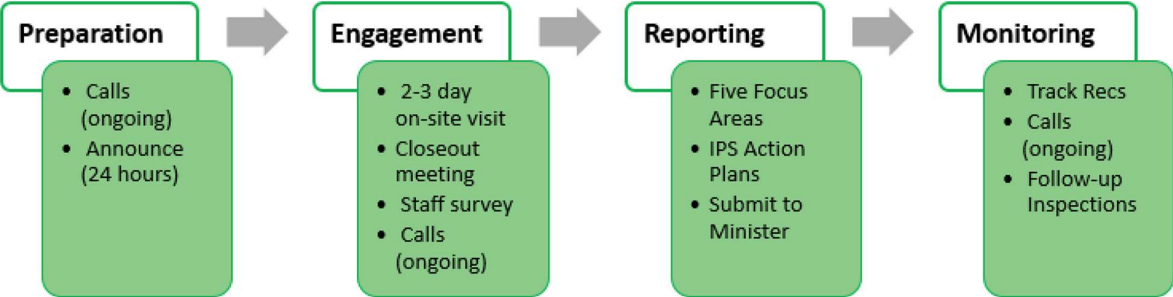
Where any matters are so omitted, a statement to that effect must be attached to the report concerned on its being laid before both Houses of the Oireachtas, and on its publication.

1.2 COVID-19 Thematic Inspections

The Irish Prison Service has adopted a number of practices in response to the need to prevent transmission of COVID-19 in Irish prisons, and to subsequently uphold Ireland’s commitment to the right to life under Article 40 of the Irish Constitution and the protection of life under Article 2 of the European Convention on Human Rights (ECHR). These measures include, amongst others, restrictions on family contact (Section 4.2), quarantine and isolation (Section 4.3), restrictions on access to exercise and activities (Sections 5.2 and 5.3) and changes to the prison regime (Section 5.1). In response to these restrictive measures, and the need to assess their impact on people living and working in prison, the Office of the Inspector of Prisons prepared a programme of COVID-19 Thematic Inspections to be carried out in all Irish prisons in 2021. The objective of these visits is to provide a human rights informed assessment of the treatment and care of prisoners across the Irish Prison Service. COVID-19 Thematic Inspections are carried out in line with the process provided in the 2020 Framework for the Inspection of Prisons in Ireland (Figure 1), and are designed to examine the five Focus Areas detailed in the Framework, with a particular focus on the impact of COVID-19 on the prison.

Figure 1: Framework Inspection Process

COVID-19 Thematic Inspections: Process



COVID-19 Thematic Inspection visits are announced short visits of between two and three days in duration, whereby the focus of the visit is on how people in prison experience and are impacted by COVID-19 related restrictions in the prison. The information obtained through inspections visits is complemented by calls to prisons,¹ continuous communications with the Irish Prison Service (IPS), which includes daily or weekly updates on the situation of COVID-19 and the dissemination of an online staff survey in April/May 2021.²

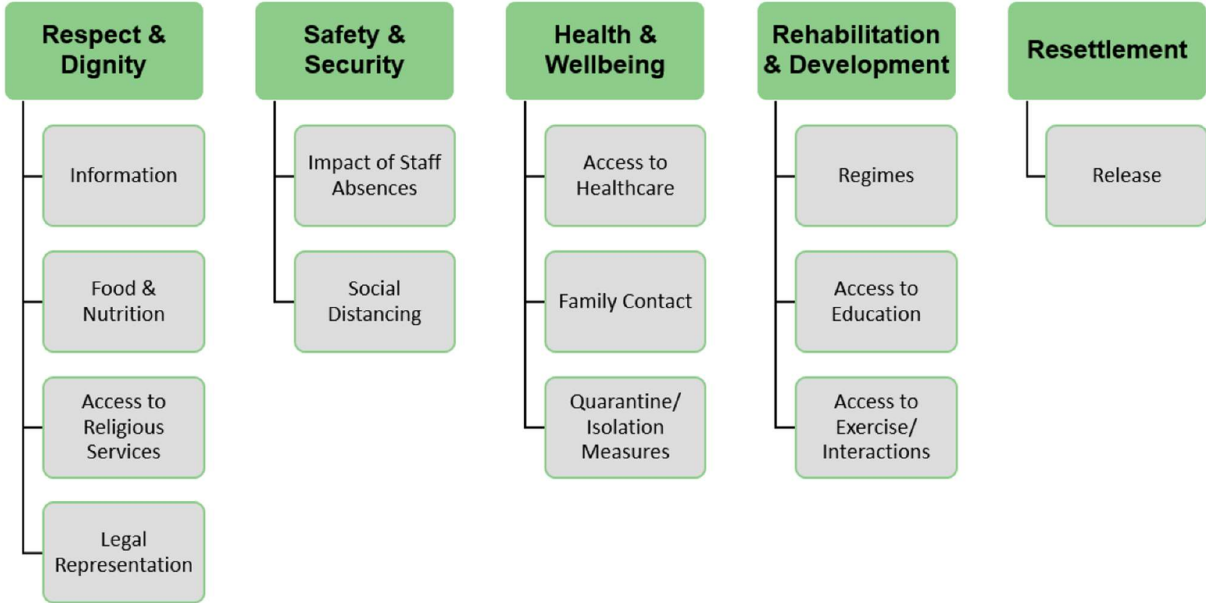
COVID-19 Thematic Inspections are carried out in a systematic and risk-informed basis, in line with the Office of the Inspector of Prisons Infection Control Protocol.³ Based on internal information and information received from the IPS, the Inspectorate determines if a visit to a prison is (i) warranted given the risk, and (ii) in line with the principle of “do-no-harm” (ensure that risk is offset by preventive action). COVID-19 Thematic Inspections are announced, with prisons provided with at least a 24-hour notice in advance of the inspection. The Inspection Team is reduced in size, with only two or three Inspectors carrying out the inspection of the prison over a two to three day time span.

The Focus Areas of Inspection are: Respect & Dignity, Safety & Security, Health & Wellbeing, Rehabilitation & Development and Resettlement. Within the five Focus Areas, inspections may assess a number of themes, as outlined in Figure 2. Given time constraints, not all inspections will examine all assessment themes.

¹ OIP. COVID-19 Call Template, available at: <https://www.oip.ie/wp-content/uploads/2021/05/COVID-Call-Template.pdf>
² OIP. COVID-19 Staff Survey, available at: <https://www.oip.ie/wp-content/uploads/2021/05/COVID-19-Survey-for-IPS-Staff-2021.pdf>
³ OIP. Infection Control Protocol, available at: <https://www.oip.ie/wp-content/uploads/2021/05/OIP-Infection-Control-Protocol.pdf>

Figure 2: Inspection Focus Areas – COVID-19 Assessment Themes

Portlaoise Prison Assessment Themes



The COVID-19 Thematic Inspection process involves the following:

- Observation of the prison environment;
- Discussions and informal interviews with prisoners and staff; and
- Documentation-review and tracing.

Direct quotations from prisoners and staff are included in this report. These quotations describe the lived experience of prisoners and staff as shared with the Inspection Team.

The inspection visit to the prison is complemented by ongoing telephone communications with the prison. These calls are designed to: (i) identify COVID-19 related practices in the prison across the Focus Areas; (ii) highlight areas of concern that may require further attention as part of an inspection visit; (iii) monitor implementation status of IPS Action Plans developed to respond to Inspectorate Recommendations; and (iv) provide prison management with an opportunity to indicate positive advancements and challenges related to COVID-19 related restrictions in the prison. Four calls were made to Portlaoise Prison in advance of the inspection on 4 February 2021, 4 March 2021, 25 March 2021 and 13 April 2021. Two calls were made post on-site inspection on 5 May 2021 and 25 May 2021. On a subsequent visit to Portlaoise Prison on 21 May 2021 members of the Inspectorate met with prisoners who requested to speak with them.

Over the duration of the inspection process, the Inspectorate endeavours to raise awareness of the ongoing inspection and of the role of the Office of the Inspector of Prisons more generally. To this end, the Inspectorate has developed prisoner information booklets and a video. At the time of inspection, Portlaoise Prison did not have a functional in-cell TV channel. The information booklets are available in Irish, English (NALA Plain English Mark), Cantonese, French, Polish, Romanian, Russian and Spanish and the Irish and English versions were distributed on the first day of the Inspection.⁴ The information

⁴ OIP Information Booklets, available: <https://www.oip.ie/information-booklet/>, available in Irish, English, Cantonese, French, Polish, Romanian, Russian and Spanish.

booklet is available on the Inspectorate website and has been provided to the IPS for ongoing dissemination.

This Report on the Inspection of Portlaoise Prison, the fifth of twelve COVID-19 Thematic Inspection reports, provides a human rights-based assessment of the Irish Prison Service's response to the COVID-19 pandemic. The report examines the Focus Area themes to assess the following:

- Compliance with national legislation and international human rights standards;
- The physical and non-physical prison Environment; and
- The Outcome, or impact of compliance or non-compliance with legislation and/or standards and the environment within the prison setting.

The Office of the Inspector of Prisons may provide recommendations to assist the Irish Prison Service in bringing its procedures and practices in line with international human rights standards and best practice. As part of the Inspectorate's inspection and reporting processes, the Inspectorate engages the prison and the Irish Prison Service to review the inspection report, including recommendations, and to determine recommendation Action Plans. The Irish Prison Service Action Plan in response to the COVID-19 Thematic Inspection in Portlaoise Prison is provided in Section 7. The IPS did not provide review statements in response to the draft COVID-19 Thematic Inspection Report of Portlaoise Prison.

The on-site inspection of Portlaoise Prison was carried out over two days. This was the original schedule for the inspection. The degree of co-operation during the on-site inspection was very good. The Inspection Team had immediate and open access to Portlaoise Prison, and all local requests for information were answered promptly. The Inspection Team would like to express appreciation to the designated Liaison Officer for the support provided to the Team during the inspection. The Inspection Team would also like to thank those in custody in Portlaoise Prison and prison staff for their engagement. The Inspector of Prisons (Inspectorate) and the Inspection Team presented preliminary observations to the management staff of Portlaoise Prison at a conference call Closeout Meeting on 27 April 2021. The commentary received during this meeting was taken into account in the drafting of this report. The Inspectorate was impressed by ideas proposed by Portlaoise Prison staff, and looks forward to ongoing dialogue and engagement.

1.3 Composition of the Inspection Team

The on-site Inspection Team for the COVID-19 Thematic Inspection in Portlaoise Prison comprised of Chief Inspector Patricia Gilheaney and Inspector Eve Farrelly. The Inspection Team was supported by office-based Inspectorate Administrative Staff.

1.4 Overview of Portlaoise Prison

Portlaoise Prison is a closed high-security prison for adult males 18 years of age and over. Portlaoise Prison serves as the committal prison for people placed in custody from the Special Criminal Court. The prison accommodates prisoners linked with subversive crime. According to the Irish Prison Service statistics there were 209 prisoners accommodated in Portlaoise Prison on the first and second day of the on-site inspection.

The prison has an independent military compound on the prison grounds which provides 24-hour military security to the prison. As Portlaoise Prison is the only maximum security prison in the State, the Inspectorate is cognisant of security matters in the preparation of this report.

Portlaoise Prison is comprised of three blocks. A Block has five landings of eight cells; 40 cells in total. This block has access to four exercise yards. Prisoners identified as not being able to mix with other prisoners due to group affiliations or organised crime are held in this block. At the time of inspection there were 23 prisoners in A Block. On the first day of inspection, landings A1, A2 and A3 accommodated protection prisoners and A4 landing was specifically designated to accommodate quarantine prisoners. The Inspection Team was informed that A5 landing, normally dedicated to accommodate prisoners with challenging behaviour, was also designated to accommodate quarantine prisoners and to facilitate the separation of prisoners on protection grounds. At the time of inspection, C Block accommodated the majority of prisoners in Portlaoise Prison. Cells on C1 and C4 landings were single occupancy, and cells on C2 and C3 landings were double occupancy. There was a triple occupancy cell on C2, C3 and C4 landings which comprised three single beds, two desks, a toilet and a shower. At the end of C1 landing there was a cell designed to accommodate prisoners with a physical disability. At the time of inspection there were 164 prisoners in C Block. E Block is in the oldest part of the prison and it accommodates prisoners linked with subversive crime; E Block lacks in-cell sanitation. The Inspection Team observed two showers and two toilets located at the end of E1 landing. At the time of inspection, the Team also observed three cells that had been refurbished to accommodate medically ill prisoners. These three cells were fitted with a toilet and sink. At the time of inspection there were 22 prisoners accommodated in E Block.

Based on information provided by the Irish Prison Service to the Inspectorate, Table 1 provides the number of people in custody who were placed on COVID-19-related restricted regimes on the first day of inspection, 22 April 2021.

Table 1: People in Custody, COVID-19 Restricted Regimes

Date	Quarantine	Isolation	Cocooning
22 April 2021	4	4	0

The above information did not align with the information provided to the Inspection Team by Senior Management on the morning of the 22 April 2021, five prisoners were in quarantine and no prisoners were in isolation or cocooning. This was confirmed by the Inspection Team on Day 1 of the inspection. The Inspection Team was informed that some prisoners were in quarantine as they had recently been committed to the prison and some were in quarantine because they had been returned to custody by An Garda Síochána under a Section 42 warrant. On the second day of the inspection there were four people in quarantine.

1.5 Immediate Action Notifications (IANs)

The COVID-19 Thematic Inspection of Portlaoise Prison did not require the Inspectorate to issue an Immediate Action Notification.

2 RESPECT & DIGNITY

2.1 Information

Central to the Respect & Dignity Focus Area is the provision of information within the prison. As part of the inspection of Portlaoise Prison, the Inspection Team examined how people in prison perceived of the Prison Service's effort to provide COVID-19-related information with the objective being to determine if prisoners felt well-informed. In particular, the inspection focused on information provided to prisoners as they prepared for release.

2.1.1 Compliance

The Irish Prison Rules 2007-2020, Rule 13, include the supply upon committal of an explanatory booklet that outlines the entitlements, obligations and privileges for prisoners. Further to this, the Rule provides for, in so far as is practicable, the provision of explanatory booklets to Foreign Nationals in a language that can be understood by the prisoner, and that in instances where this is not possible, or where a prisoner is not able to read or understand the contents of the booklet, that all reasonable efforts be made to ensure that the prisoner's entitlements, obligations and privileges are explained.

Section 42 of the Irish Human Rights and Equality Commission Act 2014 (the Public Sector Equality and Human Rights Duty) also requires the Irish Prison Service to eliminate discrimination, promote equality, and protect human rights of both prisoners and staff. This law is important in the context of the Irish Prison Service providing information to certain cohorts, such as Foreign National prisoners and prisoners with disabilities.

The United Nations Standard Minimum Rules for the Treatment of Prisoners (the Mandela Rules) (2015) provide more specificity about the contents of such an explanatory booklet, with Rule 54 providing that every prisoner shall be provided with written information about applicable prison regulations, rights (including methods of seeking information, access to legal advice and procedures for making requests or complaints), obligations related to disciplinary sanctions and all other matters necessary to adapt to life in the prison. The Nelson Mandela Rules also require, under Rule 55.3, that prison administrations display summaries of information in common areas of the prison, and that the written information be made available in commonly used languages in accordance with the needs of the prison population; interpreter assistance should be provided if a language is not available (Rule 55.1).

Alongside, the Nelson Mandela Rules, the Revised European Prison Rules (2020) state that at admission, and as often as necessary afterwards, all prisoners shall be informed in writing and orally in a language they understand of the prison regulations and their rights and duties in the prison (Rule 30.1). The European Prison Rules also state that prisoners are allowed to keep in their possession written versions of the information they are given (Rule 30.2).

With specific regard to COVID-19, the European Committee for the Prevention of Torture (CPT) Statement of Principles Relating to the Treatment of Persons Deprived of their Liberty in the Context of the Coronavirus Disease (COVID-19) Pandemic (Principle 4) requires that any restrictive measures taken to prevent the spread of COVID-19 should have a legal basis and be necessary, proportionate, respectful of human dignity and restricted in time. All persons deprived of liberty should receive comprehensive information, in a language they understand, about any such measures.

The caveats provided for in the Irish Prison Rules 2007-2020 (“all reasonable efforts” and “in so far as is practicable”) allow for a situation in which the national legislation’s provisions in relation to information may be curtailed or denied. Further, the Irish Prison Rules place no responsibility on the prison to provide information “as necessary” after the point of committal, thereby leaving open a vacuum of information which may be filled with assumptions and/or incorrect information.

2.1.2 Environment

The Irish Prison Service produced weekly newsletters to prisoners which included updates on COVID-19 safety measures in the prison. This included information on relaxation and sleep aid techniques, information on how family members can transfer money into prisoner accounts and instructions on video calls. The first edition of the newsletter was dated 20 March 2020.

Vaccine information leaflets were available in seven different languages. Upon request from the prison population, an additional leaflet was developed in the Irish language. The vaccine leaflet was one page in length. It provided the following information about the COVID-19 vaccine.

- Explanation on how to provide prisoner PPS numbers to the HSE
- Overview of the safety of the COVID-19 vaccine
- Information on the COVID-19 vaccine, infertility misinformation and potential side effects
- Information on isolation measures for vaccinated/non-vaccinated prisoners

On observation, the leaflet, while highlighting the potential for COVID-19 vaccination side effects, provided no specific information about what side effects, if any, were to be expected.

Information leaflets from the Office of the Inspector of Prisons were provided to the prison on the first day of inspection and were distributed to prisoners on the same day. The Inspectorate welcomes the prompt fashion in which the leaflets were distributed.

2.1.3 Outcomes

In relation to information sharing in the prison, a number of prisoners reported that inefficient handover communications between staff could directly impact on access to activities and services. For example, a prisoner stated: “one Chief (that is) on Monday and Tuesday says one thing, another Chief (that is) on Wednesday and Thursday says ‘I don’t know anything about that’ so you never know.” The Inspection Team also spoke with a small number of prisoners who expressed the view that there was a “lack of communication” and “mixed messages” between prisoners and prison staff in general. Prisoners across various landings expressed dissatisfaction with what they perceived to be a delay in receiving information on COVID-19 vaccinations.

2.1.4 Recommendations

Recommendation 1: In order to ensure effective information provision to all prisoners, in line with Section 42 of the Irish Human Rights and Equality Commission Act, the Inspectorate urges Portlaoise Prison to promptly introduce information dissemination by way of TV channel. The information provided on the channel should be in a language and form that can be understood by prisoners, and may require complementary modes of information dissemination.

Recommendation 2: The Irish Prison Service should provide prisoners with a written copy of the *Framework for Living with COVID-19*.⁵ Prisoners should be consulted, and updated on future plans related to COVID-19 restrictions including, family visits, regimes, and sentence progression as COVID-19 restrictions unfold.

⁵ See Irish Prison Service, COVID-19 in Irish Prisons, <https://www.irishprisons.ie/covid-19-irish-prisons-2/>

2.2 Food & Nutrition

One of the measures implemented by the Irish Prison Service to prevent the transmission of COVID-19 in Irish prisons has been to change how food is delivered in the prison. At the outset of the pandemic, beginning in March 2020, the Prison Service provided food to people in custody who were cocooning by distributing boxed meals to cells. The Inspectorate noted in the July 2020 report, “Ameliorating the Impact of Cocooning on People in Custody – A Briefing”, that it is “important that people (...) are brought meals (and) informed about what is on offer and asked which portions they do and do not want.”⁶ Further, the Inspectorate urged the Prison Service to commit to better consultation with people subjected to public health measures or restricted regimes about their food and to consider models used in hospitals for food selection. Given the recommendations made by the Inspectorate in regards to food provision for individuals cocooning, the Inspection Team considered as part of the COVID-19 Thematic Inspection how food is provided in Portlaoise Prison, with particular focus on infrastructure issues and food availability in the Tuck Shop.

2.2.1 Compliance

The Prison Rules 2007-2020 establish a number of standards as regards food and nutrition. The Rules state that prisoners should have a sufficient quantity of food that is properly prepared and well presented (Rule 23.1). The Rules allow, in so far as is practicable, for a prisoner to observe dietary practices of religion and culture (Rule 23.2) and to have any dietary needs met for any medical conditions (Rule 23.3). The Prison Rules also allow for sufficient clean drinking water to be available to each prisoner each day (Rule 23.4). The Prisons Act Section 35 (1) (2) (c) legislates for regulation and good governance of the treatment of prisoners, including but not limited to, their diets.

According to the Nelson Mandela Rules, prisoners should receive food that is healthy and at usual times (Rule 22). Prisoners should have drinking water whenever they need (Rule 22). Food should also be regularly inspected by a physician or competent public health body (Rule 35).

The European Prison Rules state that the food provided should take into account the age, health, physical condition, religion, culture and the nature of prisoners work (Rule 22.1). Food should be served hygienically (Rule 22.3) with reasonable intervals between meal times (22.4).

The Irish Prison Rules 2007-2020 are largely in compliance with international standards, but are limited in application by the clawback clause, “in so far as is practicable” in reference to observation of cultural or religious or dietary needs.

In May 2021, the CPT published a “Minimum Decency Threshold” for prisons. As a minimum, the CPT states that prisoners should have ready access to clean water and adequate food both in quantity and of nutritional value. Failure to meet this minimum decency threshold can lead to situations in which prisoners are exposed to inhuman or degrading treatment.

2.2.2 Environment

Kitchen

The kitchen in Portlaoise Prison is located below E Block and, at the time of inspection, was responsible for providing food to the prison population across the three blocks of the prison. The Inspection Team was informed that all diets were catered for, including the provision of Halal food. At the time of inspection there was one Assistant Chief Officer (ACO) in charge of the kitchen and three Work Training

⁶ Office of the Inspector of Prisons and Maynooth University, “Ameliorating the Impact of Cocooning on People in Custody – A Briefing” (July 2020) <https://www.oip.ie/wp-content/uploads/2020/07/Ameliorating-the-impact-of-cocooning-on-people-in-custody-a-briefing.pdf>.

Officers (WTO) working on either side of the roster. In addition, 12 to 13 prisoners also worked in the kitchen with one WTO working in the Officers' Mess Monday through Friday. On observation, there were a number of areas in the kitchen in need of thorough cleaning (See Section 2.5).

Food

Food was rotated using a 28-day menu that was standard across all prisons; this menu was under review across the prison estate and a new revised menu was due to be implemented. The Inspection Team observed meals being distributed to prisoners which appeared to be adequate in portion size. Food menus were handwritten and posted on the walls on a number of landings. Prisoners in each unit of A Block had access to a communal fridge, toaster, grill and microwave, and also access to kitchen facilities to prepare their own meals.

Tuck Shop

Portlaoise Prison Tuck Shop was managed through an order form, "Bag & Tag" system. Prisoners did not attend the Tuck Shop. Prisoners selected various items on order forms; items were then bagged and delivered to the prisoners. The Tuck Shop remained open during the COVID-19 pandemic. The Inspection Team was informed that items in the Tuck Shop were sold at cost price. On observation, item prices were not displayed on the order form. Therefore, prisoners were only aware of the monies spent in the Tuck Shop on receipt of the goods when the till receipt was provided. Some of the items available to prisoners from the Tuck Shop included various chocolate bars (Snickers, Mars, Aero etc.); popcorn; crisps; biscuits; pot noodles; tuna; soft drinks; protein shakes and fruit. Non-food items included items such as toothpaste; shower gel; shaving cream and batteries.

2.2.3 Outcomes

The Inspection Team received varying feedback from prisoners regarding food. Prisoners in E Block did not raise issues with respect to food. However, prisoners on both A and C Block reported that due to the length of travel between the kitchen and the landings, food would often arrive cold to the cells.

Prisoners reported that the food was the same week in, week out. One prisoner stated his "potato was watery" and the food was "all processed." However, the Team also received positive feedback about the food. For example, one prisoner reported he got fruit and yogurt every second day. Another prisoner stated that the food was good and that the prison catered for his dietary requirements.

Prisoners did not raise any issues with the Tuck Shop availability and provided positive feedback on the cost price of items.

The daily meal schedule for prisoners in Portlaoise Prison is provided in Table 2.

Table 2: Meal times in Portlaoise Prison

Time	Meal
Breakfast	08:00
Dinner	12:00
Tea	16:00

The Inspectorate noted that general set meal times, in particular meals at the weekends, did not align with the "normal" times at which people in the general community eat their meals. As a result, meal times in Portlaoise Prison did not reflect the Council of Europe's "normalisation" principle outlined in the Revised European Prison Rules 2020, (Rule 5) which state, "life in prison shall approximate as closely as possible the positive aspects of life in the community."

Kitchen Facilities

On observation, the Inspection Team identified a number of areas of concern in the prison kitchen; these issues had reportedly been on-going for some time.

An inspection of Portlaoise Prison kitchen was conducted by a Senior Environmental Health Officer from the Laois-Offaly Environmental Health Service on 26 February 2019. The Senior Environmental Health Officer submitted an inspection report to the prison with its inspection findings on 6 March 2019. This report was provided to the Inspectorate on request following the on-site inspection. Amongst the findings, the report noted areas in the kitchen that were in need of a thorough clean; specifically the wall/floor areas of the kitchen and the male staff sanitary accommodation. Upon inspection, the issues identified in the Environmental Health Services 2019 Inspection Report remained.

The Inspection Team was informed that a new kitchen for Portlaoise Prison was included in the Irish Prison Service Capital Plan. The Inspection Team was also provided with the *Irish Prison Service-Portlaoise Prison-Catering Facility Feasibility Study* dated 6 April 2021. This report identified three options available to the Irish Prison Service with respect to addressing the needs of the Portlaoise Prison Kitchen: (i) to leave the kitchen as it was; (ii) to refurbish the current building; or (iii) to construct a new build. The new build was identified by the consultants as the best option. The Inspectorate welcomes that the IPS has acknowledged the need for a new kitchen and the Inspectorate encourages progression of the new kitchen infrastructure.

Kitchen Locker/ Rest Area for Prisoners

The Inspection Team visited a room located directly below the main kitchen. This room was used as a locker room for prisoners working in the kitchen and was also used by prison staff for rest periods. The room contained a makeshift table and chairs, faulty equipment that was awaiting disposal, and two large mounds of kitchen uniform laundry piled high on the floor. Both the stairs leading down to the locker area and the locker area itself were observed to be dirty. There was a strong malodour of sewage in this room. This was brought to the attention of Senior Management at the Closeout Meeting. Senior Management informed the Inspectorate that the piles of laundry and lack of cleanliness would be addressed that day. The Inspectorate was also advised that the larger issue of the scent of sewage would be examined and addressed.

Senior Management in Portlaoise Prison followed up on progress made to address the issues raised by the Inspectorate in the kitchen locker/ rest area. On 11 May 2021 Senior Management reported the following remedial actions had been taken and photographic evidence was provided to the Inspectorate:

- All areas of the basement, including walls, floors and lockers were scrubbed and painted, including removal of graffiti from all areas;
- The large pile of disused equipment was removed; and
- All uniforms were checked; taken to laundry and returned washed and folded; all uniforms were made accessible by size for ease of storage management.

Examples of improvements made in the kitchen/rest area are provided below (Figure 3).

Figure 3: Photographic Evidence of Post-On-site Inspection Cleaning in Kitchen Areas



Before (1)



After (1)



Before (2)



After (2)



Before (3)



After (3)

Prison management informed the Inspectorate that the entire area of the kitchen, the cooking area, the pot wash, the store rooms and the basement had been cleaned, buffed and painted. Additionally, this area was added to the daily cleaning regime of the kitchen and the prison was in the process of sourcing a table and chairs to enable prisoners to sit together during their rest periods. The Inspectorate welcomes the prompt action taken to address the issues related to the kitchen/rest area.

The Inspectorate was informed that an Environmental Health Officer had conducted an audit in the prison a week prior to 11 May 2021, and that the prison was awaiting receipt of the report.

2.2.4 Recommendations

Recommendation 3: In line with the Nelson Mandela Rules, Rule 22 and European Prison Rules, Rule 22.4, the Inspectorate recommends that the scheduling around meal times be amended to ensure meals are served at reasonable intervals and at normal times: breakfast (morning), lunch (midday) and dinner (evening).

OIP Comment: The Inspectorate has recommended in the Mountjoy Prison, Cloverhill Prison, Wheatfield Prison and Limerick Prison COVID-19 Thematic Inspection reports that the scheduling around meal times be amended. This recommendation has been accepted by the Prison Service on all occasions. The Inspectorate welcomes the Prison Service's intention to roll out an amended meal schedule, following a successful pilot scheme in Castlerea and Mountjoy Prison Progression Unit, but acknowledges that this was curtailed due to industrial relations issues. The Inspectorate encourages an early resolution to these issues, keeping in mind that such issues should not undermine adherence to human rights standards, as outlined in Rule 22.1 of the Nelson Mandela Rules and Rule 22.4 of the European Prison Rules.

Recommendation 4: The Inspectorate urges the prison to take immediate action to identify and address the cause of the smell of sewage under the kitchen area.

2.3 Access to Religious Services

The Chaplaincy Service provided in Irish Prisons is instrumental to ensuring pastoral care, dissemination of information and maintenance of familial contact. As such the Chaplaincy is uniquely positioned to support prisoners as they experience COVID-19 related restrictions.

2.3.1 Compliance

The Irish Prison Rules 2007-2020 provide that each prisoner shall, in so far as is practicable and subject to the maintenance of good order and safe and secure custody, be permitted to practice and comply with the rules, observances and norms of behaviour of the religious denomination of which he or she is a follower or member (Rule 34(1)) and shall not be refused access to a chaplain of any religious denomination (including a chaplain of a religious denomination of which the prisoner is not a member) (Rule 34(6)).

The European Prison Rules, Rule 29.2, expand on the provisions provided in the Irish Prison Rules to place a duty on the Prison Service to organise the prison regime insofar as is practicable to allow prisoners to practice their religion and follow their beliefs. This includes enabling private visits from religious representatives.

2.3.2 Environment

At the time of inspection there was one full time Chaplain on a temporary contract in Portlaoise Prison. The Chaplain had continuous access to all three blocks of the prison throughout the COVID-19 pandemic. During times of full lockdown (COVID-19 outbreak) the Chaplain communicated to the men through the cell door.

There was a small chapel located in C Block. The chapel was clean and furnished to serve as a multi-faith room. At the time of inspection there was no chapel on A Block or E Block.

At the time of inspection, religious mass had ceased under COVID-19 restrictions. To compensate for this restriction, arrangements were made for a recorded mass to be played through the in-cell TV

channel in the prison on Sundays, the first of which was broadcast on Easter Sunday. During these recorded services local intentions were read out as were notes of remembrance for any relatives of staff and prisoners who may have died or who were unwell. The Chaplaincy service also provided prisoners with a Quran or any other religious scripture, when requested.

2.3.3 Outcomes

The Chaplaincy Service provided in Portlaoise Prison over the course of the pandemic is to be commended. There was a constant presence on the landings which has proven to be of value to the men in prison. At the time of inspection, the presence of the Chaplain was observed throughout the day. The Inspection Team was informed by both management and prisoners alike that the Chaplain was always around and available when needed. The Inspection Team would like to commend the manner in which the Chaplain has taken an “above and beyond” approach to assisting prisoners who experienced bereavement during the COVID-19 pandemic.

2.4 Access to Court and Legal Representation

Given the nature of Portlaoise Prison, which is the only high security prison in Ireland, prisoner access to legal representation and legal documentation was examined as part of the COVID-19 Thematic Inspection.

2.4.1 Compliance

Access to Court

The right to a fair trial is protected under Article 6 of the European Convention on Human Rights and Article 14(3) of the International Covenant on Civil and Political Rights (ICCPR), which was ratified by Ireland in 1989. Article 14(3) states:

In the determination of any criminal charge against him, everyone shall be entitled to the following minimum guarantees, in full equality:

- (a.) To be informed promptly and in detail in a language which he understands of the nature and cause of charge against him;
- (b.) To have adequate time and facilities for the preparation of his defence and to communicate with the counsel of his choosing;
- (c.) To be tried without undue delay;
- (d.) To be tried in his presence, and to defend himself in person or through legal assistance of his own choosing; to be informed, if he does not have legal assistance, of this right; and to have legal assistance assigned to him, in any case where the interests of justice so require, and without payment by him in any such case if he does not have sufficient means to pay for it;
- (e.) To examine, or have examined, the witnesses against him and to obtain the attendance and examination of witnesses on his behalf under the same conditions as witnesses against him;
- (f.) To have the free assistance of an interpreter if he cannot understand or speak the language used in court;
- (g.) Not to be compelled to testify against himself or to confess guilt.

The Human Rights Committee in its General Comment No. 32 states that that the fundamental principles of a fair trial should be respected during times of an emergency.⁷

⁷ UN Human Rights Committee (2007) General Comment 32, see paragraph 6, <https://undocs.org/CCPR/C/GC/32>

The International Commission of Jurists (2020) recommended the following on the use of videoconferencing, Courts and COVID-19:

The right of any person to be physically present for his or her trial on criminal charges [and on his initial appearance before the judicial authority following his arrest or detention on criminal charges] should be fully respected, including in situations of crisis or emergency such as the COVID-19 pandemic. In particular, national laws and rules should not permit, and in practice courts and other authorities should not proceed, with criminal trials in which an accused is denied the right to be physically present for the trial and is instead forced to participate by means of a video link or similar technology without his freely given and fully informed consent.⁸

The *Civil Law and Criminal Law (Miscellaneous Provisions) Act 2020*, states that relevant hearings can be conducted remotely by the Court of its own motion, or on application to the court once it is satisfied that:⁹

- (a.) The application being heard without the relevant person being in the court would not thereby be prejudicial to the relevant person;
- (b.) The interests of justice does not require the presence of the relevant person at the hearing;
- (c.) The facilities provided by a live video link between the court and the place where the relevant person is located are such as to enable such interpretation or translation as may be necessary during the hearing;
- (d.) The relevant person and his or her legal representative are able to communicate in confidence during the hearing;
- (e.) The application being heard without the relevant person being present in court is otherwise appropriate having regard to-(i.) the nature of the application (ii.) the complexity of the hearing, (iii.) the age of the relevant person, and (iv.) his or her mental capacity; and
- (f.) No other circumstances exist that warrant the relevant person's presence in court for the hearing.

Legal Representation

The United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules) outline a number of standards regarding access to legal representation. On admission, prisoners should receive written information on their rights to access legal advice including information on legal aid schemes (Rule 54). Prisoners should have adequate opportunity to communicate and consult with a legal adviser (Rule 61.1). Should they need interpretation during this process, the prison should allow them access to an independent competent interpreter (Rule 61.2). A prisoner should be able to access legal aid (Rule 61.3), which also applies to remand prisoners who should not be charged for this (119.2). Furthermore, remand prisoners should be provided with writing material for any defence preparation (Rule 120).

The European Prison Rules support the Nelson Mandela Rules by stating that consultations between prisoners and their legal advisers should be confidential (Rule 23.4). Prisoners should have access and keep in their possession documents relating to their legal proceedings (Rule 23.6).

The Irish Prison Rules 2007-2017 largely align with international standards around legal representation. Prisoners are entitled to have privacy during visits with a legal advisor (Rule 38.1). Visits with a legal adviser can take place at any reasonable time (Rule 38.2) and when needed an interpreter can be present (Rule 38.3). Prisoners are also entitled to send and receive letters from their legal adviser (Rule

⁸ International Commission of Jurists (2020) Videoconferencing, Courts and COVID-19 Recommendations based on International Standards, https://www.unodc.org/res/ji/import/guide/icj_videoconferencing/icj_videoconferencing.pdf

⁹ See Section 23(4) of the *Civil Law and Criminal Law (Miscellaneous Provisions) Act 2020*.
<http://www.irishstatutebook.ie/eli/2020/act/13/enacted/en/print#sec22>

44.1.a). A prisoner can send a letter to their legal adviser without it being opened before it is sent (Rule 44.3). Any letter sent to a prisoner by their legal adviser can only be opened in the presence of the prisoner. This is strictly to examine that it is such a letter (Rule 44.4). Prisoners are entitled to make a telephone call to their legal adviser (Rule 46.5). Legal documents cannot be retained by a prisoner officer or a member of An Garda Síochána during a search (Rule 7.2). Prisoners are also entitled to privacy when communicating with their legal advisor using video link (Rule 42).

2.4.2 Environment

Over the course of the COVID-19 pandemic in Ireland in 2020, the use of remote courts hearings expanded from 30 to 58 courts, with more than double the number of cases heard via video-link as compared to 2019.¹⁰

In May 2021 the Bar Council of Ireland released a joint statement with the Bar Council of England and Wales, the Bar Council of Northern Ireland and the Faculty of Advocates of Scotland in which they warned against the widespread instruction of remote video hearings and that it is suitable “only for short uncontroversial or procedural business.” Among the disadvantages cited by the barristers were less effective hearings because of less satisfactory judicial interaction. They outlined how managing witnesses, especially in cross-examination was also less satisfactory if done remotely and could have an adverse impact on the quality of the evidence given. The Joint Statement also argued that remote hearings delivered a “markedly inferior experience,” and that the benefits of human interaction in physical hearings could not be ignored. A key concern was the need to protect the diverse needs of clients and safeguard their participation: “By its nature, a remote and automated system will only degrade the valuable interaction that should be at the heart of meaningful and open access to justice.”¹¹

At the time of the inspection, two rooms were designated for remote court hearings in Portlaoise Prison. One of these rooms was occupied at the time of observation. The other room could be described as very warm, and contained one desk; two chairs and a large television. This room also facilitated consultations with psychology, as well as private consultations between prisoners and their legal representatives. While video calls were pre-set at 20 minutes duration, prisoners were provided with unlimited time when video conferencing with their legal team. There was a transparent window on the door of the room. Prison officers sat directly outside the door.

The video link in Portlaoise Prison provided access to all court proceedings, including the Special Criminal Court. The Inspection Team observed there were no hand sanitiser or disinfectant wipes available in the video-link room. This was brought to the attention of Senior Management at the inspection Closeout Meeting, who confirmed the issue would be immediately addressed. In a post-inspection call, Senior Management reported that hand sanitisers and disinfectant wipes had been placed in the video link rooms.

In a pre-inspection call with Senior Management on 4 March 2021, the Inspectorate was informed that prisoners in quarantine or isolation were not able to physically attend court. In these situations, medical certificates were issued and sent into the relevant court, and new court dates were then issued. Prisoners who attended court via video-link were facilitated following consultation with the GP, and PPE was applied where necessary. There were ten court appearances made via video-link in Portlaoise Prison on 13 April 2021, which was reported as a large number by normal standards.

¹⁰ EuroPris, Videolink-Maximising Resources for Service Delivery, M O’ Mahoney, Europris, 11 November 2020 cited in Penal Reform International (2021) *Global Prison Trends 2021*, <https://cdn.penalreform.org/wp-content/uploads/2021/05/Global-prison-trends-2021.pdf>

¹¹ The Bar Council, Four Bars statement on the administration of justice post-pandemic, <https://www.barcouncil.org.uk/resource/four-bars-statement-on-the-administration-of-justice-post-pandemic.html>

2.4.3 Outcomes

At the time of inspection there were a number of prisoners accessing legal representation and legal documentation by way of an Irish Prison Service secure laptop. Approved documents were uploaded onto the laptop and made available to the prisoner. The laptop allowed for the creation of documents, however, documents could not be easily shared with legal counsel as there was no email or printing functionality, and no access to a USB key. The inability to print or send documents was described by one prisoner as “a disaster” in preparation for legal proceedings. The Inspection Team was informed by both prison management and prisoners, that proactive steps were being taken to address these challenges.

Following the on-site inspection, the Inspectorate was provided with email evidence illustrating ongoing and continuous communications between Portlaoise Prison Senior Management; Portlaoise Prison School; Irish Prison Service IT support and the Irish Prison Service Care & Rehabilitation Directorate to address this issue. Notwithstanding the above issues, the Inspectorate welcomes the initiative to allow access to legal documentation by way of laptop. It is the view of the Inspectorate that access to, and participation in, one’s own legal defence through this initiative is worthy of consideration for replication across the prison estate in order to ensure the right to a fair trial.

Video link court access has assisted in ensuring timely access to the courts for many prisoners. However, the Inspectorate has concerns about the suitability of this mechanism to facilitate access to courts. Remote court hearings may result in access to justice issues for prisoners.¹² Research on video link court access has shown that these experiences diminish prisoners’ opportunities for engagement with and expressive participation in legal procedure.¹³ The impact of remote court hearings on sentencing outcomes is not yet fully known, although research findings indicate that virtual court cases may produce extra custodial sentences and fewer community sentences.¹⁴ The potential lack of effective participation in video-proceedings is also evidenced by research which found that defendants participating via video-link were more likely to be unrepresented resulting in the individual being unable to navigate the proceedings.¹⁵ These findings are important to consider in the context of a person’s right to a fair trial.

2.4.4 Recommendation

Recommendation 5: Taking into consideration Article 6 of the ECHR and Article 14 (3) of the ICCPR, the Irish Prison Service should continuously monitor and engage with persons in custody on the impact of remote court hearings.

2.5 Other Issues

In the process of inspecting Portlaoise Prison, the Inspection Team made a number of observations that warrant inclusion in this inspection report.

¹² Written Evidence submitted by the Equality and Human Rights Commission, <http://data.parliament.uk/writtenevidence/committeeevidence.svc/evidencedocument/public-account-committee/transforming-courts-and-tribunals-progress-review/written/106341.html>

¹³ C. McKay, “Videolinks from Prison: Court ‘Appearance’ within Carceral Space” (2018) 14(2) *Law, Culture and the Humanities*.

¹⁴ Ministry of Justice (2010) Virtual Court Pilot Outcome Evaluation, https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/193633/virtual-courts-pilot-outcome-evaluation.pdf

¹⁵ P. Gibbs (2017) “Defendants on video-conveyor belt justice or revolution in access?” <https://www.transformjustice.org.uk/wp-content/uploads/2017/10/Disconnected-Thumbnail-2.pdf>

*Slopping out*¹⁶

The Inspection Team noted that prisoners accommodated on E Block continue to slop out. Prisoners did not raise this issue with the Inspection Team. However, the practice of slopping out in Portlaoise Prison has been a long standing issue, and is of concern to the Inspectorate.

In the most recent CPT¹⁷ visit to Ireland, the Committee recommended that Ireland “eradicate ‘slopping out’ completely from the Irish prison system.” The Government response stated that “the Irish Prison Service will advance options for the ending of slopping out in Portlaoise Prison. The delivery of this project will be subject to operational and resource considerations.” In the response to the CPT, the State committed to an examination of this issue:

A feasibility study on the options to improve cellular accommodation including the provision of in-cell sanitation at E block, in Portlaoise Prison, is in the course of preparation (...) When completed, a decision will be taken on the most practical and feasible solution for the provision of in-cell sanitation having regard to the age and fabric of E block which dates back to the 1800s.¹⁸

Criticism by international human rights bodies of this practice is not new. Under Article 16 (prevention of cruel, inhuman or degrading treatment) of the Convention Against Torture, the UN Committee in its Concluding Observations (2017) to Ireland, recommended that the State should “modernize Limerick prison and ‘Block E’ of Portlaoise Prison to eliminate the slopping out system completely.”

The CPT has stated: “Today no prisoner in Europe should be obliged to ‘slop out,’ a practice that is degrading both for the prisoners and for the staff members who have to supervise such as procedure.”¹⁹

The inspection of Portlaoise Prison in 2006 conducted by the Office of the Inspector of Prisons²⁰ reported that the “the process of slopping out is unhygienic and degrading.” The Irish Prison Service has recognised the need to eliminate the practice of slopping out in both its previous and current IPS Strategic Plans.²¹

2.5.1 Recommendation

Recommendation 6: In line with international human rights obligations, and as committed to in the Irish Prison Service Strategic Plan, the Irish Prison Service should actively progress plans to eliminate the practice of slopping out in E block of Portlaoise Prison.

¹⁶ “Slopping out” is a term used to refer to the practice of using a chamber pot while locked in the cell because there is no flush toilet in the cell.

¹⁷ CPT Report to the Government of Ireland on the visit to Ireland carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 23 September to 4 October 2019. Available at: <https://rm.coe.int/1680a078cfxfdata>.

¹⁸ Response of the Government of Ireland to the report of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) on its visit to Ireland from 23 September to 4 October 2019, CPT/Inf (2020) 38, 25.

¹⁹ CPT ‘Living space per prisoner in prison establishments: CPT standards’ accessed here: <https://rm.coe.int/16806cc449>

²⁰ Irish Prisons Inspectorate Portlaoise Prison 6th- 10th November 2006. Accessed here: <http://www.justice.ie/en/JELR/Portlaoise%20Report%20pdf.pdf/Files/Portlaoise%20Report%20pdf.pdf>

²¹ Irish Prison Service Strategic Plan 2019 – 2022. Accessed here: https://www.irishprisons.ie/wp-content/uploads/documents_pdf/Document-5_IPS-Strategy-2019_2022.pdf

3 SAFETY & SECURITY

3.1 Impact of Staff Absences

Based on information provided by Portlaoise Prison Senior Management to the Inspection Team, staff absences due to COVID-19 have been consistently minimal.

3.1.1 Compliance

The Revised European Prison Rules, Rule 83(a), requires that prison authorities ensure prisons are adequately staffed at all times in order to maintain a safe and secure environment and to meet requirements of national and international law. Rule 83(b) states that the prison authorities should introduce a system of organisation and management that are capable of withstanding operational emergencies and returning to ordinary standards at the earliest opportunity. Rule 83(c) states that prison authorities should “facilitate proper co-ordination of all departments, both inside and outside the prison, that provide services for prisoners, in particular with respect to the care and reintegration of prisoners.”

With specific reference to the situation of COVID-19, the March 2020 CPT Principles provide that staff availability be reinforced and that staff should receive professional support (Principle 3).

The UN Common Position on Incarceration (2021) states that staff are the most valuable resource in the prison system:

An enhanced investment in the most important resource of the prison system, namely, its personnel, is crucial in this regard. Supporting an ethos and self-perception among prison officers, including senior management that they are not merely guards or wardens, but rather agents for change, can help to harmonize the legitimate security requirements with those of rehabilitation and reform.²²

3.1.2 Environment

At the time of inspection, COVID-19 related attendance and non-attendance for duty was set out through the *COVID-19 Staff Notification 1st March 2021 - Attendance for duty and self-isolation*. This document provided guidance for prison management with respect to COVID-19 related attendance and non-attendance. The document set out guidance on situations which included: employees who were confirmed cases; close contacts; symptomatic persons; employees living with someone impacted by COVID-19 and employees who had travelled.

When staff absences occur the Portlaoise Prison Regime Management Plan (RMP) is directly impacted. The Regime Management Plan, which is unique to each prison and agreed upon by the Prison Service and the Prison Officer’s Association, sets out posts of priority to be covered in a prison to ensure the security of the prison, safety of the staff and the safe custody of prisoners. The RMP outlines the priority of posts and services, and determines how and when officers need to be redeployed to provide escorts and cover other posts. The RMP reacts to all types of staff absences including annual leave, sick leave, and COVID-19 related leave. Staff identified as close contacts were tested for COVID-19 in line with the practice in the community.

²² United Nations (2021) *United Nations System Common Position on Incarceration*, https://www.unodc.org/res/justice-and-prison-reform/nelsonmandelarules-GoF/UN_System_Common_Position_on_Incarceration.pdf

In response to COVID-19, a number of posts had been reassigned in the prison. For example, a full time team was assigned to COVID-19 contact tracing and testing. Prison management also assigned two officers to facilitate the coordination and dissemination of education materials throughout Level 5 restrictions.

In a pre-onsite inspection call on 13 April 2021, Senior Management stated there were certain activities in operation, such as the gym and the sports hall on C Block; however, other areas such as surgery had been impacted due to staffing resources. The Team was informed that prison staff facilitate movement of prisoners to and from the surgery; when there is a shortage of staff to facilitate movement of prisoners to the surgery this has a direct impact on access to healthcare.

At the time of Inspection, it was reported that staff absences did not adversely impact on the prison regime. However, it should be noted that the regime in Portlaoise Prison changed under COVID-19 restrictions (Section 4.3.3).

3.1.3 Outcomes

Secure operations and management of the prison is the focus of the RMP, with prisoner rehabilitation services often bearing the brunt of staff absences and redeployment. However, at the time of inspection, the Inspectorate welcomed the dedicated posting of the Integrated Sentence Management (ISM) Officer (Section 6.1), and noted that this posting was not reduced at any time due to COVID-19 related restrictions. The Inspectorate also welcomed the continuous provision of the Chaplaincy Service (Section 2.3) and the dedicated posting of the school officers during Level 5 restrictions (Section 5.2). The Team was informed that by ensuring consistent staffing for school posts, education was provided remotely over the duration of COVID-19 restrictions.

3.2 Social Distancing

In April 2020, the Irish Prison Service Staff Newsletter, “COVID-19: What It Means for Prison Staff” focused on the need for staff to enforce social distancing. The Newsletter suggested the following “practical ways of social distancing”:

- Avoid the canteen if you cannot sit 2 meters apart from others
- Avoid crowded rooms / busy areas particularly at popular times e.g. locker rooms
- In an office environment, re-arrange the furniture so you don’t directly face others
- Drive your own car to work
- Smoke on your own or stop smoking
- Politely ask others not to invade your space

Despite the Irish Prison Service’s efforts to implement social distancing in prisons, prisons are a difficult context in which to physically distance. Prisons are often overcrowded, poorly ventilated, and with limited space and resources, prisoners must share phones, showers and common areas.²³ Similarly, staff may share small offices and locker rooms, and eat in common areas. While social distancing is recognised as the most effective way to prevent transmission of COVID-19, it is not practicable at all times in the prison context; additional measures such as proper use of PPE and improved sanitation and hygiene practices are needed.

²³ S. A., Kinner, et al. “Prisons and Custodial Settings are Part of a Comprehensive Response to COVID-19” (2020) 5 *Lancet Public Health*, e188-189.

3.2.1 Compliance

Given that it is not always possible to social distance in prison settings, the World Health Organization recommends the continuous use of a medical mask for prison staff when making contact with detainees at distances of less than one metre, during security and health checks, and during transfer of COVID-19 cases to other prisons or hospitals. WHO guidance on management of masks²⁴ includes the following:

- Perform hand hygiene before putting on the mask.
- Inspect the mask for tears or holes, and do not use a damaged mask.
- Place the mask carefully, ensuring it covers the mouth and nose, adjust to the nose bridge, and tie it securely to minimize any gaps between the face and the mask. If using ear loops, ensure these do not cross over as this widens the gap between the face and the mask.
- Avoid touching the mask while wearing it. If the mask is accidentally touched, perform hand hygiene.
- Remove the mask using the appropriate technique – untie it from behind, avoiding touching the front of the mask.
- Replace the mask as soon as it becomes damp with a new clean, dry mask.
- Either discard the mask or place it in a clean plastic re-sealable bag where it is kept until it can be washed and cleaned. Do not store the mask around the arm or wrist or pull it down to rest around the chin or neck.
- Perform hand hygiene immediately after discarding a mask.
- Do not reuse single-use mask.
- Discard single-use masks after each use and properly dispose of them immediately upon removal.
- Do not remove the mask to speak.
- Do not share your mask with others.

In terms of hand hygiene and the need to prevent the spread of COVID-19, the Health Service Executive in conjunction with the WHO and the Center for Disease Control and Prevention²⁵ recommends the following etiquette to be observed:

1. Wet your hands with warm water and apply soap.
2. Rub your hands together palm to palm until the soap forms a lather.
3. Rub the back of one hand with your palm and fingers spread so you wash between fingers. Repeat with the other hand.
4. Interlock the top of your hands and rub your fingertips - this cleans your fingertips and knuckles.
5. Then finally grasp your thumb tightly and twist to make sure your thumbs are cleaned. Repeat with the other hand.
6. This should take at least 20 seconds.
7. Rinse your hands under running water.
8. Dry your hands with a clean towel or paper towel.

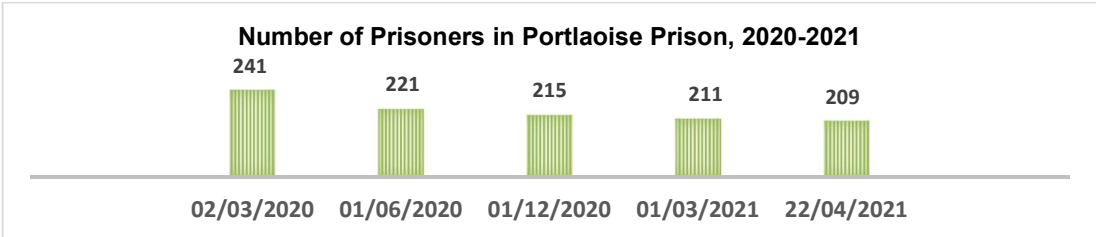
²⁴ World Health Organization, "Preparedness, Prevention and Control of COVID-19 in Prisons and Other Places of Detention Interim Guidance" (8 February 2021) 25-27.

²⁵ Center for Disease Control and Prevention, "Show Me the Science - How to Wash Your Hands" (9 December 2020) and can be accessed here (<https://www.cdc.gov/handwashing/show-me-the-science-handwashing.html>)

3.2.2 Environment

Since the start of the pandemic, the population of prisoners in Portlaoise Prison has decreased, with a total reduction of 13.3% from between 2 March 2020 and the first date of the inspection, 22 April 2021 (Figure 1).²⁶

Figure 4: Prisoner Numbers in Portlaoise Prison, 2020-2021



Reduction in prison numbers helps to reduce the number of people cell-sharing, which in turn minimises the risk of COVID-19 transmission and enables prisoners to practice social distancing. The Inspectorate welcomes the overall reduction of the numbers of people in Portlaoise Prison, and encourages continuation of this trend.

On the day of inspection COVID-19 signage was evident throughout the prison, with the exception of the reception room in A Block. The Inspection Team also failed to observe any signage to indicate a maximum occupancy to facilitate social distancing in the A Block Class Office. The Inspection Team observed maximum occupancy signage on the doors throughout the school rooms and training rooms. The Team noted that COVID-19 related signage on the walls of the prison was at times crumpled and held up by masking tape. The Team was informed that a new project had commenced to frame and streamline the signage throughout the prison (Section 5.2).

Social distancing was not practiced by prisoners in Portlaoise Prison. However, staff were required to social distance, and on observation this was being practiced to a satisfactory level. Over the course of the on-site inspection, the Team observed hand sanitiser dispensers were filled and strategically placed across the prison. Social distancing markings were visible on the floor and walls throughout the prison (Section 2.1). On units 4 and 5 and A block (quarantine and isolation units), PPE for staff and PPE disposal bins were readily available. There were posters displayed throughout the prison reinforcing the importance of social distancing, hand hygiene, and respiratory etiquette.

A guidance note provided to the Inspection Team outlined principles for how the revised Regime Management Plan should be structured to address social distancing. These included: staggering of unlock times; restricting access to outdoor areas; staggering staff breaks; and restriction in staff crossovers on landings.

The Standard Operating Procedure (SOP) *Portlaoise Prison Operation of PODS system in A Block SOP No. 01/21* originally drafted 22 January 2020 and revised 9 April 2021 set out the staggered regimes for A Block units with respect to showering, cleaning and yard time. It outlined the most recent weekly pod schedule, which staggered each unit’s yard time in the afternoon each day across a two week schedule.

In cases where staff or prisoners presented as symptomatic or where close contacts were identified, the “contact tracing and testing” team identified any further close contacts. In a call with Senior Management prior to the on-site inspection, the Inspectorate was informed that the prison operated a

²⁶ IPS Statistics, 2020 Prison Population: <https://www.irishprisons.ie/information-centre/statistics-information/2015-daily-prisoner-population/>; IPS Prison Statistics, 2021 Prison Population: <https://www.irishprisons.ie/information-centre/statistics-information/2015-daily-prisoner-population/2021-prison-population/>

full-time dedicated contact tracing and testing team. In the event that a staff member informed the prison they were symptomatic, the tracing and testing team traced that staff member's movements using CCTV camera footage. The Inspection Team was informed that if the symptomatic person had a combined interaction over the day that amounted to 15 minutes or more with another person then that person was deemed to be a close contact and was instructed to undergo COVID-19 testing. Prisoners who were close contacts were placed in precautionary isolation. Over the course of the inspection the Team made three attempts to meet with the tracing and testing team; however, the office was vacant and locked each time.

The Irish Prison Service provided instruction on 20 March 2020 with respect to dress and appearance for prison officers in the management of COVID-19 transmission. This document stated that all male officers were required to be cleanly shaven when reporting for duty. It further stated that "in exceptional cases a male officer may be permitted to report for duty without being cleanly shaven where a doctor's certificate is provided to the HR Governor outlining clear medical reasons for being unable to shave before reporting for duty e.g. a skin condition." This was to ensure a tight seal against the face when wearing an FFP2 mask. In calls with Senior Management prior to the on-site inspection, the Inspectorate was informed that the requirement for male prison staff to be clean shaven had been met with some resistance from a small number of staff. At the time of inspection, surgical masks were worn by all staff observed. Surgical masks were identified as the appropriate mask to wear in the prison, with FFP2 masks being required during a COVID-19 outbreak.

3.2.3 Outcomes

During the two day inspection the Inspection Team observed consistent social distancing signage and posters throughout the prison. For example, the school provided clear information about maximum occupancy for each classroom by placing the maximum occupancy number on each classroom door. However, this information was not observed in other areas of the prison, for instance the A Block unit 1 and 2 Class Office, and the reception room in A Block. The A Block unit 1 and 2 Class Office was observed to be small in size and had four officers in the room at the time the Inspection Team visited. The Team also did not observe visible hand sanitisers in the A Block unit 1 and 2 Class Office.

The reception room in A Block, which was used as a committal area and an area to conduct searches, had hand sanitiser dispensers on the wall. However, there were no social distancing signs; no soap in the toilet area and the electric hand dryer did not work. Senior Management committed to addressing these issues promptly during the Closeout Meeting. In a call on 11 May 2021, Senior Management reported that the reception areas had been cleaned, COVID-19 signage was installed and hand sanitisers were now available.

Staff were observed wearing masks and using hand sanitisers throughout the inspection. All prisoners in the school wore surgical masks, and prisoners had access to masks in their cells and used them during conversations with the Inspection Teams. However, the Team observed that a small number of prisoners wore surgical masks that were dirty and/or torn. Torn surgical masks cease to act as a protective barrier against COVID-19. Whilst the Team did not ascertain the process for the replenishment of surgical masks, the Inspectorate encourages regular replenishment of surgical masks for prisoners.

The Inspection Team observed two prisoners, accompanied by a prison officer, dispensing COVID-19 hygiene products to a landing on C Block. Products included j-cloths; scrubbers; sprays for general cleaning and bottles of pine disinfectant. The prison officer informed the Team that these products were dispensed every two weeks. A small number of prisoners informed the Team that they only received cleaning products monthly and if prisoners ran out of the cleaning products the products were not

always replaced. The Inspectorate welcomes the cleaning pack initiative and encourages Portlaoise Prison to continue consistent and timely distribution of cleaning products

In order to ensure safety and social distancing throughout the prison estate, a reduction in general prisoner population numbers is fundamental. As highlighted by the United Nations in its (2021) Common Position on Incarceration:

The post COVID-19 recovery will provide an important opportunity for criminal justice systems to address their chronic shortcomings and engage in holistic prison reform. Building on the emergency initiatives adopted by Member States which have authorized the release of at least 700,000 prisoners globally, a concerted effort is needed to fully implement these results in a sustainable manner and to urgently rethink the overuse of incarceration.²⁷

3.2.4 Recommendation

Recommendation 7: The Inspectorate recommends that the Irish Prison Service engages with the Department of Justice to maximise all opportunities available for reducing the prison population. The reduction in prison numbers reduces the number of people cell-sharing, minimises the risk of COVID-19 transmission, and enables prisoners to practice social distancing.

²⁷ United Nations (n 22).

4 HEALTH & WELLBEING

4.1 Access to Healthcare

Access to healthcare in Portlaoise Prison over the course of the pandemic has largely mirrored the situation in the general community, with hospital medical appointments and procedures being significantly delayed or cancelled.

4.1.1 Compliance

Underpinning healthcare provision in the prison setting is the Principle of Equivalence. The CPT Standard on Health Care Services in Prisons mandates that “a prison health care service should be able to provide medical treatment and nursing care, as well as appropriate diets, physiotherapy, rehabilitation or any other necessary special facility, in conditions comparable to those enjoyed by patients in the outside community.”²⁸ The Principle of Equivalence operationalises the principle of non-discrimination, as enshrined in the Mandela Rules, Rule 2:

In order for the principle of non-discrimination to be put into practice, prison administrations should take account of the individual needs of people in prison, in particular the most vulnerable. Measures to protect and promote the rights of people in prison with special needs are required and should not be regarded as discriminatory.

The provision of prisoner healthcare is a State responsibility, and therefore prisoners should receive the same standards of healthcare that are available in the general community. This would include an obligation to inform individuals of their infectious disease test results. This ethical obligation to give all relevant information to patients is enshrined in the Medical Council Guidance on Professional Conduct and Ethics.²⁹

According to the Council of Europe, healthcare in prisons should be preventive (e.g., prevention of the spread of transmissible diseases and the promotion of mental health support).³⁰

A key observation made by the UNODC in the post COVID-19 recovery was the need for States to address challenges associated with imprisonment including that coordination between justice and health sectors, should be key to “build back better.”³¹

4.1.2 Environment

At the time of inspection the Irish Prison Service was operating based on its 30th version of the “IPS Risk Assessment for People Presenting to and in Prisons - Clinical Criteria for Prisoner(s) to be Tested.” dated 7 April 2021. The algorithm outlines the criteria as follows:

1. A prisoner with acute respiratory infection - sudden onset of at least one of the following: cough, fever, Shortness of breath (SOB). Consider other aetiology that may explain the clinical presentation. If general population only 1 swab is required on symptom onset. OR

²⁸ CPT Standard on Health Care Services in Prisons (1993) CPT/Inf(93)12-part <https://www.refworld.org/pdfid/4d7882092.pdf>

²⁹ Medical Council, “Professional Conduct and Ethics” <https://www.medicalcouncil.ie/existing-registrants-/professional-conduct-and-ethics>, and <https://www.medicalcouncil.ie/news-and-publications/reports/guide-to-professional-conduct-and-ethics-for-registered-medical-practitioners-amended-.pdf>, 33.5.

³⁰ Council of Europe (2019) *Organisation and Management of Healthcare in Prison*, <https://rm.coe.int/guidelines-organisation-and-management-of-health-care-in-prisons/168093ae69>

³¹ United Nations (n 22).

2. Special consideration should be made for atypical presentations, particularly in our high risk prison population. Vigilance is required for the following: Loss of sense of smell or taste, Fever, Cough, SOB, lethargy, confusion, loss of appetite, unexplained change in baseline condition. In the general population only 1 swab is required on symptom onset. OR
3. A prisoner who has been identified as a close contact of a confirmed case must be tested on Day 0 (Day the index case gets a positive result) AND Day 7 (8 days after last exposure to the index case) -(if day 0 and day 7 are within 24 hours only 1 test is required on Day 7). *All close contacts must remain in isolation for 14 days inclusive even if they return 2 negative results.* OR
4. All new committals (N/C) must be tested on Day 7 (8th day in custody). OR
5. If symptomatic N/C test on day of symptoms onset and Day 7 (if within 24 hours of each other test on Day 7) OR
6. All new committals returning from outside the island of Ireland -Swab Day 1 and Day 10 (remain in isolation 14 days)

Portlaoise Prison had a COVID-19 outbreak in January of 2021. At the time of the outbreak there were 230 prisoners accommodated in Portlaoise Prison, and all prisoners were tested for COVID-19. The testing process included requesting 230 swabs through the *Healthlink system*,³² which were then inputted into the *Swift Queue programme*.³³ This process created a significant amount of pre-test administration for nurses. Information leaflets were created and disseminated to all the cells in the prison to inform the prisoners of the forthcoming mass testing. Tickets for each test were printed and swab kits were prepared. In addition, all PPE for the testing team was prepared.

To carry out the testing, ten staff were broken into three teams across the three blocks of the prison, with all testing completed by 13:00 the same afternoon. The test results were then accessed through *Healthlink* and sent to Senior Management. The Inspection Team was informed that upon receipt of the tests, negative results were given to security staff who in turn informed the prisoner individually. The nursing staff verbally informed prisoners who had a positive test result.

General Healthcare

On the day of inspection, there was one Chief Nurse Officer (CNO) and three nurses working in Portlaoise Prison. The healthcare service in Portlaoise Prison was to be assigned an addiction nurse; however, this placement was not in situ at the time of inspection. Addiction screening was conducted by Merchants Quay Ireland (MQI) staff. Dental healthcare in the prison was provided one morning each week by one dentist and one dental nurse. The dentist was contracted in for the weekly clinic hours. There was one chiropodist that held a clinic as required and had been in the prison a week prior to the inspection. The prison had a physiotherapist that was brought in by arrangement one afternoon, every two weeks on a Wednesday. There was also an optician that provided a clinic as required.

At the time of inspection, Portlaoise Prison had one psychiatrist assigned to the prison one day a week. The Team was informed that Portlaoise Prison has not had a Community Psychiatric Nurse (CPN) in the prison for the past four years. The position of a Community Psychiatric Nurse in the prison would play a significant role in monitoring the effects of patients' medication and would provide support for patients with mental illnesses. In light of the impact that COVID-19 has had on prisoners, the Inspectorate encourages the re-introduction of a CPN in Portlaoise Prison.

At the time of inspection there were 31 patients registered on the system waiting for dental services, 14 were listed as being in active treatment and 17 were listed as awaiting assessment. When the Team inquired about the length of time on the dental waiting list the CNO discovered that a number of patients

³² Healthlink provide a messaging service that allows patient information to be securely transferred between Hospitals and Medical Practitioners.

³³ SwiftQueue is an online system used by the HSE that allows for appointments to be made online

were listed as waiting for treatment but had in fact already received treatment. Therefore the dental waiting list at the time of inspection was not indicative of the actual waiting list for dental services. The Team was informed that the dentist took care of maintaining his own list. When this was addressed with Senior Management at the Closeout meeting the Team was informed that the dentist would be contacted and notified of the administrative error. Senior Management followed up with the Inspectorate and reported that from 11 May 2021 there were 26 prisoners on the dental list for treatment: nine were in mid-treatment; four of the remaining 17 were presenting with pain.

At the time of inspection there were 12 patients on the waiting list for the optician. There were no waiting lists for the chiropodist, the physiotherapist or the GP. At the beginning of the pandemic the GP conducted consultations with the prisoners on the landings via video-link. In-person consultation had resumed at the time of inspection.

The Inspectorate was informed that the GP had spent 12 weeks prior to the inspection providing services to both Castlerea and Portlaoise prisons. The GP was dividing his time throughout the week to cover both, creating a situation that was described as “fire-fighting in both prisons.” The Inspectorate understands that following a recent recruitment competition the Portlaoise Prison locum GP is on track to be made permanent. The Inspectorate would encourage this process to be expedited, which would support the continuity of GP services for patients in Portlaoise Prison who have been engaging with the locum GP for the last number of years. The Inspectorate also understands that the locum GP has been approved by IPS Headquarters for an IPS issued laptop. At the time of inspection the GP was awaiting delivery of same. The Team understand that access to an IPS issued laptop would aid the renewal of prescriptions which the Team understand would benefit the prison. The Inspectorate welcomes this initiative and would encourage the IPS to further provide the locum GP with an IPS phone to facilitate out of hours contact with the prison.

The Inspectorate did not encounter any issues from prisoners regarding the standard of healthcare in Portlaoise Prison. In addition, the Inspectorate did not encounter any issues from prisoners with respect to waiting times for health services.

The Inspectorate however, noted varying views regarding the use and governance in relation to the use of Special Observation Cells (SOC) for prisoners. Special Observation Cells are certified under Rule 18 of the Prison Rules 2007-2020 and are only to be used when a prisoner poses an immediate threat of serious harm to self and/or others arising from a healthcare condition. It is the view of the Inspectorate that the use of Special Observation Cells must, when used, be in compliance with Rule 64 Prison Rules 2007-2020.

4.1.3 Outcomes

Limitations in relation to healthcare access due to prison staff resourcing was identified by a number of healthcare staff as a problem. The Team was informed that the prison surgery should have an allocation of one officer (08:00 – 17:00) for surgery needs with an allocation of an additional officer for when a clinician is in surgery. This was compensated for by a healthcare staff member visiting the prisoners on the landings when they were unable to attend the surgery.

The efforts taken by the Irish Prison Service to develop effective COVID-19 testing strategies are commendable, and have proven to be effective.

As of 20 April 2021, two days prior to the Portlaoise Prison on-site Inspection, Ireland had administered 1,240,965 doses of COVID-19 vaccinations across the State; 878,823 people had received their first

dose and 362,142 people had received their second dose.³⁴ At the time of inspection, two prisoners in Portlaoise Prison had received their COVID-19 vaccination. The Inspectorate was informed by Senior Management that there were a number of prisoners within the eligible community age group for vaccination who had not received the COVID-19 vaccination. Prisoners informed the Team that there was no indication or information provided as to when prisoners eligible for vaccination would be vaccinated.

During the period of on-site inspection people in their early to mid-60s and over were eligible for the COVID-19 vaccine. The vaccination numbers for people in custody in Portlaoise Prison as of 24 April 2021, were as follows:

Table 3: Vaccination numbers, by cohort, Portlaoise Prison (24 April 2021)

Cohort 4	Cohort 5	Cohort 6	Cohort 7
3	1	1	30

At the time of writing (end May 2021) the following groups were being vaccinated against COVID-19 within the community:

- people aged 65 years and older who live in long-term care facilities (group 1)
- frontline healthcare workers (group 2)
- people aged 70 and older (group 3)
- people aged 16 to 69 who are at very high risk (group 4)
- people aged 65 to 69, including those at high risk (group 5 and 6)
- people aged 16 to 64 who are at high risk (group 7)
- pregnant women
- registration for people aged 45 and above

The Health Information and Quality Authority (HIQA)³⁵ carried out an evidence synthesis relating to the following policy question posed by the Department of health to inform the work of the National Immunisation Advisory Committee:

Groups at increased risk of COVID-19 due to crowded living and or working conditions may include Travellers, Roma, international protection applicants, homeless, prisoners and those working in food processing plants. Based on the available national and international evidence in relation to the increased risk of infection with COVID-19, and the increased risk of severe disease for COVID-19 (including hospitalisation, ICU admission and death), is the above list complete and appropriate?" HIQA submitted its report on 23 March 2021 and it was published on 31 March 2021. HIQA identified 12 potentially at-risk groups including prisoners and prison staff.

In line with the Principle of Equivalence, people in prison should, at the minimum, be provided with equal provision of healthcare, without discrimination based on grounds of their legal status. The Inspectorate welcomes the Irish Prison Service’s ongoing efforts to lobby the National Public Health Emergency Team (NPHET) for the prioritisation of COVID-19 vaccinations for people living and working in prisons. However, despite such efforts the vaccination of people in prison lags behind similar cohorts living in the general community. The Inspectorate is of the view that it is unacceptable that people

³⁴ Statistics released on gov.ie retrieved 5 May 2021 accessed here: <https://www.gov.ie/en/press-release/01bbf-statement-from-the-national-public-health-emergency-team-thursday-22-april/#>

³⁵ HIQA (2021) Evidence Synthesis for groups in vaccine allocation group nine – those aged 18-64 years living or working in crowded conditions, 12.

currently living and working in prisons were not treated with equivalence to others living and working in congregated settings. The positive obligation on the state to protect the health of persons deprived of their liberty who are in custody in prisons should be afforded greater attention.

The Inspectorate welcomes that, since the on-site inspection and in advance of submission of this report, plans are advanced to provide vaccinations to all prisoners in prisons on a rotational basis. The roll-out of the vaccination programme is being undertaken by the HSE National Ambulance Service with the support of prison service nursing staff. Prisoners in Portlaoise Prison received the first dose of the COVID-19 vaccination on 11 June 2021; 178 prisoners were vaccinated on this date and 28 people declined the vaccine. The second dose of the vaccine was administered on 7 July 2021; 177 prisoners were vaccinated on this date and 30 declined the vaccine.

4.1.4 Recommendations

Recommendation 8: In line with Article 12 of the ICESCR, the CoE principles of preventive health care, and cognisant of principle 4 of the Revised European Prison Rules the Mental Health Team composition should be augmented with provision of community psychiatric nursing as a minimum.

Recommendation 9: In line with practice in the general community, and with the Principle of Equivalence, the IPS should ensure that people in prison are provided with written information about their test results.

OIP Comment: The Inspectorate has recommended in the Mountjoy Prison, Cloverhill Prison, Wheatfield Prison and Limerick Prison COVID-19 Thematic Inspection reports that prisoners should be provided with their COVID-19 test results both verbally and in writing. On all occasions the recommendation was not accepted by the Irish Prison Service, with the justification being that “the implementation of this recommendation would require the manual provision of individualised letters which is not currently feasible from IT and resource perspective.” The Inspectorate remains of the view that all prisoners should be provided with their test results both verbally and in writing.

Recommendation 10: In line with the Principle of Equivalence, prisoners should be provided with equal access to COVID-19 vaccinations as those in the general community. The Inspectorate recommends the Irish Prison Service continue its ongoing efforts to ensure people in prison receive the COVID-19 vaccination in accordance with the Principle of Equivalence and HSE eligibility guidelines.

4.2 Family Contact

Contact with family members and friends is essential to the health and wellbeing of people in prison. As part of the inspection of Portlaoise Prison, the Inspectorate assessed the impact of restrictions on family contact, in particular the loss of in-person visits. The Inspectorate also examined how the Irish Prison Service has compensated for the loss of family contact.

4.2.1 Compliance

In response to the need to prevent transmission of COVID-19 in prisons the Irish Prison Rules 2007-2017 were amended in 2020 to include Rule 36A. Rule 36A places a restriction on implementation of Rules 35 and 36 as a means to prevent the transmission of infectious disease in prisons. Rule 35 includes provisions for ordinary visits whereby convicted adult prisoners are entitled to receive not less than one visit from relatives or friends each week of not less than 30 minutes duration. For unconvicted prisoners, the visit entitlement under Rule 35 is one visit per day from relatives or friends of not less than 15 minutes in duration on each of six days of the week, where practicable, but in any event, on not

less than on each of three days of the week. Rule 36 provides for the regulation of visits, including provisions on the designation and searching of visitors, visits from legal representatives and visits for foreign nationals. The 2020 Amendment to the Rules, under 36A, permit the Director General (36A(1)) or the Governor (subject to any direction from the Director General) (36A(2)) to suspend the entitlement to visits or restrict or modify the entitlement to visits under Rule 35, as regards frequency, duration and arrangements, particularly in relation to the number and age of visitors permitted to make visits, for a specified period or periods. The lack of a sunset clause for the newly added Rule 36A is of concern to the Inspectorate.

Article 8.1 of the European Convention on Human Rights provides that “Everyone has the right to respect for his private and family life, his home and his correspondence.”

Children who have a parent in prison are also independent rights holders. Under Article 9.3 of the UN Convention on the Rights of the Child, it states:

States Parties shall respect the right of the child who is separated from one or both parents to maintain personal relations and direct contact with both parents on a regular basis, except if it is contrary to the child’s best interests.

Rule 58.1 of the Nelson Mandela Rules states that prisoners shall be allowed, under necessary supervision, to communicate with their family and friends at regular intervals by corresponding in writing and using, where available, telecommunication, electronic, digital and other means.

The European Prison Rules 2020, Rule 24.1, provide that prisoners shall be allowed to communicate as often as possible by letter, telephone or other forms of communication with their families, other persons and representatives of outside organisations and to receive visits from these persons. Rule 24.5 states that prison authorities shall assist prisoners in maintaining adequate contact with the outside world and provide them with the appropriate welfare support to do so.

Rule 43 of the Irish Prison Rules 2007-2017 entitles a prisoner to send letters to his or her family or friends, and to receive as many letters as are sent to him or her by his or her family or friends.

Given the restrictions imposed by Rule 36A of the 2020 Amendment to the Prison Rules, there exists an obligation for the Irish Government and the Irish Prison Service to ensure that COVID-19 related restrictions have a legal basis, are necessary, proportionate, respectful and restricted in time (CPT Principle 4).

In May 2021, the CPT published its “minimum decency threshold.” This threshold provides for “regular possibilities to remain in contact with the outside world.”³⁶ The CPT welcomed the increasing availability of in-cell telephones and secure prison mobile phones, as well as internet based solutions to enable prisoners to maintain family contact.

4.2.2 Environment

At the time of the COVID-19 Thematic Inspection in Portlaoise Prison, the country was under Level 5 restrictions. In alignment with restrictions in the general community, the Irish Prison Service ceased all in-person visits to the prison. To compensate for this, the prison implemented 15-minute video calls for prisoners not quarantining or in isolation. These calls were facilitated using phones with a small built-in video screen. As noted by prisoners, the launch of the video calls in Portlaoise Prison had a number of complications, with calls not connecting or dropping out in the early stages of the initiative. Some reports

³⁶ See European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (2021) 30th General Report of the CPT, (see from p.35 onwards) <https://rm.coe.int/1680a25e6b>

from prisoners stated that the rescheduling of a dropped call was contingent on the prison officer managing the video calls that day.

Prisoners' daily call allowance was based on the Incentivised Regimes Scheme, which is explained in more detail in Section 5.1. At the time of inspection over 70% of prisoners were on the Enhanced Level of the Incentivised Regimes Scheme. Under this Enhanced Level, prisoners were allowed two calls (six minutes duration) a day with the option of requesting an additional call on compassionate grounds. A prisoner could request a compassionate call by filling out a request form. Compassionate calls were only granted in limited circumstances such as family emergencies; bereavement; urgent family crises; illnesses or accidents.

Portlaoise Prison facilitated video calls to family members seven days a week. Outlined in the table below is the amount of video calls made by prisoners across the three prison Blocks over three weekends. The time period covered is from the last weekend in March 2021 to the second weekend in April 2021. The numbers on C Block were recorded as significantly higher than either A or E Block as there were significantly more prisoners accommodated in this part of the prison (Section 1.4). The Inspectorate is of the view that access to video calls, especially during COVID-19 restrictions, should be maximised, including access to video calls on the weekends.

Table 4: Number of Video Calls, Portlaoise Prison (across three weekends)

	<u>A block</u>	<u>C block</u>	<u>E block</u>	<u>Total</u>
Saturday 27/3/21	3	19	1	23
Sunday 28/3/21	3	21	2	26
Saturday 3/4/21	1	20	3	24
Sunday 4/4/21	4	23	0	27
Saturday 10/4/21	2	21	2	25
Sunday 11/4/21	5	22	2	29

Prisoners were entitled to send and receive post while in prison. Letters, money and pictures could be sent into the prison. Upon arrival letters were opened, and any money sent in was lodged into prisoner accounts. The post was then set aside for collection by the censor's office, which was tasked with reviewing post before dissemination to prisoners. At the time of inspection, in an effort to prevent the entry of illicit drugs into the prison, all letters and photographs were photocopied. The Inspectorate acknowledges that this measure has been introduced to protect the health and lives of prisoners. However, this measure should always be balanced against the principles of proportionality and necessity taking into account due consideration for a prisoners' right to family life, privacy, and access to justice.

4.2.3 Outcomes

In almost all interactions with prisoners the loss of family visits was raised as a significant issue. One staff member reported that family connections had been significantly strained for the men in prison. Prisoners reported that the loss of family visits had a "knock on effect" on mental health, with some prisoners engaging with the Samaritan's Listener Scheme to provide support.

In the early stages of COVID-19, the Irish Prison Service instated family video calls as a compensatory measure for the restrictions on in-person visits. This compensatory measure was ongoing at the time of inspection. The phones used to make video calls had a screen measuring approximately 7.5cm x 12.5cm (measurement estimated as the Inspection Team was not able to measure the screen during the inspection). This measurement was significantly smaller than the court video-link television

(approximately 24"). One prisoner questioned why family video calls were on a small screen and legal counsel calls were on a much bigger screen: "I need to hear my solicitor, I don't need to see him; I need to see my family."

The Inspectorate is of the view that video calls should not be used in the long-term as a replacement for in-person visits, but rather should complement in-person visits. The loss of in-person visits with family and children and the uncertainty of the return of in-person visits was observed as a source of distress for a number of prisoners:

".. Family relationships took a big hit with this (Pandemic restrictions)."

"I haven't held my kids in a year."

"The fact that you (Inspection Team) can come in and my kids can't."

"The video calls help but it breaks your heart not to hug your child."

"People have lost people since being in here."

A number of prisoners reported to the Team concerns that there was no road map for the return of in-person visitation. Prisoners accommodated on E Block reported that they had stopped engaging with the teaching services until such a time as family visits recommenced. They informed the Team that this was a decision made "on principle." On the 21 May 2021 other members of the Inspectorate met with prisoners on E Block during a visit to the prison. At that time prisoners informed the Inspectorate that the issue of family visits was still ongoing. They requested, at a minimum, a "roadmap" to the return of visits, and understood that it would be liable to change depending on the COVID-19 disease in the community at any given time.

A number of prisoners informed the Inspection Team that there was no significant delay in post being delivered from family members. However, some prisoners raised concerns about their ability to make contact with their families given low literacy levels. For example, one prisoner who spoke with the Team explained the challenge he had with writing letters to family due to his literacy problems. He stated, "I'm concentrating so much on spelling that I just get frustrated." A possible solution was identified by a prisoner who explained that "Dictaphone for Letters" would be of great help for him; this is a Microsoft Word 365 programme that allows speech-to-text. The same prisoner informed the Team that he wanted to write to his family but "all the letters that could have got sent, never got sent" because of his literacy issues. The Inspectorate encourages the Irish Prison Service to consider innovative measures to assist prisoners in maintaining connections with their family members. The Inspectorate reminds the Irish Prison Service of the requirement to accommodate the needs of all prisoners under Section 42 of the Public Sector Duty.

In an effort to uphold Article 2 of the European Convention on Human Rights (Right to Life), the Irish Government has allowed for restrictions to be imposed on ECHR Article 8, both in the general community and for people in prison. While the law allows for this restriction in the context of prisons under Rule 36A of the Irish Prison Rules, the Prison Service has a positive obligation to ensure that the restrictions to the right to private and family life under Article 8 are necessary, proportionate, respectful and restricted in time. To this end, the Prison Service must ensure that people in prison are able to maintain family contact to the greatest extent possible.

At the time of finalising this report, the Inspectorate was informed of the intention to resume in-person visits in Portlaoise Prison on 16 July 2021; this date aligned with the efficacy of the COVID-19 vaccination administered in June/July 2021. The Inspectorate notes that the resumption of visits is subject to ongoing risk assessments that take account of public health advice, the range of Government

restrictions in place and other factors, including the prevailing transmission rate in the community. The Inspectorate welcomes the resumption of visits, while also recognising the impact of safety measures on families and persons in custody, including limitations to one adult and one child for each visit; no physical contact; and a 15-minute duration for in-person visits.

The Inspectorate welcomes the Irish Prison Service's commitment to facilitate both in-person visits and video calls. The Inspectorate also acknowledges that the resumption of visits strategy permits prisoners to select the form of family contact with which they would like to engage.

4.2.4 Recommendation

Recommendation 11: Prisoners should have access to family video link calls post COVID-19. Video calls should remain as an addition following the return of in person visits. In line with Article 8 of the ECHR and Article 9 (3) of the UN CRC, these measures should be maintained as forms of strengthening the right to family contact beyond the COVID-19 pandemic.

Request for Information 1: The Inspector of Prisons requests to be provided with information on the direction given to Portlaoise Prison by the Irish Prison Service to implement S.I. 250 - Prison (Amendment) Rules 2020 - Rule 36A of the Irish Prison Rules.

4.3 Quarantine/Isolation Measures

People placed in quarantine in the prison include: all committals to prison and prisoners returned to custody by An Garda Síochána under a Section 42 warrant. Those placed in isolation include: prisoners who tested positive for the COVID-19 virus; those showing symptoms of the COVID-19 virus, while awaiting test results; those who are close contacts of a person with COVID-19, while awaiting test results; and those who present with a travel history. On the first day of the inspection, the Team was informed there were zero prisoners isolating and five prisoners in quarantine in Portlaoise Prison. On the second day of inspection this had reduced to four prisoners.

4.3.1 Compliance

The CPT Statement of Principles relating to the Treatment of Persons Deprived of their Liberty in the Context of the Coronavirus Disease (COVID-19) pandemic, state:

While it is legitimate and reasonable to suspend non-essential activities, the fundamental rights of detained persons during the pandemic must be fully respected. This includes in particular the right to maintain adequate personal hygiene (including access to hot water and soap) and the right of daily access to the open air (of at least one hour).

In cases of isolation or placement in quarantine of a detained person who is infected or is suspected of being infected by the SARS-CoV-2 virus, the person concerned should be provided with meaningful human contact every day.³⁷

Recent CPT guidance (May 2021) defines a “minimum decency threshold” for prisons which includes that all prisoners should be provided with the means to keep themselves clean including access to a shower (if possible on a daily basis but at a minimum twice a week).³⁸

³⁷ CPT Statement of Principles relating to the Treatment of Persons Deprived of their Liberty in the Context of the Coronavirus Disease (Covid-19) Pandemic (20 March 2020) CPT/Inf(2020)13, <https://rm.coe.int/16809cfa4b>, Principles 6 and 8.

³⁸ CPT (n 36).

In circumstances where prisoners are confined for more than 22 hours a day without meaningful human contact, this is solitary confinement; as defined by the 2020 European Prison Rules (Rule 60.6.a) and Mandela Rules (Rule 44).

While solitary confinement in itself is not a breach of Article 3 of the European Convention on Human Rights (prohibition on torture and inhuman or degrading treatment or punishment),³⁹ the preventive nature of the Inspectorate's work is cause to raise concern about the prolonged use of solitary confinement as a strategy by which to avoid transmission of COVID-19 in the prison context.

4.3.2 Environment

Information on positive cases in Portlaoise Prison was provided to the Inspection Team prior to inspection on 12 April 2021. At that point in time, there had been 29 positive cases amongst staff and three positive cases amongst prisoners since the start of the pandemic. On the first day of inspection there were five prisoners in quarantine. Two prisoners were returned to custody by An Garda Síochána under a Section 42 warrant and three prisoners had been newly committed to prison.

Prisoners sent to Portlaoise Prison on committal; prisoners returned to custody by An Garda Síochána under a Section 42 warrant; prisoners transferred from another prison; prisoners returning from court or hospital and prisoners ready for release were all screened for COVID-19 by the nursing staff. Prisoners on committal and returning to custody by An Garda Síochána under a Section 42 warrant were required to go into quarantine.

Food was delivered to the cell door in Kraft boxes. At the time of inspection, all prisoners in quarantine or medical isolation were accommodated in a single cell. Quarantine prisoners received 30 minutes of fresh air each day and were locked in their cells for the remaining 23.5 hours.

4.3.3 Outcomes

Prisoners subjected to isolation in single cells, as a COVID-19 preventive measure, were held in de facto solitary confinement as they were confined for 23 hours or more each day and had significantly less than two hours of meaningful human contact each day. The Office of the Inspector of Prisons shares the well-documented position that solitary confinement causes psychological harm to people in prison,⁴⁰ regardless of reasoning for its imposition. As such, solitary confinement should not be used as a means to prevent transmission of COVID-19 in prisons; safer alternatives exist, such as community-based alternatives to custody and expansion and further application of early release criteria.⁴¹

During the on-site inspection, a number of prisoners on C Block reported that during the outbreak in January they were locked in their cells for a period of up to 25 days. Prisoners spoke about having no out-of-cell time save for their six minute call during this time. Food and medication were provided to them at the door of their cell. The month of January was reported to be particularly difficult for prisoners with one prisoner stating, "the issue is they don't have an end in sight with this."

A number of prisoners informed the Team that they were given a bottle of fizzy soft drink; a packet of biscuits and one or two puzzles while in quarantine/isolation during the outbreak. This was a well-intended gesture by the prison; however, a small number of prisoners indicated that it did not

³⁹ European Court of Human Rights, "Guide on the Case-law of the European Convention on Human Rights" (December 2020) https://www.echr.coe.int/Documents/Guide_Prisoners_rights_ENG.pdf, 49.

⁴⁰ D. Cloud, et al, "Medical Isolation and Solitary Confinement: Balancing Health and Humanity in US Jails and Prisons During COVID-19" (2020) 35 *Journal of General Internal Medicine*, 2738-2742.

S. A., Kinner, et al, "Prisons and Custodial Settings are Part of a Comprehensive Response to COVID-19" (2020) 5 *Lancet Public Health*, e188-189.

⁴¹ CPT Statement of Principles (n 37), Principle 5.

compensate for the additional restrictions to which they had been subjected. These prisoners reported needing more opportunities for meaningful human contact and out-of-cell time.

The Inspection Team spoke with prisoners and prison staff about the impact of the regime changes during the outbreak. One prisoner who was a listener with the Samaritans Listeners Scheme, explained, “January was very tough.” When discussing the impact of these restrictions on prisoners, one staff member stated, “we’ll be picking up the pieces from that for a long time.”

On the second day of inspection the Inspection Team was provided with a letter from the “Lifer’s Group” in Portlaoise Prison. It outlined a number of issues that the group wished to bring to the attention of the Inspectorate. The Lifers Group stated that due to COVID-19 prisoners’ “mental health has declined drastically (...) Many attempted suicides have gone unreported as fellow prisoners have intervened.” The Lifers Group captured the impact of COVID-19 related restrictions in this statement:

“It’s when the door closes that this hell, that is COVID in prisons, become ever more real, and that is when we succumb to the horrors that is our thoughts.”

4.3.4 Recommendations

Recommendation 12: In line with the European Prison Rules Rule 19.4 and the CPT “Minimum Decency Threshold,” prisoners in quarantine/ isolation must be permitted to shower, if not daily, at least two times in a seven day period.

OIP Comment: This recommendation was partly accepted by the Prison Service in Mountjoy Prison, Cloverhill Prison, Wheatfield Prison and Limerick Prison inspection reports. The IPS explained that because “cells are not equipped with showers and, due to current Infection control restrictions, showering while in quarantine is not feasible due to the high risk it poses to prisoners and staff. The cells do however facilitate in cell sanitation. All prisoners confined to their cell for the purpose of quarantine have access to hot water and soap to maintain adequate hygiene. This is in line with the European Committee for the Prevention of Torture (CPT), Statement of Principles relating to the treatment of persons deprived of their liberty in the context of the Coronavirus disease.” However, the CPT Decency Threshold for Prisons, a document dated May 2021, provides that the minimum decency threshold for showers is on a daily basis, but at least twice a week (if possible).

Recommendation 13: Two hours of meaningful human contact (as defined in section 5.3) must be facilitated each day for people in quarantine/isolation.

OIP Comment: The Inspectorate has recommended in the Mountjoy Prison, Cloverhill Prison, Wheatfield Prison and Limerick Prison COVID-19 Thematic Inspection reports that prisoners in quarantine/isolation be provided with two hours of meaningful human contact each day. On all occasions the recommendation was not accepted by the Irish Prison Service, with the justification being that restrictions on in-person contact are a critical infection control measure. While acknowledging that the University of Essex and Penal Reform International Guidance on meaningful human contact (see Section 5.3.1) requires face-to-face interaction, the recent guidance from the UN Subcommittee on SPT within the context of COVID requires that states “compensate for the social isolation by using any means to improve social and family contact.”⁴² The Inspectorate is of the view that improving possibilities for human contact can be facilitated for people in quarantine/isolation. More human contact can be provided by way of lifting limits on telephone calls and by providing people in quarantine/isolation with tablets to access video calls, education and services. In cases where people are denied meaningful

⁴² SPT Follow-up advice of the Subcommittee to State parties and National Preventive Mechanisms relating to the Coronavirus Disease (COVID-19) Pandemic (June 2021), CAT/OP/12.

human contact for at least two hours a day and also confined for more than 23 hours a day, the result is solitary confinement.

Recommendation 14: Prisoners in quarantine/isolation must have at least one hour in the open air each day.

OIP Comment: The Inspectorate has recommended in the Mountjoy Prison, Cloverhill Prison, Wheatfield Prison and Limerick Prison COVID-19 Thematic Inspection reports that prisoners in quarantine/isolation be provided with access to at least one hour in the open air each day. This recommendation was accepted by the Irish Prison Service with respect to Mountjoy Prison and Cloverhill Prison, but not accepted with respect to Wheatfield Prison and Limerick Prison. The recommendation is being monitored by the Inspectorate.

Recommendation 15: Measures must be taken with urgency to mitigate the detrimental effects of isolation or quarantine, including psychological support during and after quarantine/isolation in order to assist prisoners in coping with the impact of COVID-19 and subsequently imposed restrictive measures.⁴³

OIP Comment: The Inspectorate has recommended in the Mountjoy Prison, Cloverhill Prison, Wheatfield Prison and Limerick Prison COVID-19 Thematic Inspection reports that measures be taken to mitigate the effects of isolation on prisoners. This recommendation has been accepted by the Prison Service on all occasions, with the IPS indicating a roll-out of a COVID outbreak specific mental health protocol. The Inspectorate welcomes this initiative.

⁴³ SPT. Advice of the Subcommittee to States Parties and National Preventive Mechanisms relating to the Coronavirus Disease (COVID-19) Pandemic (April 2020) <https://undocs.org/CAT/OP/10>, 10(g).

5 REHABILITATION & DEVELOPMENT

5.1 Regimes

The Irish Prison Service Prison Framework for Restrictive Measures (7 December 2020) outlines changes to the prison regime in accordance with the general community restriction levels defined under the National Framework for Living with COVID-19. Restrictive measures at each level of the IPS Framework impose varying degrees of change to the prison regime. As part of the COVID-19 Thematic Inspection of Portlaoise Prison, the Inspectorate focused on regime changes made in response to COVID-19 under Level 5 Restrictive Measures.

5.1.1 Compliance

The IPS Framework for Restrictive Measures, dated 7 December 2020,⁴⁴ outlines the following restrictions under Level 5 (not an inclusive list):

Table 5: Level 5 Restrictive Measures

	Level 5 Restrictions
Visits	Suspended
Education	Await NPHET/Government Advice
Work & Training	Open – Protective Measures
TR (for resocialisation, education/work purposes)	No AM/PM or Date to Date
Section 39 Applications	No – except for grave humanitarian reasons
Quadrants	Unlock by landing
Religious Services	Closed – services move online
Catering	** Operating – protective measures
IPS Clinical Services	* Yes
External Clinical Services	Yes on a case by case basis based on clinical need
Restoration of Services***	Yes – all clinical (including MQI and Red Cross), Statutory, Resettlement & Education
<p>* IPS Clinical Services: Dental emergencies only in levels 3-5</p> <p>** No Kraft Boxes to be supplied as we have developed an SOP to disinfect dishes</p> <p>*** As agreed by EPRT sub-group and Governor representatives</p> <p>NB - In the event of a Covid-19 outbreak at prison level, all of the above measures will be reviewed for the prison(s) concerned.</p>	

⁴⁴ The OIP was informed by IPS Headquarters on 12 March 2021 that Version 7 of the IPS Framework for Restrictive Measures was due for review on 19 March 2021. The Inspectorate was informed by the IPS that Version 8 will be provided to the OIP once adopted.

In response to restrictive regimes imposed by prison services to prevent transmission of COVID-19, the CPT Statement of Principles Relating to the Treatment of Persons Deprived of their Liberty in the Context of the Coronavirus Disease (COVID-19) Pandemic indicate:

While it is legitimate and reasonable to suspend nonessential activities, the fundamental rights of detained persons during the pandemic must be fully respected.⁴⁵

Further to this, in its Follow-up Statement⁴⁶ the CPT noted:

Importantly, temporary restrictions imposed to contain the spread of the virus must be lifted as soon as they are no longer required. This relates, in particular, to limitations on arrangements for detained persons to contact the outside world and reductions in the range of activities available to them.

The IPS Framework for Restrictive Measures permits Governors to determine restoration of services, and aligns access to education with NPHEC guidance for the general community.

Ireland ratified and is obliged under Article 10 (3) of the International Covenant on Civil and Political Rights (ICCPR) to provide rehabilitation for prisoners:

The penitentiary system shall comprise treatment of prisoners the essential aim of which shall be their reformation and social rehabilitation.

It is essential that the purpose of imprisonment is balanced proportionately with the risk of COVID-19 transmission. As outlined under the UN Mandela Rules (Rule 4, 1):

The purposes of a sentence of imprisonment or similar measures deprivative of a person's liberty are primarily to protect society against crime and to reduce recidivism. Those purposes can be achieved only if the period of imprisonment is used to ensure, so far as possible, the reintegration of such persons into society upon release so that they can lead a law-abiding and self-supporting life.

The CPT (2021) stated: "A satisfactory programme of purposeful activities (work, education, sport, training, etc.) is of crucial importance for the well-being of prisoners."⁴⁷

Furthermore, the UN (2021) has recognised the importance of advancing rehabilitation and social re-integration:

In line with the Nelson Mandela Rules, the United Nations System will promote a rehabilitative approach to prison management that fosters the willingness and ability of prisoners to lead law-abiding and self-supporting lives upon release, and that is embedded in a decent, safe and healthy prison environment and the positive engagement of officers with prisoners."⁴⁸

5.1.2 Environment

Portlaoise Prison is the only high-security prison in the country. The Inspectorate is cognisant of security matters in the preparation of this report, therefore illustrative examples are used without reference to the specific location within the prison complex. Portlaoise Prison accommodates a range of prisoners

⁴⁵ CPT Statement of Principles (n 37) Principle 7.

⁴⁶ CPT Follow-up Statement regarding the Situation of Persons Deprived of their Liberty in the Context of the Ongoing COVID-19 Pandemic CPT/Inf (2020) 21 (9 July 2020).

⁴⁷ CPT (n 36).

⁴⁸ UN (n 22).

(general, protection prisoners and prisoners linked with subversive crime). At the time of inspection, Portlaoise Prison was comprised of three blocks, each one with its own distinctive daily regime.

A Block

At the time of inspection A Block had five landings with eight cells on each landing; 40 cells in total. A-block had access to four exercise yards. There were 23 prisoners in A Block across three landings. Each landing had a communal fridge; toaster; microwave and a grill. There was a communal table on the landings. There was one sluice room and two shower cubicles on the landing with a shower curtain separating the shower from the common unlock area where prisoners spent their time. The landings were equipped with gym equipment such as a treadmill; weights; exercise mats and boxing bags. One landing had a pool table.

C Block

During the inspection there were 164 prisoners in C Block. Cells on C1 and C4 landings were single occupancy, and cells on C2 and C3 landings were double occupancy cells. There was a large gym which was accessible to the prisoners in C Block. It had a basketball court and badminton table. There were also a number of exercise machines; weight benches and treadmills. Groupings to the gym were staggered. Each of the four landings (C1, C2, C3 and C4) were allocated seven slots of one hour per week to the gym. There were four cleaners that sanitized the gym in between group sessions.

E Block

E Block accommodated subversive and politically motivated prisoners. This is the oldest part of the prison and lacks in-cell sanitation. There were four landings on E Block (E1, E2, E3, and E4) at the time of inspection. The Inspection Team observed two showers and two toilets located at the end of E1 landing. During inspection there were 22 prisoners in E Block. There was a kitchen located on E1 landing with fridges and cooking facilities. Prisoners in E Block had access to a phone room; laundry room; “computer room; “administration room;” “music room” and “store room.” There was also access to a wood working area. A horticultural area, including a polytunnel, was available in the exercise yard. The furniture in the yard was hand-made by prisoners.

Incentivised Regimes

The Incentivised Regime Scheme is set out to provide incentives designed to reinforce good behaviour and encourage engagement in structured activities. The policy must be underpinned by principles of fairness, consistency, transparency and natural justice. The Incentivised Regimes Schemes for Portlaoise Prison were examined one year apart to determine if there was a significant change in regime levels before COVID-19 and during COVID-19. Table 6 outlines the difference in both population and what percentage of that population were on Enhanced, Standard and Basic levels.

Table 6: Incentivised Scheme levels - Portlaoise Prison one year apart

Year	Population	Enhanced	Standard	Basic
9/3/2020	204	145 (71%)	45 (22%)	14 (7%)
8/3/2021	189	134 (71%)	49 (26%)	6 (3%)

5.1.3 Outcomes

As a result of COVID-19, face-to-face interventions with prisoners in Portlaoise Prison had been curtailed for over a year. This included group work and one-to-one addiction counselling.

Prisoners in C Block were placed into pods and did not mix between landings to attend the gym. The Team observed prisoners in C Block were allowed to mix with each other on their own landing for a period of time that did not involve going to the gym. E Block prisoners did not report any regime restrictions.

By virtue of their protection status, prisoners in A Block had less access to rehabilitation and development activities across the prison. The Inspectorate acknowledged this is a challenge for the prison. However, every effort must be made to provide opportunities for rehabilitation and sentence progression. This is especially important as the duration of placement in protection for many prisoners is potentially long-term. This issue was addressed at the Closeout Meeting, where Senior Management, stated that limited space and the categorisation of prisoners was a challenge and that continued efforts would be made to progress the issue of disproportionate access to rehabilitative services for prisoners who were under certain categories of protection.

5.2 Access to Education

During the course of inspection, the Inspection Team examined how access to education was facilitated in the prison, and also learned of initiatives and ideas that have great capacity to improve access to education, irrespective of COVID-19 and restrictive measures.

5.2.1 Compliance

The Irish Prison Rules 2007-2020, Rules 27.2, 27.3 and 110 encompass the prison obligation to provide education programmes for prisoners. Education is recognised as an “authorised structured activity” with the objective of reducing the likelihood of reoffending (Rule 27.2). Rule 27.3 mandates that “In so far as is practicable, each convicted prisoner should be engaged in authorised structured activity for a period of not less than five hours on each of five days in each week.” Rule 110 includes the following: that education programmes should meet the needs of prisoners, be designed to encourage participation, and that special attention should be given to prisoners with literacy and numeracy needs.

The Mandela Rules (Rule 104) state that education of young and illiterate prisoners should be compulsory and that, “so far as practicable” the education of prisoners shall be integrated with the educational system of the country so that after their release prisoners may continue their education without difficulty. In addition, the European Prison Rules (Rule 28.1) state that every prison shall seek to provide all prisoners with access to educational programmes that are “as comprehensive as possible and which meet their individual needs while taking into account their aspirations.” Much like the Irish Prison Rules (Rule 110), the European Prison Rules state that persons with literacy and numeracy needs should be prioritised (Rule 28.2). These Rules also echo the Mandela Rules by stating that education and vocational programmes should be integrated with the country’s general system so that prisoners can continue their education and training after release without difficulty (Rule 28.7).

In regards to library access, the Irish Prison Rules require the establishment of a library in each prison (Rule 110.6), to which prisons should be entitled to avail of at least once a week (Rule 110.7). The Mandela Rules (Rule 64) state “Every prison shall have a library for the use of all categories of prisoners, adequately stocked with both recreational and instructional books, and prisoners shall be encouraged to make full use of it.” Rule 28 of the European Prison Rules aligns with these provisions by recommending that “every institution shall have a library for the use of all prisoners, adequately stocked with a wide range of both recreational and educational resources, books and other media.” The European Prison Rules also include a provision that, wherever possible, the prison library should be organised in co-operation with community library services (Rule 28.6).

5.2.2 Environment

At the time of inspection, the school and training classrooms were located in C Block on C2 level. On observation hand sanitiser dispensers were available in the classrooms. There were social distancing markings on the floor and notices on the doors of each classroom stating the maximum occupancy for each room. Senior Management informed the Inspectorate in a pre- on-site inspection call that two prison officers had been assigned to education throughout the pandemic. This was to ensure prisoner education was maintained consistently for prisoners. Teachers came into the prison to coordinate the work and the school officers distributed the materials to students.

The school accommodated a range of structured activities which included yoga; spinning room; fabric workshop; music; upholstery; stone carving; art; woodwork and Home Economics. At the time of inspection, the Inspection Team observed a framing workshop in the prison being used to create COVID-19 signage for the prison. The project had completed between 30 - 50 frames to display COVID-19 signage.

At the time of inspection there was one student studying for his Leaving Certificate and there were eight students enrolled in Open University courses. There was also a “peer to peer” teaching scheme. Under this scheme, prisoners taught other prisoners the basics in subjects such as Home Economics and English reading; approximately five prisoners engaged with the “peer to peer” teaching scheme last year. The Alternatives to Violence Project (AVP) was running through a postal system every six weeks. An Gaisce Awards had been completed and the library was open at all times. At the time of inspection the TV channel was in the process of being implemented.

The school had re-opened two days prior to inspection with a maximum capacity of 10 to 15 prisoners in the school at any one time. Teachers were issuing new timetables for classes at the time of inspection. On observation, all staff and prisoners in the school were wearing surgical masks. To increase occupancy allowance in the computer room prisoners wore FFP2 masks, which provides a tighter seal to the face.

5.2.3 Outcomes

The Inspectorate commends the decision made by Senior Management to continue educational provision to the men in Portlaoise Prison throughout the pandemic. This was achieved through the delivery of educational materials which were organised by the teachers and disseminated by two officers assigned to the school. However, despite efforts made to mitigate the impact of COVID-19 restrictions, reductions in structured activity remained. The Inspection Team was informed of the following activities that were either reduced or removed due to COVID-19:

- Home Economics (cancelled)
- Art (cancelled)
- Red Cross (cancelled)
- Sports injury training (cancelled)
- PE (cancelled)
- One to one tutorials (cancelled)
- The Print Workshop was also closed at the time of inspection due to COVID-19 related illness.
- AVP through correspondence.

Prisoners accommodated on E Block reported they had stopped engaging with teaching services until such a time as family visits recommenced.

There were a number of prisoners who reported not having the same level of access to the school due to their protection status as this restricted their ability to mix with other prisoners. For example, one

prisoner informed reported that he wanted to get his certificates from the school but he only received an average of three hours of school a month; this would take him eight months to get a certificate. The Inspectorate encourages Senior Management to examine how access to the school could be streamlined across the prison to allow prisoners increased access to education. At the time of inspection the new prisoner TV channel was soon to be rolled-out in the prison. The Inspectorate notes initiatives taken in other prisons to enhance blended learning using this TV channel and encourages Portlaoise Prison to develop similar blended learning programmes.

To facilitate prisoners with literacy issues, the Irish Prison Service should explore delivery of education by way of digital tablet. As is now practice in other jurisdictions,⁴⁹ access to education (and other services) can be increased, and made more substantive, through use of digital tablets. Education delivery by way of digital tablets would allow people to pause, take notes, and repeatedly review materials. Learning through increased use of videos, particularly for people with literacy issues, was a solution identified by a prison officer working in Portlaoise Prison.

The Inspectorate encourages the Prison Service to consider the positive implications of acquiring digital technology for use by prisoners, which would enable access to education, as well as more meaningful interactions with other services. The Inspectorate notes that the Irish Prison Service has been developing an in-cell learning strategy to enhance learning from prison cells. This has included the new prisoner TV Channel which facilitates the provision of educational material. The Inspectorate also notes that City of Dublin Education and Training Board (CDETb) have developed audio-visual course materials for the TV channel. This is accompanied by supporting hard copy documentation to facilitate blended learning.

Digital literacy is an important skill for future employment prospects and to reduce re-offending. If digital tablets were to be introduced to deliver education, teachers could reach previously unreachable prisoners, such as prisoners in quarantine and isolation or those who are on protection from others.

The Inspectorate notes the refurbishment plans in place to upgrade Portlaoise Prisons kitchen (Section 2.5). It is the view of the Inspectorate that there exists an opportunity with respect to the *Irish Prison Service-Portlaoise Prison-Catering Facility Feasibility Study* report to embed an education component into the planning of the kitchen. This may provide an opportunity for the Irish Prison Service to link in with a third-level education service provider to allow prisoners to achieve a recognised qualification which would aid them in securing employment upon release from prison. This educational component could serve as an exemplar across the whole estate.

5.2.4 Recommendation

Recommendation 16: To meet the education needs of prisoners (European Prison Rule 28.1), which include facilitating more substantive engagement with education (and other services), the Irish Prison Service should make digital tablets available for prisoner use. These digital tablets could be pre-loaded with education materials.

OIP Comment: The Inspectorate has recommended in the Mountjoy Prison, Cloverhill Prison, Wheatfield Prison and Limerick Prison COVID-19 Thematic Inspection reports that the Irish Prison Service consider ways to provide for more substantive engagement with education (and other services), including use of digital tablets. This recommendation was noted as 'Under Review' on all occasions, with the Prison Service indicating their intention to develop an in-cell blended learning strategy.

⁴⁹ Directorate of Norwegian Correctional Service, "Prevention Measures in European Prisons against COVID-19" (9 November 2020) <https://www.europris.org/directorate-of-norwegian-correctional-service-no/>.

5.3 Access to Exercise/Interactions

Restrictions on meaningful human interaction and exercise were actions taken by the Irish Prison Service to prevent transmission of COVID-19 in Irish Prisons. While recognising the utility of these restrictions, the Inspection Team focused on the impact of these measures on the people in Portlaoise Prison. As noted in Section 4.3, prisoners in quarantine, and especially those in isolation, in Portlaoise Prison experienced significant restrictions as regards exercise and human interaction. However, all prisoners in Portlaoise Prison have experienced a reduction in their access to exercise and interactions.

5.3.1 Compliance

Rule 32 of the Irish Prison Rules mandate that all prisoners not employed in outdoor work or activities are entitled to not less than one hour of exercise in the open air each day, weather permitting. In addition to this, the Rule states that “in so far as is practicable,” all prisoners must be permitted access to the use of indoor space and equipment for physical recreation, exercise or training.” However, the 2020 Amendment to the Irish Prison Rules 2007-2017, Rule 32A provides an amendment to Rule 32, whereby it permits the Director General (32A(1)) or the Governor (32A(2)) “to suspend the entitlement to physical recreation, exercise or training under Rule 32, or to restrict or modify the entitlement to physical recreation, exercise or training under Rule 32, as regards frequency, duration and arrangements, for a specified period or periods.” The lack of a sunset clause for the newly added Rule 32A is of concern to the Inspectorate.

Although the Irish Prison Rules now allow for a restriction on exercise and physical recreation, international standards require that these restrictions be necessary, proportionate, respectful of human dignity and restricted in time. Further, international prison oversight bodies, such as the CPT, have determined that outdoor exercise facilities “should be reasonably spacious and whenever possible offer shelter from inclement weather.”⁵⁰

With regard to meaningful human interactions, the Irish Prison Rules, Rule 27, provides that “subject to any restrictions imposed under and in accordance with Part 3 of the Prisons Act 2007 and Part 4 of these Rules, each prisoner shall be allowed to spend at least two hours out of his or her cell with an opportunity during that time for meaningful human contact. “Meaningful human contact” is defined in Rule 27.4 as “an interaction between a prisoner and another person of sufficient proximity so as to allow both to communicate by way of conversation.”

Despite restrictive measures imposed to prevent COVID-19 transmission, the standard on access to meaningful human contact remains, with the CPT stating in its March 2020 Statement of Principles: “on cases of isolation or placement in quarantine of a detained person who is infected or is suspected of being infected by the SARS-CoV-2 virus, the person concerned should be provided with meaningful human contact every day” (CPT Principle 8). For prisoners separated from the general population of the prison, on any grounds, a denial of two hours of meaningful human contact each day is solitary confinement.

While the Irish Prison Rules 2007-2020 provide a definition of “meaningful human contact”, the University of Essex and Penal Reform International’s *Initial Guidance on the Interpretation and Implementation of the UN Nelson Mandela Rules*⁵¹ provides further substance to this principle as it is:

- provided by prison or external staff, individual prisoners, family, friends or others – or by a combination of these;

⁵⁰ CPT Standards, Revised 2010, <https://www.refworld.org/pdfid/4d7882092.pdf>, 16.

⁵¹ Essex Paper 3 Initial Guidance on the Interpretation and Implementation of the UN Nelson Mandela Rules (2017) <https://rm.coe.int/16806f6f50>.

- human contact that is face to face and direct (without physical barriers) and more than fleeting or incidental, enabling empathetic interpersonal communication;
- contact that must not be limited to those interactions determined by prison routines, the course of (criminal) investigations or medical necessity; and
- direct rather than mediated and continuous rather than abrupt contact, that is an empathetic, sustained and social interaction.

The *Guidance* also states that it does not constitute “meaningful human contact” if prison staff deliver a food tray, mail or medication to the cell door, and it also does not include situations where prisoners are able to shout at each other through cell walls or vents.

While acknowledging that the University of Essex and Penal Reform International Guidance on meaningful human contact requires face-to-face interaction, the recent guidance from the UN Subcommittee on SPT within the context of COVID-19 require that states “compensate for the social isolation by using any means to improve social and family contact.”⁵²

5.3.2 Environment

Given that Portlaoise Prison is comprised of three blocks, each has its own distinctive daily regime and therefore its own distinctive schedule for exercise and interaction with others. Prisoners in quarantine and isolation had the least amount of out-of-cell time; with people in isolation having no out-of-cell time and people in quarantine receiving approximately 30 minutes out-of-cell time each day. In the general regimes, the minimum out-of-cell time for prisoners not on restricted regimes was approximately six hours each day.

Gym equipment was in good condition and the gym timetable allowed for adequate access to exercise. The minimum allowed time for gym access was approximately three to four hours each week. Some landings also had pool tables in the communal area of the landing as well as access to video games.

As noted above (Section 4.3.3), the Inspection Team received reports from prisoners that they had been in prolonged lock-up during the January 2021, with periods of up to 25 days with no out-of-cell time. This means the prisoners did not have access to exercise or fresh air for that period of time. Additionally the level of access to human contact was impeded during this time.

The Inspectorate is in agreement with the CPT, which stated that, “temporary restrictions imposed to contain the spread of the virus must be lifted as soon as they are no longer required. This relates, in particular, to limitations on arrangements for detained persons to contact the outside world and reductions in the range of activities available to them.”

5.3.3 Outcomes

Life sentenced prisoners in Portlaoise Prison have a Lifers’ Group that conducts face-to-face meetings with Senior Management and other relevant prison staff. The Lifers’ Group provided the Inspectorate with a copy of the minutes to three of the Group meetings. The minutes illustrated a record of issues and topics discussed in the meetings, which included: a request to have rehabilitative services present at the meetings to aid sentence management plans; input into food provision to aid health; and additional phone and video calls for life sentenced prisoners.

The Inspectorate welcomed the sight of greenery in one of the E Block yards. Portlaoise Prison should consider efforts to include green spaces in and around all the yards; especially because research shows that even a 10% increase of green spaces can reduce prisoner-on-prisoner assaults, incidents of self-

⁵² SPT Follow-up advice (n 42).

harm and incidents of assault on staff.⁵³ The Inspection Team observed two horticulture areas in the prison that provided working opportunities for prisoners.

5.3.4 Recommendations

Recommendation 17: In line with the requirement to ensure “meaningful human contact,” the Inspectorate recommends that Portlaoise Prison develops and implements measures designed to mitigate the impact of restrictions imposed on prisoner exercise and interactions by Rule 32A of the Irish Prison Rules; this should be done in consultation with prisoners and staff working in the prison.

OIP Comment: The Inspectorate has recommended in both the Mountjoy Prison, Cloverhill Prison and Wheatfield Prison COVID-19 Thematic Inspection reports that measures be taken to mitigate the impact of restrictions imposed on prisoner exercise and interactions. On all occasions the recommendation was not been accepted by the Irish Prison Service, citing the need to restrict prisoner movements as an infection control measure.

Recommendation 18: The Inspectorate recommends that efforts be made to include green spaces in and around the yards.

OIP Comment: The Inspectorate recommended in the Cloverhill Prison and Wheatfield Prison COVID-19 Thematic Inspection reports that the prisons should include green spaces in around the yards; this recommendation was accepted by the Prison Service with respect to Cloverhill Prison and partly accepted with respect to Wheatfield Prison. The IPS indicated that “consideration will be given to enhancing the aesthetics of the prison yards.”

Request for Information 2: The Inspector of Prisons requests to be provided with information on the direction given to Portlaoise Prison by the Irish Prison Service to implement S.I. 250 - Prison (Amendment) Rules 2020 - Rule 32A of the Irish Prison Rules.

⁵³ D. Moran, et al., “Does Nature Contact in Prison Improve Well-Being? Mapping Land Cover to Identify the Effect of Greenspace on Self-Harm and Violence in Prisons in England and Wales” (2021) *Annals of the American Association of Geographers*, published online.

6 RESETTLEMENT

6.1 Release

As part of the COVID-19 Thematic Inspection of Portlaoise Prison, the Inspection Team examined the impact of COVID-19 restrictive measures on programmes designed to prepare people for release from prison.

6.1.1 Compliance

The Irish Prison Service has committed itself to the management of custodial sentences in a way that “encourages and supports prisoners to live law abiding and purposeful lives as valued members of society.” To enable and operationalise this, the Irish Prison Service 2019-2022 Strategic Plan determines to “further develop the integration of prisoner care and support services to deliver more effective rehabilitation to prisoners.”⁵⁴ Alongside this, the IPS and the Probation Service have developed a multi-agency strategy to manage and rehabilitate “offenders” from pre- to post-imprisonment. This strategy involves Integrated Sentence Management (ISM); Community Return; Probation Service case management and post-release supervision; and engagement with the Irish Association for the Social Integration of Offenders (IASIO) Resettlement Service.

The stated aim of this multi-pronged strategic approach is to ensure “that all releases from Irish prisons and places of detention are planned releases to ensure the informed and effective transition of the offender from prison to the community, in compliance with statutory, legal and sentencing provisions.”⁵⁵

The Irish Prison Rules include provisions which place responsibility on the Governor to “assist and encourage prisoners in (...) preparing for reintegration into society after release” (Rule 75(1)(ii)(d), and on the Prison Officer “to contribute to the rehabilitation and reintegration into the community (...) of prisoners” (Rule 85(3)(c)(iv). An Inter-Agency Group was established to implement key recommendations made by the Penal Policy Review Group to support the rehabilitation of offenders and crime prevention.⁵⁶ However, the Group’s last published report was in 2019. Despite this absence in the national legislation, international human rights law and standards place great emphasis on preparation for release.

The Mandela Rules (Rule 87) state:

Before the completion of the sentence, it is desirable that the necessary steps be taken to ensure for the prisoner a gradual return to life in society. This aim may be achieved, depending on the case, by a pre-release regime organized in the same prison or in another appropriate institution, or by release on trial under some kind of supervision which must not be entrusted to the police but should be combined with effective social aid.

Further to this, the 2020 European Prison Rules 33, 103 and 107 recommend, amongst numerous other related provisions, the following:

- All prisoners shall have the benefit of arrangements designed to assist them in returning to free society after release (Rule 33.3);

⁵⁴ IPS, “Irish Prison Service Strategic Plan 2019-2022” https://www.irishprisons.ie/wp-content/uploads/documents_pdf/Irish-Prison-Services-Strategy-2019-2022.pdf.

⁵⁵ IPS, “Resettlement and Reintegration” <https://www.irishprisons.ie/prisoner-services/reintegration/>.

⁵⁶ Annual Report of the Interagency Group for a Fairer and Safer Ireland (2019): http://www.inis.gov.ie/en/JELR/Annual_Report_of_the_Interagency_Group_for_a_Fairer_and_Safer_Ireland_2019.pdf/Files/Annual_Report_of_the_Interagency_Group_for_a_Fairer_and_Safer_Ireland_2019.pdf

- As soon as possible after such admission, reports shall be drawn up for sentenced prisoners about their personal situations, the proposed sentence plans for each of them and the strategy for preparation for their release (Rule 103.2);
- Sentenced prisoners shall be encouraged to participate in drawing up their individual sentence plans (Rule 103.3);
- Such plans shall as far as is practicable include: (a) work; (b) education; (c) other activities; and (d) preparation for release (Rule 103.4);
- Sentenced prisoners shall be assisted in good time prior to release by procedures and special programmes enabling them to make the transition from life in prison to a law-abiding life in the community (Rule 107.1);
- Prison authorities shall work closely with services and agencies that supervise and assist released prisoners to enable all sentenced prisoners to re-establish themselves in the community, in particular with regard to family life and employment (Rule 107.4); and
- Representatives of such social services or agencies shall be afforded all necessary access to the prison and to prisoners to allow them to assist with preparations for release and the planning of after-care programmes (Rule 107.5).

6.1.2 Environment

ISM (Integrated Sentence Management) is a system developed to ensure co-ordination of interactions with prisoners based on agreed sentence plans. The system is designed to allow prisoners to take greater responsibility for their development while in prison. If a prisoner has received a sentence of one year or more they are eligible to be assessed by an ISM officer. The intention of the ISM system is that a plan for the prisoner is created and regularly reviewed. A member of staff stated that the role of ISM is to prepare a “release plan from the day they come in.”

ISM involvement upon committal

At the time of inspection there was one full-time ISM post assigned to Portlaoise Prison. When prisoners first arrived in the prison the ISM officer would meet with them to conduct an initial assessment, which was conducted through an ISM First Contact Assessment Form. Prisoner consent to engage with the ISM was also obtained.

The initial ISM assessment was conducted as soon as possible following committal, unless Senior Management instructed otherwise. The ISM First Contact Assessment Form prompted for the following information to be obtained:

- Consent and withdrawal of consent
- Prisoner information – DoB, address etc.
- Estimated date of release
- Offence and length of sentence
- Committal and remission dates
- Victim information
- Garda view
- Probation information
- Family supports
- Health information, including addiction, psychology, other agencies
- Work - letter or finance needs
- Education – in and outside of prison
- Attitude/ behaviour

ISM involvement during sentence

In relation to involvement during the course of imprisonment, the ISM officer would meet with a prisoner approximately ten times a year, or as often as needed when coming up to release. The Inspection Team was informed that the ISM officer and the Probation Team held monthly review meetings. Additionally, multidisciplinary review meetings, in which all prisoners engaged with ISM were reviewed by the team, were held on a six monthly basis. These multidisciplinary meetings were conducted virtually throughout the duration of the pandemic. The Inspection Team was informed there was no change to the management of ISM during that time.

The Team was provided with a range of leaflets which were distributed by the ISM officer to prisoners. These addressed themes such as how to cope with alcohol and drug addiction; managing depression; handling anger; coping with feelings of guilt; and managing stress. There was also a leaflet that outlined ways to cope with being in prison and addressed questions like what to do when a prisoner first arrives in prison, how “to stay out of trouble” and what to do if a prisoner finds it hard to cope. These leaflets were developed by the Irish Prison Service and the Psychology Service of the Midlands Prison and Portlaoise Prison. In addition, prisoners engaged with ISM were provided with a release pack upon release. The release pack contained post-release information including information on social welfare payments, medical cards and housing.

ISM involvement upon release

The Inspection Team was informed by staff that all prisoners released from Portlaoise Prison were provided with an individualised release pack. This pack was prepared based on the needs identified in the prisoners’ Community Integration Plan (CIP). The Team was informed that the CIP was discussed with the prisoner prior to release. It was also discussed weekly at the multi-disciplinary and pre-release meetings held in the last three months of the prisoner’s sentence, or prior to release on Temporary Release.

The release pack contained all the relevant individualised information, such as any medical appointment letters and links with mental health services; an ID card for social welfare payment; housing location; medical card; work or educational placements or interview appointments and the prisoner’s probation letter. A member of prison staff explained that the level of information contained in the release pack could be “information overload” for some prisoners, and that additional support was provided to people who required further guidance.

6.1.3 Outcomes

As required by the European Prison Rules, the Mandela Rules and the Irish Prison Rules (Section 6.1.1), there is an obligation on the Irish Prison Service and on Portlaoise Prison to ensure prisoners are prepared to re-integrate into society upon their release.

The Inspectorate would like to commend Senior Management in ensuring that the assignment of the ISM officer in Portlaoise Prison was not reduced at any time due to COVID-19 restrictions. The Inspectorate would like to further commend the ISM officer for their work in relation to resettlement.

The Team spoke with a number of prisoners who reported that they had their release needs met. For example, one prisoner reported that his only request for help was in relation to his social welfare payment and that this had been sorted. However, one prisoner reported he was unable to get a treatment centre organised as he “had too little time left” on his sentence.

The issue of transfers being made in the last two months of a sentence, and the impact this has on release planning, was raised as a concern with the Inspection Team. In instances where this occurred challenges could arise with coordinating medical cards, appointments and accommodation.

7 RECOMMENDATIONS & IPS ACTION PLAN

No.	Recommendation	IPS Response	Action Required	Action Owner	Timeline
PLCT1 <i>Prison</i>	In order to ensure effective information provision to all prisoners, in line with Section 42 of the Irish Human Rights and Equality Commission Act, the Inspectorate urges Portlaoise Prison to promptly introduce information dissemination by way of TV channel. The information provided on the channel should be in a language and form that can be understood by prisoners, and may require complementary modes of information dissemination.	Accepted: Portlaoise Prison currently has a prisoner information TV Channel. All pertinent information is included and is updated regularly. Including information on Work Training, Education, Prisoner information, Covid-19, Medical facilities and Services available etc.	Continue to update as required	Prison Management Team	In place and Ongoing
PLCT2 <i>IPS</i>	The Irish Prison Service should provide prisoners with a written copy of the Framework for Living with COVID-19. Prisoners should be consulted, and updated on future plans related to COVID-19 restrictions including, family visits, regimes, and sentence progression as COVID-19 restrictions unfold.	Part accepted: The Irish Prison Service is currently developing a new <i>Framework for the Unwinding of Prison Restrictions</i> which is informed by the recent Government Plan for reopening our society, set out in <i>Resilience and Recovery: The Path Ahead</i> . Information on preventing the spread of Covid-19 and updates on changes to regimes, services, visits, vaccinations etc. are provided in the fortnightly Prisoner Information Newsletters, translated into 8 languages and distributed with the assistance of Red Cross Liaison Officers and volunteers.	Will continue as required.	Care & Rehabilitation Prison management Red Cross	Ongoing
PLCT3 <i>IPS/Prison</i>	In line with the Nelson Mandela Rules, Rule 22 and European Prison Rules, Rule 22.4, the Inspectorate recommends that the scheduling around meal times be amended to ensure meals are served at reasonable intervals and at normal times: breakfast (morning), lunch (midday) and dinner (evening).	Accepted: In 2019, the Irish Prison Service introduced a pilot alteration to the schedule of meal times in Castlereagh and Mountjoy Prison (Progression Unit). The purpose was to examine the impact of providing the main daily meal in the evening. The results of the pilot were positive and the IPS decided, in 2019, to roll out this meal schedule to all prisons. However, the roll out of this initiative has been prevented due to industrial relations issues. The prison day was structured in prisons to take account of the need to open cells on a landing basis due to Level 5 restrictions.	The Irish Prison Service will continue to engage with the staff representative association with regard to the alteration of the existing prisoner meal schedule The Irish Prison Service is currently reintroducing divisional unlock across all prisons as part of the unwinding of restrictions.	Care and Rehabilitation Prison management	Ongoing End June 2021

		Portlaoise Prison has now returned to divisional unlock, resulting in increased out of cell time for Prisoners.			
PLCT4 <i>Prison</i>	The Inspectorate urges the prison to take immediate action to identify and address the cause of the smell of sewage under the kitchen area.	Recommendation is under review: Portlaoise Prison have confirmed that there is currently no odour in the area, the grease trap from the main kitchen that discharges into sewer line was cleaned out recently. As a precautionary measure the Estates Directorate will ensure the sewer lines and chambers around the kitchen basement area are jet washed and inspected in the coming week.		Prison Management / Estates	Week ending 2 nd July 2021
PLCT5 <i>IPS</i>	Taking into consideration Article 6 of the ECHR and Article 14 (3) of the ICCPR, the Irish Prison Service should continuously monitor and engage with prisoners on the impact of remote court hearings.	Part Accepted: <i>The Civil Law and Criminal Law (Miscellaneous Provisions) Act 2020</i> allows for certain type of court hearings to be heard by video link. This includes arraignments, returns for trial, sentencing hearings and certain hearings in relation to surrender proceedings for extradition. While video link is not the default, the Act gives this authority to the Courts allowing them to make certain proceeding of their choosing by default. This authority is vested firstly in the Presidents of the Courts and subsequently in the Judges themselves. The Irish Prison Service and the Courts Service are working to increase the capacity of video link. Infection control measures introduced during Covid-19 have resulted in the widespread use of video link for Court appearances. Approximately 60% of Court appearances are now taking place via video link. The use of video link will allow the Service to redirect vital resources into the provision of prisoner services.	The Irish Prison Service will continue to engage with Court Services as necessary. The Irish Prison Service will continue to explore the use of video link for the provision of other services such as Probation interviews, prisoner case conferences, education and remote learning.	Operations	Reviewed on an ongoing basis
PLCT6 <i>IPS/Prison</i>	In line with international human rights obligations, and as committed to in the Irish Prison Service Strategic Plan, the Irish Prison Service should actively progress plans to eliminate the practice of slopping out in E block of Portlaoise Prison.	Recommendation is under review: Exploratory engineering studies have been undertaken at E block, Portlaoise Prison to assess the options for the provision of in-cell sanitation having regard to the condition of the building, cell size and other factors as well as operational requirements. A scope of works and a design proposal for the construction of a sample cell at E		Prison Management / Estates	Ongoing

		block has been prepared and it is anticipated that work on the sample cell will commence this Summer. The sample cell design is broader in scope than the provision of in-cell sanitation alone and will include other features with a view to modernise the cellular accommodation at E block. The outcome of this process will influence future action and design issues regarding the installation of in- cell sanitation at E block.			
PLCT7 <i>IPS</i>	The Inspectorate recommends that the Irish Prison Service engages with the Department of Justice to maximise all opportunities available for reducing the prison population. The reduction in prison numbers reduces the number of people cell-sharing, minimises the risk of COVID-19 transmission, and enables prisoners to practice social distancing.	<p>Accepted: In March 2020 the Irish Prison Service took decisive action to reduce the prison population to ensure effective infection control measures.</p> <p>It should be noted that, while temporary release is judiciously used to regulate prison numbers, not all prisoners are suitable for temporary release and the overriding concern when deciding on temporary release is public safety.</p> <p>The IPS has completed an assessment of the prison estate to determine a “Covid-19 Capacity” to ensure appropriate infection control measures. The IPS has engaged with the Department of Justice to examine potential solutions to manage the prison population in a way that ensures effective infection control measures.</p> <p>In addition, the Criminal Justice Efficiencies Group has tasked data analysts from across the sector with examining the potential impacts on prison numbers over the next 12 months.</p>	The IPS will continue to review the Prison Population Management Plan and will introduce new measures to address prison overcrowding as necessary.	Operations Directorate	Ongoing
PLCT8 <i>IPS/Prison</i>	In line with Article 12 of the ICESCR, the CoE principles of preventive health care, and cognisant of principle 4 of the Revised European Prison Rules the Mental Health Team composition should be augmented with provision of community psychiatric nursing as a minimum.	<p>Accepted: Community Psychiatric Nurses are part of the In-Reach Mental Health Services provided to the IPS by the National Forensic Mental Health Service. Decisions regarding staffing levels are made by the NFMHS in consultation with IPS. In addition, the IPS is currently finalising a comprehensive Health Needs Assessment across the prison estate. This HNA will consider the health needs of prisoners, including mental health and how best to meet these needs by providing responsive mental health and primary care services. The IPS is also supporting the Mental Health Task Force on Mental Health which is inter alia, reviewing the mental health requirements across prisons. This Task Force involves the IPS and the Departments of Justice and Health as well as the HSE who</p>	HNA to be finalised Ongoing consultation with NFMHS, HSE	C&R, HSE, NFMHS	Ongoing

		provide the National Forensic Mental Health Service to prisons.			
PLCT9 <i>IPS/Prison</i>	In line with practice in the general community, and with the Principle of Equivalence, the IPS should ensure that people in prison are provided with written information about their test results.	Not accepted: The Irish Prison Service has worked closely with the HSE/Public Health on the management of Covid-19 outbreaks in prisons. The completion of mass testing of all prisoners and staff is a huge logistical operation and this is completed twice per outbreak. People in the community are provided with test results via text message, which is not available to people in custody. The implementation of this recommendation would require the manual provision of individualised letters which is not currently feasible from IT and resource perspective.			
PLCT10 <i>IPS</i>	In line with the Principle of Equivalence, prisoners should be provided with equal access to COVID-19 vaccinations as those in the general community. The Inspectorate recommends the Irish Prison Service continue its ongoing efforts to ensure people in prison receive the COVID-19 vaccination in accordance with the Principle of Equivalence and HSE eligibility guidelines.	Accepted: A vaccination programme for those in custody commenced on the 9 th June and is being rolled out on a prison by prison basis. It is envisioned that the programme will be completed by mid-August. The first dose of the vaccine was administered to prisoners in Portlaoise on the 11 th June 2021.		C&R	Ongoing
PLCT11 <i>IPS/Prison</i>	Prisoners should have access to family video link calls post COVID-19. Video calls should remain as an addition following the return of in person visits. In line with Article 8 of the ECHR and Article 9 (3) of the UN CRC, these measures should be maintained as forms of strengthening the right to family contact beyond the COVID-19 pandemic.	Accepted: The IPS intends to retain the use of video visits post Covid-19 as an additional form of family visit.			Complete
PLCT12 <i>IPS/Prison</i>	In line with the European Prison Rules Rule 19.4 and the CPT "Minimum Decency Threshold," prisoners in quarantine/ isolation must be permitted to shower, if not daily, at least two times in a seven day period.	Accepted: Due to the very small number of prisoners in isolation/quarantine in Portlaoise, a shower station with donning/doffing area has been set up to facilitate showers for Prisoners.	The provision of showers during the quarantine period is under active consideration in light of reducing levels of community transmission.	Care and Rehabilitation; Human Resources	Ongoing
PLCT13 <i>IPS/Prison</i>	Two hours of meaningful human contact (as defined in section 5.3) must be facilitated each day for people in quarantine/isolation.	Not accepted: A critical infection control measure introduced by the Irish Prison Service has been the segregation of new committals from the general population for the purposes of quarantine.			

		<p>Prisoners in quarantine have restricted out of cell time, in accordance with Rule 32A of SI 250/2020 Prison Rules 2020.</p> <p>So far 63 prisoners, committed to custody from the community, have tested positive with Covid-19. There have been no prison based Covid-19 outbreaks, as a result of a new committal, due to the infection control measures introduced.</p> <p>All new prisoners are tested on day 1, with a 2nd test completed on day 7. If negative, and not symptomatic, prisoners exit quarantine after 8 days. The majority of quarantine prisoners have not required 14 days isolation.</p> <p>Prisoners in quarantine/isolation are managed in line with IPS national protocols developed by the Emergency Response Planning Team.</p> <p>Prisoners in quarantine/isolation have their door opened on a minimum of 2 occasions per day and are visited by the class officer, the Governor, medical staff, Chaplains.</p> <p>Restrictions on physical contact are necessary for infection control measures. Restrictions are reviewed on an ongoing basis by the Emergency Response Planning Team.</p>			Not accepted
PLCT14 <i>IPS/Prison</i>	Prisoners in quarantine/isolation must have at least one hour in the open air each day.	<p>Not accepted:</p> <p>Prisoners in quarantine have restricted out of cell time, in accordance with Rule 32A of SI 250/2020 Prison Rules 2020.</p> <p>Restrictions are reviewed on an ongoing basis by the Emergency Response Planning Team.</p>			
PLCT15 <i>IPS/Prison</i>	Measures must be taken with urgency to mitigate the detrimental effects of isolation or quarantine, including psychological support during and after quarantine/isolation in order to assist prisoners in coping with the impact of COVID-19 and subsequently imposed restrictive measures.	<p>Accepted:</p> <p>A Covid outbreak-specific mental health protocol has been developed by the IPS Psychology Service. The approach incorporates a three-tiered layered care model which includes preventative, enhanced and acute mental health care interventions. This includes the use of iPads to proactively engage people on significantly restrictive measures, where required. The use of iPads is being piloted in Mountjoy and by the Cloverhill Psychology Service.</p>	The use of tablet computers for video link with psychology is being trialled in Mountjoy and Cloverhill. It will be rolled out across the estate if successful.	Care and Rehabilitation; Psychology Service	

<p>PLCT16 <i>IPS</i></p>	<p>To meet the education needs of prisoners (European Prison Rule 28.1), which include facilitating more substantive engagement with education (and other services), the Irish Prison Service should make digital tablets available for prisoner use. These digital tablets could be pre-loaded with education materials.</p>	<p>Recommendation is under review: The Irish Prison Service is developing an in-cell learning strategy to enhance learning from prison cells. A new prisoner TV Channel has been developed and is being rolled out across the estate. This allows for the broadcasting of local and national information and for the provision of educational material. CDETB have developed a substantial quantity of audio-visual course materials to be viewed on the TV channel and will provide accompanying supporting hard copy documentation to facilitate blended learning. A memorandum of agreement will be prepared to share this with other ETBs.</p>	<p>An in-cell technology plan is being developed to enhance learning capacities for prisoners and increase information and learning for those confined to cell. Care and Rehabilitation Directorate are examining technology solutions to allow prisoners to access educational materials on the education network from within cells.</p>	<p>Care and Rehabilitation</p>	<p>Q4 2021 Q2 2021</p>
<p>PLCT17 <i>IPS/Prison</i></p>	<p>In line with the requirement to ensure “meaningful human contact,” the Inspectorate recommends that Portlaoise Prison develops and implements measures designed to mitigate the impact of restrictions imposed on prisoner exercise and interactions by Rule 32A of the Irish Prison Rules; this should be done in consultation with prisoners and staff working in the prison.</p>	<p>Not Accepted: Similar to the community the Covid-19 infection control measures have resulted in restricted prisoner movements. The IPS accepts that the introduction of enhanced infection control measures has impacted on the regime offered to prisoners on a daily basis and has resulted in reduced out of cell time in many areas. This is a regrettable consequence of the implementation of measures aimed at protecting the health and safety of prisoners. Efforts are already made to ensure that prisoners receive maximum out of cell time whilst restricting contact amongst prisoners. In order to facilitate exercise some prisoners are unlocked on the reserve period which is shorter than other periods. Unlock on the reserve period is rotated amongst landings resulting in a fair distribution of out of cell time amongst groupings. The return to divisional unlock in all prisons with the easing of restrictions has resulted in a return to more normal unlock periods. The current average out of cell time for non-restricted regime prisoners in Portlaoise Prison is 6-10 hours per day.</p>	<p>Prison management will continue to maximise out of cell time for all prisoners The Irish Prison Service is reintroducing divisional unlock in Portlaoise Prison as part of the unwinding of restrictive measures</p>	<p>Prison management</p>	<p>Not accepted End June 2021</p>

<p>PLCT18 <i>Prison</i></p>	<p>The Inspectorate recommends that efforts be made to include green spaces in and around the yards.</p>	<p>Part accepted: Consideration will be given to enhancing the aesthetics of the prison yards.</p> <p>Security considerations will be taken into account when considering any enhancement to the prison yards.</p>	<p>Prison Management; Finance & Estates Directorate</p>		<p>End 2021</p>
<p>PLREQ 1 <i>IPS</i></p>	<p>The Inspector of Prisons requests to be provided with information on the direction given to Portlaoise Prison by the Irish Prison Service to implement S.I. 250 - Prison (Amendment) Rules 2020 - Rule 36A of the Irish Prison Rules.</p>	<p>Information being collated to follow.</p>			
<p>PLREQ 2 <i>IPS</i></p>	<p>The Inspector of Prisons requests to be provided with information on the direction given to Portlaoise Prison by the Irish Prison Service to implement S.I. 250 - Prison (Amendment) Rules 2020 - Rule 32A of the Irish Prison Rules.</p>	<p>Information being collated to follow.</p>			