



OIFIG AN CHIGIRE PRÍOSÚN
OFFICE OF THE INSPECTOR OF PRISONS

COVID-19 Thematic Inspection of Arbour Hill Prison

12 - 13 May 2021

IPS Review: 27 July – 20 August 2021
Submitted to Minister: 3 September 2021

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EXECUTIVE SUMMARY

The Office of the Inspector of Prisons carried out the seventh of twelve COVID-19 Thematic Inspections in Arbour Hill Prison on 12 - 13 May 2021. This inspection examined twelve assessment areas across the Five Inspectorate Focus Areas: Respect & Dignity; Safety & Security; Health & Wellbeing; Rehabilitation & Development; and Resettlement.

Over the course of inspection, Senior Management and prison staff in Arbour Hill Prison were welcoming and fully co-operative with the Inspection Team.

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. This is particularly welcome given that Arbour Hill Prison is characterised by an older prisoner population, many of whom had underlying medical conditions. Arbour Hill had only one outbreak during the pandemic.
- There was a common effort amongst prisoners and staff in the prison to prevent transmission of COVID-19.
- Measures have been taken to mitigate the impact of COVID-19 related restrictions, including the use of video calls and the addition of in-cell activities, such as the distribution of learning materials. Many aspects of the prison regime had also returned, such as access to the gym and school.

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

- Prisoners in quarantine/isolation were denied the right to a shower, and were not provided with sufficient meaningful human contact.
- Solitary confinement was used as a measure to prevent transmission of COVID-19.
- The Integrated Sentence Management programme was not available in the prison.

Overall, the Office of the Inspector of Prisons is concerned that COVID-19 has significantly impacted on the ability of prisoners in Arbour Hill Prison to effectively engage with rehabilitation services. Many prisoners in Arbour Hill Prison expressed feeling discouraged as a result of the curtailment of these services. The Inspectorate urges Arbour Hill Prison to consider, in consultation with prisoners and staff, new proactive initiatives to address the concerns raised in this report.

As part of its 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.

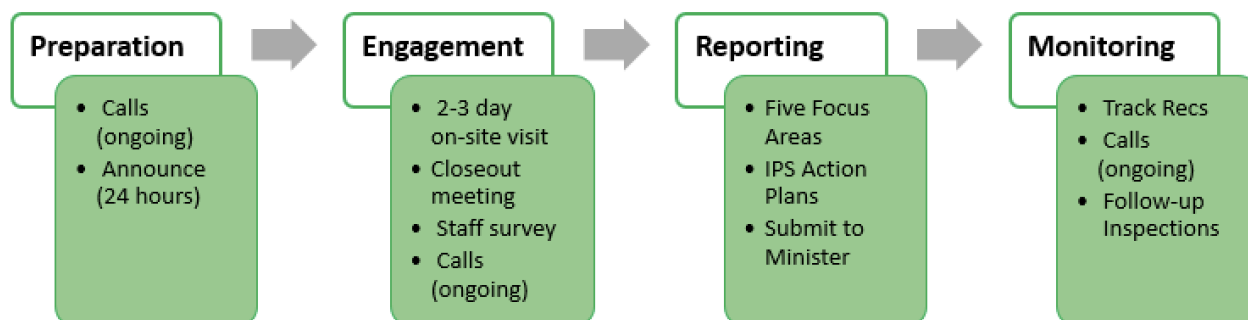
Where any matters are so omitted, a statement to that effect must be attached to the report concerned on its being laid before both Houses of the Oireachtas, and on its publication.

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 Irish Prison Service, 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.

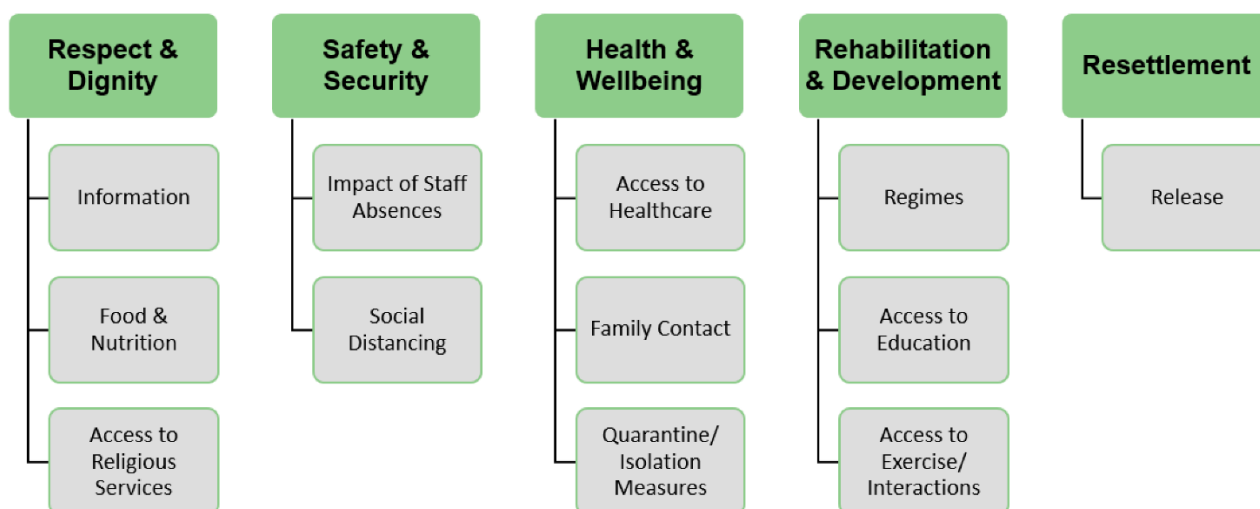
¹ OIP. COVID-19 Call Template, available at: <https://www.oip.ie/wp-content/uploads/2021/05/COVID-Call-Template.pdf>

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>; OIP. COVID-19 Staff Survey infographic: <https://www.oip.ie/wp-content/uploads/2021/08/OIP-COVID-19-Staff-Survey-Initial-Findings-Updated.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

Arbour Hill 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 on-site 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. Two calls were made to Arbour Hill Prison in advance of the inspection on 19 February 2021 and 12 March 2021. A post inspection call was made on 21 June 2021.

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. The information booklets, which are available in Irish, English (NALA Plain English Mark), Cantonese, French, Polish, Romanian, Russian and Spanish, were distributed to prisoners by prison staff in advance of the inspection.⁴ The information booklet is available on the Inspectorate website and has been provided to the IPS for ongoing dissemination.

This Report on the Inspection of Arbour Hill Prison, the seventh of twelve COVID-19 Thematic Inspection reports, provides a human rights-based assessment of the Irish Prison Service 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;

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

- 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 recommendations and determine recommendation Action Plans. The Irish Prison Service Action Plan in response to the COVID-19 Thematic Inspection in Arbour Hill Prison is provided in Section 7. The IPS did not provide review statements in response to the draft COVID-19 Thematic Inspection Report of Arbour Hill Prison.

The on-site inspection of Arbour Hill Prison was carried out over two days. The Inspection Team had full access to all required information in a timely manner. There were no delays in accessing the Prisoner Information Management System (PIMS) database.

The degree of co-operation received in the prison throughout the inspection was very good. The Inspection Team had immediate and open access to Arbour Hill 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 Inspection Team during the inspection. The Inspection Team would also like to thank those in custody and Arbour Hill Prison staff for their engagement. The Inspector of Prisons (Inspectorate) presented preliminary observations to the Senior Management staff of Arbour Hill Prison at a virtual Closeout Meeting on 17 May 2021. The commentary received during this meeting was taken into account in the drafting of the report. The Inspectorate looks forward to ongoing dialogue and engagement with both prisoners and staff in Arbour Hill Prison.

1.3 Composition of the Inspection Team

The on-site Inspection Team for the COVID-19 Thematic Inspection in Arbour Hill Prison comprised of Chief Inspector Ms Patricia Gilheaney, Senior Inspector Dr Ciara O'Connell and Inspector Mr Mark Wolfe. The Inspection Team was supported by office-based Inspectorate Administrative Staff.

1.4 Overview of Arbour Hill Prison

Arbour Hill Prison is a closed, medium security prison for adult males. The prisoner profile is largely comprised of prisoners serving long sentences. The age profile of the population in Arbour Hill Prison is older; for example on day one of the Inspection, 35% of the prison population were aged 61 years or older. The demographic profile of Arbour Hill prison is important to note given the risks associated with COVID-19 in the prison environment (e.g., less opportunities to social/physical distance and sharing of communal spaces).⁵

Arbour Hill Prison accommodated 128 prisoners on the first day of inspection.⁶ The prison has a capacity of 138 prisoners; the prison was at 93% capacity on the first day of the inspection (12 May 2021). Arbour Hill is a transfer prison and does not accommodate persons on remand.

⁵ United Nations (May 2020) *Policy Brief: The Impact of COVID-19 on Older Prisons*. <https://www.ohchr.org/Documents/Issues/OlderPersons/COVID-OlderPersons.pdf>

⁶ Irish Prison Service, (12 May 2021) Prisoner Population https://www.irishprisons.ie/wp-content/uploads/documents_pdf/12-May-2021.pdf

Arbour Hill Prison is comprised of four wings: North, East, South and West, each with two levels. Three of the wings (North, East and West) accommodated prisoners. At the time of inspection, there were no protection prisoners in the prison. As part of its infection control policy, the East One wing accommodated prisoners who were particularly vulnerable to COVID-19. The East One wing had 18 cells: 16 single occupancy and two double cells. At the time of inspection, all East One cells were being used as single cells, meaning a total of 17 prisoners were accommodated on the East One wing. One single cell was a Close Supervision Cell, which was unoccupied at the time of inspection.

Arbour Hill Prison had a combination of single and double occupancy cells. A cell on the North Two wing measured 3.32L x 2.1W x 2.7H (meters), for a total area of 6.97m². A cell on East Two wing, which accommodated two prisoners at the time of inspection, measured 3.28L x 2.18W x 2.67H (meters), for a total area of 7.15m²; the distance between the bed and the toilet in this cell measured 73 cm.

Rule 44 Letters

Rule 44 (1)(H) of the Irish Prison Rules 2007-2020 makes clear that a prisoner is entitled to write to the Inspector of Prisons. During the inspection of Arbour Hill Prison the Inspectorate received three Rule 44 letters. Prison Management was informed of this, however the contents and author of these letters remained confidential to the Inspectorate.

1.5 Immediate Action Notifications (IANs)

The COVID-19 Thematic Inspection of Arbour Hill 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 Arbour Hill Prison, the Inspection Team assessed how prisoners perceived of the Irish Prison Service's effort to provide COVID-19-related information, and to determine if prisoners felt well-informed.

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 National prisoners 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.

The caveats provided for in the Irish Prison Rules 2007 ("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.

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 accessible 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. Rule 54 states 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 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) Pandemic⁷ (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. Persons deprived of liberty should receive comprehensive information, in a language they understand, about any such measures.

The Subcommittee for the Prevention of Torture (2021) in its Follow-up advice to State parties and national preventive mechanisms relating to the coronavirus disease (COVID-19) pandemic urged all States to: “inform all persons deprived of liberty and their relatives, regularly and comprehensively, about the vaccination programme, including its benefits and possible side effects, and ensure that vaccination is voluntary and based on informed consent.”⁸

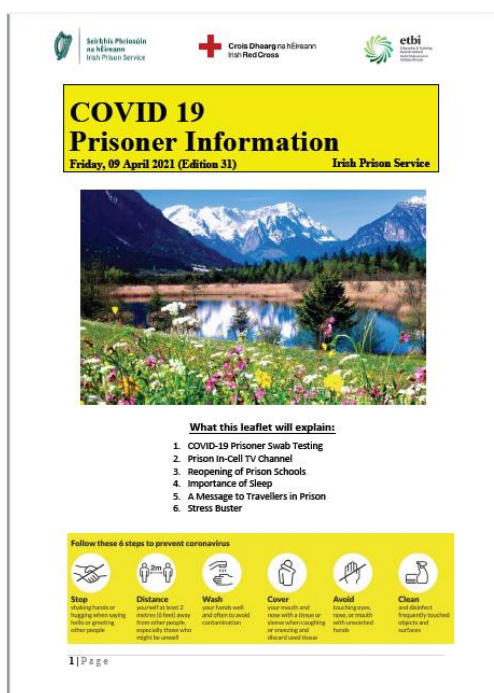
2.1.2 Environment

The Inspection Team observed posters displayed throughout the prison that provided information to prisoners on COVID-19 safety and social distancing measures.

The Irish Prison Service produced weekly newsletters for 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.

Since the emergence of COVID-19, the Irish Prison Service has produced newsletters to share information with prisoners. The Inspectorate was provided with the information newsletters, of which 35 were produced between 20 March 2020 and 15 June 2021. The Inspection Team observed COVID-19 prisoner information newsletter booklets dated 9 April 2021 (Edition 31) available to prisoners in the main area of Arbour Hill Prison (Figure 3).

Figure 3: COVID-19 Prison Information Booklet (9 April 2021)



⁷ 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>.

⁸ Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (SPT), Follow Up Advice of the Sub-Committee to State parties and national preventive mechanisms relating to the coronavirus disease (COVID-19) Pandemic (June 2021), <https://www.ohchr.org/EN/HRBodies/OPCAT/Pages/AdvicesToNPMS.aspx>

The information contained in the Edition 31 booklet included COVID-19 prisoner information on: swab testing, the prison in-cell television channel, re-opening of prison schools, the importance of sleep, a message to Travellers in prison and a stress buster activity.

Across Arbour Hill Prison, the Inspection Team observed complaint submission boxes accompanied by complaint forms. The Team also observed Rule 44 post boxes on the prison landings.

2.1.3 Outcomes

A large number of prisoners welcomed efforts made by prison authorities to provide up-to-date COVID-19 information. However, some prisoners raised concerns regarding the quality of information received. Some prisoners criticised the IPS information booklets, describing them as “something you give to school kids; they’re just a tick box.”

Literacy skills were an issue for some prisoners who were not able to read or understand the information disseminated to them. The Inspection Team encountered one prisoner who explained that he assisted other prisoners with reading: “about 20 can’t read or write, next door can’t read or write, [so I do it], but I don’t want to be reading it to them.” Prisoners stated that they received a lot of their information directly from national television.

The Inspection Team was informed by Senior Management that Red Cross Prisoner Volunteers had been instrumental in ensuring information flow was maintained for prisoners. At the time of inspection, there were a number of Red Cross volunteer vacancies, with posters displayed to encourage new recruitment. A small number of prisoners felt that the information disseminated was not substantial enough to answer questions they had about the vaccination programme, and believed that there was a need for more local on-site information to address these specific queries. For instance, one prisoner explained he would not take the COVID-19 vaccination if it were to be offered to him because he was unsure how the prison would handle any potential adverse side effects. In line with SPT (2021) Follow-up Advice on the COVID-19 pandemic, the Irish Prison Service should ensure that prisoners receive detailed information about the vaccination programme including its benefits and side effects (including information on aftercare). This is particularly important in the context of a prison that accommodates a large majority of elderly prisoners.

The Inspection Team did not observe any visible COVID-19 information materials in languages other than English.

In relation to the outbreak in February 2021, prisoners expressed feelings of worry and frustration at not being provided with timely information on topics such as prisoner entitlements while in quarantine; the procedure in place for prisoners in double occupancy cells in instances where a cellmate was suspected of contracting COVID-19; and written information on what to do if positive for COVID-19. For example, one prisoner stated, “Information was mostly about avoiding, but no leaflet or advice for if you have it, this impacted my mind with worry.”

2.1.4 Recommendations

Recommendation 1: In line with Rule 54 of the Nelson Mandela Rules, the Irish Prison Service should ensure that written and oral information is provided to prisoners on quarantine and on an ongoing basis over the course of quarantine. This information should be designed to assist prisoners in adapting to quarantine, and should clearly outline what they can expect while in quarantine. The information should be provided in a language and form that can be understood by the prisoner; this may require the assistance of interpreters. Prisoners should be provided with ongoing opportunities to raise questions and to be informed of all matters necessary to adapt to quarantine and prison life in general.

OIP Comment: The Inspectorate has recommended in the Mountjoy Men’s Prison, Cloverhill Prison, Wheatfield Prison, Limerick Prison and Shelton Abbey COVID-19 Thematic Inspection reports that prisoners should receive written and oral information upon entering quarantine and on an ongoing basis over the course of quarantine. This recommendation has been accepted by the Prison Service on all occasions.

Recommendation 2: The Irish Prison Service should provide prisoners with a written copy of the *Framework for Living with COVID-19*⁹ and/or *Unwinding of Prison Restrictions*¹⁰ (as applicable). Prisoners should be consulted, and updated on future plans relating to family visits, regimes, and sentence progression as COVID-19 restrictions unfold.

OIP Comment: The Inspectorate has recommended in the Limerick Prison, Portlaoise Prison and Shelton Abbey Prison COVID-19 Thematic Inspection reports that prisoners should receive a copy of the Framework for Living with COVID-19. This recommendation has been partly accepted by the Prison Service on all three occasions, citing that a new framework is being developed on “Unwinding of Prison Restrictions.”

2.2 Food & Nutrition

One of the measures implemented by the Irish Prison Service to prevent transmission of COVID-19 in prisons has been to change how food is delivered in the prison. At the outset of the pandemic, beginning in March 2020, the Irish 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.”¹¹ Further, the Inspectorate urged the Irish 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 prisoners who are cocooning, the Inspection Team considered as part of the COVID-19 Thematic Inspection how food is provided in Arbour Hill Prison, with a particular focus on the impact of COVID-19 on food provision and on 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.

The 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.

⁹ See, Irish Prison Service (2 March 2021) COVID-19 in Irish Prisons, <https://www.irishprisons.ie/covid-19-irish-prisons-2/>

¹⁰ See, Irish Prison Service (8 July 2021) Announcement on Recommencement of Physical Visits to Wheatfield and Portlaoise Prisons, <https://www.irishprisons.ie/announcement-recommencement-physical-visits-wheatfield-portlaoise-prisons/>.

¹¹ 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>, 2.

According to the Nelson Mandela Rules, prisoners should receive food that is healthy and at usual times (Rule 22.1). Prisoners should have drinking water whenever they need (Rule 22.2). 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).

In May 2021, the CPT published a “Minimum Decency Threshold” for prisons. As a minimum, the CPT stated that prisoners should have ready access to clean water and adequate food both in quantity and of nutritional value.¹² 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

The prison kitchen was located in the West Wing, adjacent to the prison “circle” (the centre of the prison), and also linked to the North, East and South Wings. The servery faced onto the main “circle” and was the central location for meal collection for all prisoners. On observation, the kitchen appeared clean and prisoners were wore PPE masks and kitchen worker uniforms.

The kitchen operated using a 28-day set menu, which is implemented across the prison estate. Meals were prepared in the kitchen and were served at the servery; prisoners returned to their cells to eat their meals. The servery had Perspex screens installed in order to maintain a two metre distance between those serving food and those collecting food. Table 1 outlines the daily meal time schedule in Arbour Hill Prison.

Table 1: Arbour Hill Prison Meal Times

Meal	Time
08:00	Breakfast
12:05	Dinner
16:00	Tea (a smaller lunch type serving)

The Inspection Team observed that meals were served at very close intervals early in the day. Prisoners were not provided with a meal after the evening meal was served at 16:00. This meant the next meal served to prisoners was the following morning, i.e., breakfast at 08:00; approximately a 16 hour gap between meals.

On day one of the inspection, meals were prepared for 128 prisoners. The Inspection Team observed a list of special dietary requirements displayed on the kitchen wall. The list included: Halal, non-fish, diabetic, non-spice and vegetarian. One kitchen worker was tasked with the preparation of these meals. The kitchen was also responsible for providing meals to the Central Criminal Court (CCJ), (less than one kilometre away). The Inspection Team was informed that the kitchen received requests from the CCJ for prisoner meals, which include special dietary requests; this could be between 40 and 50 meals per day (at the time of inspection). The Inspection Team was informed that prior to COVID-19, the requests were as high as 90 meals per day.

As a result of COVID-19, the kitchen roster was divided into two groups of workers. According to kitchen staff, prisoners worked five days per week one week, and then two days the following week, on a rotational basis. On day one of the inspection, kitchen staff comprised two members of prison staff and

¹² See, European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) (2021) *30th General Report of the CPT – Minimum Decency Threshold* (from p.35 onwards), <https://rm.coe.int/1680a25e6b>

eight prisoners. Prisoners received an additional payment of €13 every two weeks for working in the kitchen.

The Tuck Shop was located on the periphery of “the circle” and was centrally available to all prisoners. Prisoners could physically attend and purchase items from the Tuck Shop. The pricelist was based on cost price +5% mark up, with the exception being tobacco-related products which were sold at the recommended retail price. Senior Management provided the full price list to the Inspection Team, with the most expensive item being tobacco, which ranged from €9.90 for a 15g pouch to €19.80 for a 30g pouch. It is worth noting that prisoners on Enhanced regimes received the highest weekly gratuity payment of €18.90 per week. The Tuck Shop sold a number of toiletries, ranging from deodorant to shower gels, which were priced around €3, to shaving products such as gel (€5.83), balm (€6.10) and a three pack of razors (€12.93). A number of high protein items were also available such as tuna, protein bars and protein powder, along with a wide selection of sweets and confectionary.

2.2.3 Outcomes

No prisoners were in quarantine or isolation at the time of inspection. However, the Inspection Team was informed by prisoners that during periods of quarantine or isolation, food was delivered to cells in a Kraft box (a cardboard box similar to a takeaway container) by prison staff who donned full PPE. A number of prisoners reported negative experiences in relation to the serving of food while in isolation or quarantine. One prisoner stated: “food was horrible and crammed in a box.” Another prisoner described it as “slop in a box - three seconds door open, food thrown onto counter, bang door closed...” and “it [food] deteriorated during lockdown.” The Inspection Team was informed by a prisoner of one incident in which milk was said to have been exposed to heat from a landing radiator prior to it entering the cell, “[Milk] left at cell door at 7:15 am. The milk was near a radiator, it was wrong how it was delivered, milk doesn’t enter cell until temperature check between 09:45am to 10:30am.” Senior Management acknowledged this incident, and stated it was immediately rectified once brought to their attention.

In general, a large number of prisoners expressed satisfaction with the quantity and quality of meals. However, one prisoner spoke of feeling hungry due to the gap in meals served between tea/supper at 16:00 and breakfast the following morning at 08:00: “You’d be hungry, I’m eating biscuits every night.” The Inspectorate noted that general set meal times did not align with the times at which people in the general community eat their meals, and thus did not reflect the Council of Europe “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.”

A number of prisoners criticised the price of items in the Tuck Shop, with one prisoner stating “€3 something for shower gel, tobacco – like a lot of lads work and still can’t buy tobacco, a lot of expense.” This finding should be considered in light of the CPT’s invitation to Member States to introduce a minimum wage in prisons that could be linked to prices in the shop catalogue so that prisoners can afford items.¹³

Kitchen workers spoke positively of their role, with comments such as: “the kitchen is a great job,” and “I enjoy the kitchen.” One prisoner informed the Inspection Team that he worked full-time hours 08:00 to 16:00. Arbour Hill benefited from kitchen workers who were experienced in the preparation of meals that adhered to religious dietary needs, such as Halal food or dietary requirements during Ramadan.

¹³ CPT Minimum Decency Threshold (n 12).

2.2.4 Recommendation

Recommendation 3: In line with the Nelson Mandela Rules, (Rule 22.1) 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 times reflected in the community: breakfast (morning), lunch (midday) and dinner (evening).

OIP Comment: The Inspectorate has recommended in the Mountjoy Men’s Prison, Cloverhill Prison, Wheatfield Prison, Limerick Prison, Portlaoise Prison and Shelton Abbey Prison COVID-19 Thematic Inspection reports that the scheduling around meal times be amended. This recommendation has been accepted by the Irish Prison Service on all occasions. The Inspectorate welcomes the Irish Prison Service’s intention to roll out an amended meal schedule, following a successful pilot scheme in Castlerea and Mountjoy Men’s Prison Progression Unit, and acknowledges that this initiative 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.

2.3 Access to Religious Services

The Chaplaincy Service provided in Arbour Hill Prison is instrumental to ensure prisoners have access to information and pastoral care, and maintenance of familial contact. As such, the Chaplaincy Service was uniquely positioned to support prisoners as they experienced 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

Two days prior to the on-site inspection, in-person religious services had recommenced in the general community (10 May 2021).¹⁴ However on the days of the on-site inspection, religious services had not returned to Arbour Hill Prison. The Inspection Team was informed that Arbour Hill Prison was awaiting direction from the Irish Prison Service on the re-introduction of in-person religious services.

At the time of inspection there was one temporary locum Chaplain assigned to Arbour Hill three days per week: Mondays, Tuesdays, and Wednesdays. The Chaplain worked in another prison two days per week. The Inspection Team observed the Chaplain’s meeting room on “the circle,” which was in a

¹⁴ Gov.ie, Public Health Measures in Place Right Now (published 29 June 2021), <https://www.gov.ie/en/press-release/7894b-post-cabinet-statement-resilience-and-recovery-the-path-ahead/#measures-that-came-into-place-in-may-and-june>

central location for all prisoners. The Chaplain's main office was located in a building next to Arbour Hill Prison.

The Inspection Team was informed by prisoners and also Senior Management of the measures undertaken by the Chaplain when visiting a prisoner in isolation or quarantine. Prisoners in isolation and quarantine were required to wear a mask inside the cell while being visited by the Chaplain. The Chaplain was also required to wear a mask and shield while conversing with prisoners through the door hatch. For prisoners who were cocooning, a Tele-Chaplaincy Service was made available to prisoners across the prison estate. This information would then be relayed to the Chaplain at Arbour Hill Prison, who would then follow up with the prisoner when the cocooning/quarantine period ended.

2.3.3 Outcomes

The Inspectorate commends the work of the Chaplain in Arbour Hill Prison. The Inspection Team was informed of the support provided to the school by the Chaplaincy Service during its closure. The Chaplaincy Service liaised with teachers outside of the prison and assisted in the distribution of educational materials. Relatively high demand for Chaplaincy services was reported in Arbour Hill Prison, particularly at certain times of the year such as the Christmas period.

Given that the Chaplain in Arbour Hill Prison was a locum temporary post, and was required to work across two prisons, situations arose where an outbreak in one prison impeded access to Chaplaincy services in the other prison. The Inspection Team encountered prisoners who expressed frustration that in person mass services had not returned in the prison. A number of prisoners reported that the telephone Chaplaincy service was beneficial, but that it was not comparable to the benefits of in-person services which provided a personal touch and additional reassurance to the prisoners.

On observation, the chapel had social distancing measures in place with windows that could be opened to allow for circulation of fresh air. The Inspection Team was informed that Christmas mass took place in the recreational hall with social distancing measures in place. The Chaplain reported that upon request, prisoners of different faiths could make phone calls to their appropriate faith leader. The Chaplain also made arrangements to assist prisoners of the Muslim faith during Ramadan and Eid al-Fitr.

As of 22 July 2021, mass services had not returned to prisons in Ireland, which included Arbour Hill Prison.¹⁵

2.3.4 Recommendations

Recommendation 4: In line with the UN Mandela Rules (Rule 65 (1)), consideration should be given to the establishment of a permanent full-time Chaplain in Arbour Hill Prison.

Recommendation 5: In line with the easing of restrictions in the community, in-person religious services in prison should resume while maintaining public health guidelines.

¹⁵ The Irish Catholic (22 July 2021) "In-Person Worship Still Not Underway in Irish Prisons" (<https://www.irishcatholic.com/in-person-worship-still-not-underway-in-irish-prisons/>); and mail correspondence with Senior Management in Arbour Hill Prison (22 July 2021).

2.4 Other Issues

Cell Size and Sanitary Facilities

The Inspection Team was provided with a prison cell list which detailed 95 single cells and 21 double occupancy cells in Arbour Hill Prison. At the time of inspection a double cell located on the North One wing was being utilised as a single cell and, it was reported by Senior Management, that it would only be reverted to a double occupancy cell should the maximum capacity of the prison be reached.¹⁶

As previously mentioned (Section 1.4), a single occupancy cell on the North Two wing measured 3.32L x 2.1W x 2.7H (meters), for a total area of 6.97m², inclusive of sanitary area. The CPT minimum standard for personal living space in prison establishments is 6m² of living space for a single-occupancy cell. This does not include the sanitary facility. A cell on East Two wing, which accommodated two prisoners, measured 3.28L x 2.18W x 2.67H (meters), for a total area of 7.15m², inclusive of the sanitary area. For double occupancy cells, the CPT standard requires a minimum of 4m² for each person, which is at least 8m², non-inclusive of a sanitary area.¹⁷ The CPT standard on living conditions states that the sanitary facilities in multi-occupancy cells should be fully partitioned; this was not the case in double occupancy cells in Arbour Hill Prison.

Cells in Arbour Hill Prison were not equipped with showers (aside from those designated for persons with disabilities), and each wing had a shower unit with three shower stalls. Showers were not equipped with curtains or doors, and therefore lacked privacy. The Inspection Team tested showers on the landings, all of which were operational.

A number of prisoners accommodated in double occupancy cells reported concerns over hygiene and lack of privacy. These concerns included the distance between the lower bunk bed and the in-cell toilet, which did not include a privacy screen. The distance between the toilet bowl and the lower bunk bed in the cell in Figure 5 measured 73cm. Toilets were also available on the landings, with prisoners in double occupancy cells reporting that as a courtesy they would make attempts to use the toilet on the landing (when permitted) rather than use the toilet in the cell. Figures 4 and 5 provide examples of double occupancy cells in Arbour Hill Prison.

¹⁶ This is because one of the smaller double occupancy cells was being treated as a single cell.

¹⁷ European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) Living Space Per Prisoner in Prison Establishments: CPT Living Condition Standards (December 2015) <https://rm.coe.int/16806cc449>

Figure 4: Double-Occupancy Cell, Photo 1



Figure 5: Double-Occupancy Cell, Photo 2



Cell Accommodation for Prisoners with Disabilities

Arbour Hill Prison had two cells designed to accommodate prisoners with physical disabilities. Both of these cells had showers. Given that the shower area was not adequately partitioned, the cell flooring could become wet. Upon observation of these cells, the Inspection Team noted that neither cell had an extractor fan and that the collapsible wood partition screen did not extend enough to protect the cell from shower water. Prisoners reported to the Inspection Team that when the shower was in operation, water and steam would build up in the cell and soak the cell area, including the floor and bedding. On observation, the location of the shower and toilet, which was in direct sight of the door hatch opening, offered limited privacy for prisoners in these cells.

As outlined under Article 2 of the UN Mandela Rules:

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

Staff Interactions

A large number of prisoners in Arbour Hill Prison reported positive relationships with prison staff, and made comments such as “we’re treated well”, and that Senior Management was comprised of “decent people.” However, a small number of prisoners expressed concern about discrimination and abusive foul language being used in the prison by a small number of prison officers. It was alleged that some prisoners were at times verbally abused in relation to their nationality/race/ethnicity and for the nature of their crime. This issue is of concern to the Inspectorate, and such behaviour is at odds with the desired standard of Respect and Dignity under the Office of the Inspector of Prisons’ Framework for the Inspection of Prisons in Ireland,¹⁸ which includes:

- Prisoners are treated with respect for their human dignity.
- Staff interactions with prisoners are respectful and fair.
- Prisoners are treated fairly without distinction based on ethnicity, race, gender, language, religion, sexual orientation, disability or national origin.

This type of alleged treatment runs counter to Rule 75 of the UN Mandela Rules (2015), which states that “all prison staff (...) carry out their duties in a professional manner.”

The Inspectorate brought this issue to the attention of prison Senior Management in a virtual Closeout meeting on 17 May 2021.

Initiative Hub

During the course of inspection, the Inspection Team was informed of an established prisoner-led group, the *Initiative Hub*. The group focused on networking amongst prisoners to collectively raise concerns within the prison. The following were key areas of focus for the *Initiative Hub*:

- Cell size within Arbour Hill Prison.
- Concerns that training opportunities in the prison would not be relevant to obtaining job opportunities upon release.
- The lack of an open prison for prisoners who have committed sexual offences.
- The lack of early release opportunities for prisoners who have committed sexual offences.

¹⁸ OIP, Framework for the Inspection of Prisons in Ireland (2020) <https://www.oip.ie/wp-content/uploads/2020/09/OIP-Inspection-Framework-Single.pdf>.

The *Initiative Hub* offered its support to the Inspectorate in any future efforts to disseminate materials and surveys in the prison. The Revised European Prison Rules (2020), Rule 50, states that, “subject to the needs of good order, safety and security, prisoners shall be allowed to discuss matters relating to the general conditions of imprisonment and shall be encouraged to communicate with the prison authorities about these matters.” The Inspectorate welcomes the establishment of groups such as the *Initiative Hub*, especially because groups such as these provide an avenue for prisoners to engage with prison authorities to respond to concerns in the prison.

2.4.1 Recommendations

Recommendation 6: In line with Section 42 of the Public Sector Duty and Rules 15 and 16 of the United Nations Standard Minimum Rules for the Treatment of Prisoners (Nelson Mandela Rules), a shower screen and extractor fan should be installed in in-cell showers for cells that accommodate prisoners with physical disabilities.

Recommendation 7: In line with the CPT standards on living conditions, and with respect to the European Convention on Human Rights Article 8, all multi-occupancy cells in Arbour Hill Prison should meet minimum CPT requirements, with access to a fully-partitioned toilet facility.

Recommendation 8: In line with Section 42 of the Public Sector Duty, the Irish Prison Service should ensure that all prison staff participate in ongoing and continuous training and awareness-raising programmes on international human rights standards and principles of equality and non-discrimination.

3 SAFETY & SECURITY

3.1 Impact of Staff Absences

On the 20 February 2021, Arbour Hill Prison had an outbreak of COVID-19, with 13 prisoners and eight staff members testing positive for the virus. Senior Management reported that this was the only mass outbreak in the prison, and that other than during this period, staff absences due to COVID-19 were consistently minimal throughout the pandemic.

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) outlines 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.¹⁹

The SPT in its Follow-up Advice of the Subcommittee to State Parties and National Preventive Mechanisms relating to the Coronavirus Disease (COVID-19) Pandemic (2021) states that all prison personnel should be a priority in National Vaccination Programmes. Furthermore, the SPT advises Member States to:

Continue the systematic screening for COVID-19 symptoms of all persons entering any detention facility, including new inmates, personnel and visitors, as long as the pandemic continues.²⁰

3.1.2 Environment

At the time of inspection, management of staff absences was carried out through the Prison Regime Management Plan (RMP). 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

¹⁹ United Nations (2021) *United Nations System Common Position on Incarceration*, 14. https://www.unodc.org/res/justice-and-prison-reform/nelsonmandelarules-GoF/UN_System_Common_Position_on_Incarceration.pdf

²⁰ SPT Follow-up Advice (n 8), Section 15(c).

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. The Inspection Team was informed over the course of the inspection that staff shortages were experienced in the prison due to annual and sick leave. On day one of the inspection, there were three staff members absent due to COVID-19. In February 2021, during the COVID-19 outbreak, there was a total of 25 staff absences; this was due to both positive test results and identification of close contacts through contact tracing.

Arbour Hill Prison accepted inter-prisoner transfers, and did not receive new committals. This meant staff redeployments for prisoner escorts were reduced. Senior Management informed the Inspection Team that staff absences did not adversely affect the prison regime.

3.1.3 Outcomes

Over the course of the inspection, the Inspection Team took account of how the RMP operated in practice. The Inspection Team observed that staff absences did not adversely impact on operations in Arbour Hill Prison. When staffing numbers were reduced, additional working hours were made available to provide cover. In the event that staff were needed to cover posts in the prison, staff would be made available by closing workshops deemed to be non-essential.

At the time of inspection, there was no Integrated Sentence Management (ISM) Officer available in the prison, which had been the case for over a year. The absence of this role was reported by some prisoners to have a negative impact. It meant that they were not able to develop a sentence plan or work with the ISM officer in preparation for their release (See section 6.1).

Senior Management reported that the levels of staff experience in Arbour Hill Prison made for easier management of prison operations. At the time of inspection, the most junior member of staff in the prison had over 20 years' experience working in prisons.

Senior Management commented on the challenges of COVID-19 in the prison and how these required the prison to constantly adapt, often without sufficient opportunity for reflection: "We haven't reached the time to step back and reflect on what has happened as we are still going through it."

A large number of prisoners commented on the efforts made by staff to manage the prison throughout the pandemic. One prisoner recognised the challenges staff encountered by stating, "during COVID, staff did excellent, they had to adapt also."

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 two 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 other
- Drive your own car to work
- Smoke on your own or stop smoking
- Politely ask others not to invade your space

Despite efforts by the Irish Prison Service to implement social distancing in prisons, prisons are a difficult environment to physically maintain distance. Prisons are often overcrowded, poorly ventilated,

and with limited space and resources, prisoners must share phones, showers and common areas.²¹ 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, improved sanitation and good hygiene practices are needed.

3.2.1 Compliance

Given that it is not always possible to social distance in prison settings, the World Health Organization (WHO) 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 masks²² 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 Prevention²³ 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.

²¹ 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.

²² World Health Organization, "Preparedness, Prevention and Control of COVID-19 in Prisons and Other Places of Detention Interim Guidance" (8 February 2021) 25-27.

²³ 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>)

7. Rinse your hands under running water.
8. Dry your hands with a clean towel or paper towel.

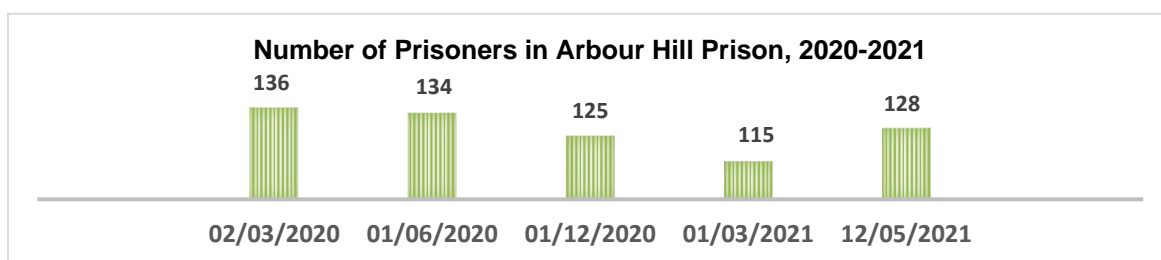
With respect to older persons, the United Nations Policy Brief on The Impact of COVID-19 on Older Persons (May 2020) highlighted the difficulties in achieving physical distancing in prisons and recommended that options for release and alternatives to detention should be available to mitigate the risk of COVID-19 for the elderly, particularly those with underlying health conditions.²⁴

Furthermore, the SPT Follow-up Advice of the Sub-Committee to State Parties and National Preventive Mechanisms relating to the Coronavirus Disease (COVID-19) Pandemic (2021) urges States to consider the needs of particular groups in the context of COVID-19, and calls on States to “strengthen the efforts to consider the particular needs of women, juveniles, persons with disabilities, and LGBTIQ+ persons deprived of liberty.” Further, while recognising that the pandemic exacerbates the vulnerability of these groups, the SPT urges States to “assess the possibility of alternatives to detention.”²⁵

3.2.2 Environment

Since the onset of the pandemic, the population of prisoners in Arbour Hill Prison has decreased, with a total reduction of 6% between 2 March 2020 and the first date of the on-site inspection, 12 May 2021 (Figure 6).²⁶

Figure 6: Prisoner Numbers in Arbour Hill Prison, 2020-2021



Given the design and occupancy of Arbour Hill Prison, social distancing could not be adequately practiced in many parts of the prison. COVID-19 signage and distance markings were visible throughout the prison. On observation, the vast majority of prisoners wore PPE surgical facial masks.

Staff were required to social distance, and on observation this was being adhered to. Hand sanitiser dispenser stations were filled and strategically placed across the prison. Social distancing markings were visible on the floor and walls throughout the prison. PPE disposal bins were readily available; the Inspection Team observed the regular emptying of bins.

In relation to sanitation and prevention of COVID-19 transmission, posters reinforcing the importance of social distancing, hand hygiene, and COVID-19 related personal etiquette were displayed throughout the prison. The Inspection Team viewed the shower units on the landings throughout the prison, all of which appeared clean. As previously outlined, (Section 2.5) the double occupancy cells were small in size, which made social distancing impossible.

At the time of inspection, Arbour Hill Prison did not have an Industrial Cleaning post. Prisoners relied on adequately stocked cleaning products to ensure they could maintain good sanitary standards in their cells and landing areas. The Inspection Team observed the cleaning rooms on the landings, which were

²⁴ UN Policy Brief on Older Persons and COVID-19 (n 5), p. 7.

²⁵ SPT Follow-up Advice (n 8).

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/>

adequately stocked; however, the cleaning room below the school area contained empty cleaning product bottles. Over the course of inspection, the Inspection Team observed prisoners who paid great attention to the cleaning of the prison. This included continuous wiping down of walls, railings and door handles. The Inspection Team was impressed with the prisoners' attention to detail and commends their efforts to ensure the cleanliness of the prison facilities.

3.2.3 Outcomes

Senior Management reported to the Inspection Team that prisoners were willing to wear PPE, which meant prisoners could move more freely across landings. The Inspectorate notes that this movement across landings was facilitated and with the unwinding of restrictions, there had been an increased effort to allow for mixing across landings. Prisoners and prison staff alike shared their concern for the elderly population in the prison, and placed an emphasis on ensuring their safety during the pandemic. The Inspection Team welcomes efforts made by Senior Management to designate a yard specifically for use by elderly and vulnerable prisoners accommodated on East One wing, and also the efforts of other prisoners to assist older prisoners in cleaning their cells.

The Inspection Team was informed that the frequency of cleaning in the prison had increased as a result of the pandemic. Arbour Hill Prison cleaning records indicated that prisoners completed a cleaning log and signed off on areas once cleaned. A number of areas deemed to be high traffic areas, such as "the circle," received additional cleaning. Common touchpoints such as door handles, gates, bars, handrails, call switches, phones, sanitiser dispensers, toilet taps, and cell door flaps were cleaned twice per day. Prison staff held responsibility for ensuring the cleaning was completed daily. Increased cleaning in the prison assisted in suppressing the virus and also served as a contact tracing log to identify the movement of cleaners that could possibly transmit COVID-19.

Given the challenges that arise in confined settings, and the need to ensure safety and social distancing throughout the prison estate, a continued reduction in general prison population numbers is fundamental. As highlighted by the United Nations Common Position on Incarceration (2021):

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

The SPT in Follow-up advice urges States to: "Continue efforts to reduce the prison population by pursuing policies such as early release, parole and non-custodial measures."

3.2.4 Recommendation

Recommendation 9: 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.

OIP Comment: The Inspectorate has recommended in the Mountjoy Men's Prison, Cloverhill Prison, Wheatfield Prison, Portlaoise Prison and Shelton Abbey COVID-19 Thematic Inspection reports that the Irish Prison Service engage with the Department of Justice to maximise all opportunities to reduce

²⁷ UN Common Position on Incarceration (n 19), p.7-8

the prison population. This recommendation was accepted in all prisons with Cloverhill partly accepting the recommendation citing the fact it is a remand prison with little control or input into prisoner numbers.

4 HEALTH & WELLBEING

4.1 Access to Healthcare

Access to healthcare in Arbour Hill Prison over the course of the pandemic has largely mirrored the situation in the general community, with medical appointments and procedures being significantly delayed or cancelled. In assessing access to healthcare, the Inspection Team examined the impact of COVID-19.

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

The risk of torture or ill-treatment increases for older persons in places of detention due to their deteriorating health and mobility, high prevalence of psychosocial disabilities and cognitive impairment including dementia-related conditions, as well as any individual risk factors.³⁰ The European Court of Human Rights has considered the potential human rights impact of prolonged detention of older persons in prison. The Court has noted that age, in conjunction with other factors, such as health, may be taken into account when a sentence is determined or while a sentence is being served. The Court has determined breaches of Article 3 of the European Convention on Human Rights (No one shall be subjected to torture or to inhuman or degrading treatment or punishment) in instances where elderly prisoners with health issues were held in conditions of detention that were inconsistent with the specific healthcare needs of the prisoner.³¹

Ireland is obliged under Article 12 of the International Covenant on Social, Economic and Cultural Rights (ICESCR) to recognise the right of everyone to the highest standard of physical and mental health:

²⁸ European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (2010) CPT Standards (Rev. 2010), <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 Penal Reform International (PRI) (2021) Older Persons in Detention: A Framework for Preventive Monitoring, p.5 https://cdn.penalreform.org/wp-content/uploads/2021/06/PRI_DMT-Older-persons_WEB.pdf

³¹ *Farbtuhs v. Latvia* (2004) European Court of Human Rights, 4672/02 (§§ 56-61) and *Contrada v. Italy* (no 2) (2014) European Court of Human Rights, 7509/08 (§§ 83-85).

The States Parties...recognize the right of everyone to the enjoyment of the highest attainable standard of physical and mental health.

As highlighted in Principle 6 of 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: “detained persons should receive additional psychological supports from staff at this time.”

One of the basic principles (Principle 4) of the Revised European Prison Rules (2020) states: “Prison conditions that infringe prisoners’ human rights are not justified by lack of resources.”

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).³²

A key observation made by the UNODC in relation to 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.”³³

4.1.2 Environment

At the time of inspection, Arbour Hill Prison had a steady prisoner population, many of whom were considered elderly. On day one of the inspection, Senior Management informed the Inspection Team that Arbour Hill had 27 life sentenced prisoners, which was the highest per capita across the prison estate. The Inspection Team was provided with the below age breakdown of the prison population on 11 May 2021, which at the time had 129 prisoners.

Approximately 35% of the prison population in Arbour Hill Prison were aged 61 years and over. Age 60 and above is typically considered to be an “older cohort,” however in a prison setting those over 50 may be considered elderly due to the concept of “accelerated ageing” in prison.³⁴ On 11 May 2021, of the 129 prisoners in Arbour Hill Prison, 20% were described as having underlying health conditions, and 84% received vital medication.

Table 2: Prisoner Age Profile Arbour Hill

Prisoner age range	Prisoner population
26 - 40	26
41 – 60	58
61 - 81	45

In February 2020, Arbour Hill Prison experienced a major COVID-19 outbreak in which 13 prisoners tested positive for COVID-19, with an additional 14 prisoners placed in quarantine. The more elderly population of prisoners were relocated to the East One Wing and were granted the sole use of the smaller yard accessible from East One wing.

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

³² 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>.

³³ UN Common Position on Incarceration (n 19), p.7.

³⁴ PRI Older Persons in Detention 2020 (n 30), p.3.

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
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. If 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).

If a prisoner received a positive COVID-19 result he would have to isolate in a single room for a minimum of ten days. According to the risk assessment, in the last five days the individual should be free from any symptoms of COVID-19. If a prisoner received a negative result, isolation was stopped once a prisoner had been asymptomatic for 48 hours. No reference was made in the 30th algorithm to what might happen if there was insufficient single cell accommodation for prisoners to isolate until test results were returned.

All inter-prisoner transfers to Arbour Hill Prison were screened on departure from the originating prison, and screened again upon arrival to Arbour Hill Prison. The Inspection Team was informed that as of 13 May 2021 no prisoner in Arbour Hill Prison had been placed in quarantine upon transfer from another prison.

Arbour Hill had its first COVID-19 positive test result amongst the prisoner population on 21 February 2021. A member of the Healthcare Team referred to the outbreak period as particularly concerning and stated that at times “things became field hospital like.” Additional nursing staff were brought into Arbour Hill Prison to assist when required. In an effort to prevent further contamination, prisoners remained in their cells for the quarantine or isolation period. Once a prisoner finished the quarantine period, the prisoner was placed in another cell so that the cell and its contents could be cleaned. For prisoners who tested positive for COVID-19 an external private company was contracted to industrial clean these cells. Where a prisoner tested negative, cells were cleaned by prisoners.

At the time of inspection, Arbour Hill Prison had a total of six on-site nurses. There was one locum GP. On day one of inspection, a member of the Healthcare Team provided information to the Inspection Team on the following medical treatments and waiting list times, if any (Table 3).

Table 3: Arbour Hill Prison Medical Services and Waiting List Times, 12 May 2021

Medical Service	Frequency/waiting list
GP Doctor	Monday, Wednesday and Friday. No waiting list.
Dentist	Every Wednesday. (Additional day if required)
Physiotherapy	As Required
Optician	Generally when waiting list reaches ten, however if prolonged period or urgent an external appointment is made.
Chiropody	Six to eight weeks

At the time of inspection, there was no patient waiting list for the GP. On-site dental treatment was available every Wednesday, and there was a waiting list for dental services. The Inspection Team was informed by a member of healthcare staff that at one stage during Level 5 restrictions, the dental waiting list had increased significantly. The nursing team developed and submitted a business case to increase the dentist's on-site attendance to two days per week. The Inspectorate commends Arbour Hill Prison nursing staff and management for being proactive in addressing prisoner needs and clearing dental backlogs when required. Physiotherapy was available with no waiting list at the time of inspection. The Optician visited the prison when ten prisoners required treatment. The Inspection Team was informed that the Optician had been in attendance the day prior to inspection (11 May) and was also due to attend in the coming days. In instances where immediate care was required, an external Optician appointment would be made. Chiropody treatments were available on average every six to eight weeks. At the time of the inspection, there was no one on the waiting list for a Chiropodist.

Prison staff received training in the correct procedures for the donning and doffing of PPE and hand washing etiquette. Senior Management and healthcare staff reported to the Inspection Team that prison staff were of great assistance, with one healthcare staff member stating, "(prison officer) staff were incredible and went above and beyond in supporting the medical team."

4.1.3 Outcomes

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

On inspection in Arbour Hill Prison, prisoners reported they had been provided with written test results after the first round of COVID-19 testing during the February outbreak. All subsequent test results were not provided in writing. Senior Management explained that this change in delivery of test results was because of the labour intensive nature of hand-delivering written results. The Inspection Team spoke with prisoners who reported that verbal communication of COVID-19 test results was delivered by a member of the healthcare staff or prison staff. Prisoners told members of the Inspection Team that receiving their test results in a written format provided a greater deal of reassurance and certainty, as those who tested negative often were told second hand by prison staff.

The Inspectorate has recommended across the previous six COVID-19 Thematic Inspection reports in relation to Mountjoy Men's Prison, Cloverhill Prison, Wheatfield Prison, Limerick Prison, Shelton Abbey and Portlaoise Prison that prisoners should be provided with their COVID-19 test results in writing; the Irish Prison Service has not accepted this recommendation in response to each of the above-mentioned reports. As such, while the Inspectorate remains of the position that prisoners should be provided their COVID-19 test results in writing, it has determined it will no longer make this recommendation.

At the time of inspection, Senior Management informed the Inspection Team that 22 prisoners aged 70 years and over were fully vaccinated with the Pfizer vaccine; which was equivalent to the community at

that time. A 69 year-old prisoner informed the Inspection Team that he had received the first vaccine dose on 31 March 2021, with the second dose received four weeks later. On the first day of the inspection, persons in the general community aged 60 and above were eligible to receive the COVID-19 vaccination.³⁵ However, not all people of the same age group in Arbour Hill Prison had been offered the vaccine. This is a departure from the Principle of Equivalence which requires that prisoners should, at a minimum, be provided with equal provision of healthcare, without discrimination based on grounds of their legal status.

As of 10 June 2021, the Irish Prison Service had commenced roll-out of the vaccination programme to all prisoners and prison staff under the age of 40 years old. The Inspectorate welcomes this, and commends the Irish Prison Service in its efforts to ensure people in prison receive the COVID-19 vaccination in accordance with the principle of equivalence and HSE eligibility guidelines.

Information provided to the Inspectorate by the Irish Prison Service (15 July 2021) indicated that prisoners over 70 years of age in Arbour Hill Prison had received the first vaccine dose on 31 March 2021, with the second dose given on 28 April 2021 and 29 April 2021, respectively. This resulted in the vaccination of 82 prisoners and two prisoners declining vaccination. On 16 June 2021, 100 prisoners in Arbour Hill Prison received their first dose of the COVID-19 vaccine; six prisoners declined the vaccine. On 14 July 2021, 97 prisoners received the second dose of the vaccine; seven prisoners declined the vaccine.

In order to ensure completion of the vaccination programme for prisoners due for release, information was provided to the HSE which would enable administration of the second dose; prisoners provided consent to share their information. The Irish Prison Service stated that each prison had a list of impending releases on the day of vaccination that was provided to the HSE to enable follow-up with the person as he would no longer be in the care of the Irish Prison Service. The Irish Prison Service noted that discharge planning was essential to this process.

Of note to the Inspectorate was the need to ensure that prisoners were provided with detailed information about the different types of vaccines available and their side effects, and how the COVID-19 vaccine works. Given that prisons are low trust environments, there was an increased need to provide reassurances to prisoners regarding access to timely healthcare for those with side effects especially for those with underlying health conditions. One prisoner expressed reservations about receiving the vaccination because he was unclear on how the prison would respond, should he have an adverse reaction to the vaccine. Another prisoner explained that he received most of his information about the vaccines from the news, and that he would want to discuss the vaccine types in more depth with the nurse before receiving the vaccine. He stated, "If it's [a specific vaccine], I'd say no."

The Inspectorate did not receive any reports of issues with the general healthcare service in Arbour Hill Prison.

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 Arbour Hill Prison, the Inspection Team assessed the impact of restrictions

³⁵ The Irish Times, (4 May 2021) Revised HSE Covid Vaccination Plan to Proceed with Older People Offered Vaccines First, <https://www.irishtimes.com/news/politics/revised-hse-covid-vaccination-plan-to-proceed-with-older-people-offered-vaccines-first-1.4554518>.

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. 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 made by the Minister or 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.

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).

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.

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 (CRC), 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 (a) by corresponding in writing and using, where available, telecommunication, electronic, digital and other means and (b) by receiving visits.

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.

In May 2021, the CPT published its “Minimum Decency Threshold.” This threshold provides for “regular possibilities to remain in contact with the outside world” for prisoners.³⁶ The CPT welcomed the

³⁶ CPT Minimum Decency Threshold (n 12).

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 Arbour Hill Prison, the country remained under Level 5 restrictions, however some restrictions were eased in the general community, such as members of two households were allowed to meet up in public places. The Irish Prison Service continued the cessation of all in-person visits throughout the prison estate at this time. As a substitute, video calls were introduced for family contact in the early stages of the pandemic. As noted by prison staff, and confirmed by prisoners, the launch of video calls in Arbour Hill Prison had a number of challenges, such as calls not connecting or calls dropping in the early stages of the initiative.

The Inspection Team observed four video call areas and one court/professional video call area in the prison visit room, which was located on West One wing. The room had numerous COVID-19 posters displayed on the wall in the visit facility, along with hand sanitisation stations. Four family video calls were booked on day one of the inspection; one in the morning and three in the evening. Prior to the COVID-19 pandemic, Arbour Hill Prison could facilitate 16 visits per day (eight in the morning, eight in the afternoon). The Inspection Team witnessed one prisoner utilising a video call with two members of prison staff nearby. The Inspectorate was satisfied that the prisoner was afforded an adequate level of privacy.

The Inspection Team was informed by Senior Management that prisoners in isolation or quarantine were provided with access to a phone in their cell. The phone could be used to contact their family members. To facilitate this, Senior Management purchased approximately 40 phones. It was reported by Senior Management that generally prisoners received two six-minute phone calls per day, however on occasion this was extended for a longer period of time. Additional calls could be facilitated if requested.

A member of the Inspection Team visited the postal censor room (also referred to by prison staff as the “waiting room”) and observed no backlog in postal correspondence at that time. This form of communication was essential for prisoners to maintain contact with their families. At the time of inspection the postal censor room was opened five days per week. It was reported by prison staff that the post was received and usually distributed on the same day. The exception to this was with packages that were required to undergo a four day quarantine period. Outgoing mail was collected twice per day Monday through Friday at the post box which was located at “the circle.” The Inspectorate commends the level of importance given to postal communication in Arbour Hill Prison.

On 30 June 2021, the Irish Prison Service provided the Inspectorate with information on the restoration of prison visits. As part of the unwinding of restrictions, the Irish Prison Service planned for the resumption of visits on 5 July 2021. This date was revised following infection control advice received regarding the Delta variant of COVID-19.

The Irish Prison Service noted that physical visits would be re-introduced on a prison by prison basis, upon completion of the vaccination programme in each prison. Visits were to resume seven days after the second vaccination dose to prisoners. While the Inspectorate was informed of dates for the completion of the vaccination programme, these dates were provisional.

The information provided to the Inspectorate on 30 June 2021 provided guidelines for the re-introduction of prison visits, which included:

- One physical visit per fortnight for a 15-minute duration (when ‘operationally feasible’)
- A maximum of two visitors permitted (of one visitor which may be a child)

- One video call per fortnight of 20-minutes duration (the physical visit will not take place on the same week)
- Or two video calls per fortnight of 20-minutes duration

The Irish Prison Service planned to permit an extended prison day to facilitate visits from 9.30; concluding no later than 19.00, seven days a week. The scheduling of visitation times was to be determined by each prison taking into account local infrastructure and individual task lists.

The Irish Prison Service allocated a 45-minute period to each visiting slot in order to facilitate (i) movement of prisoner; (ii) visit; and (ii) cleaning after the visit. Visitors would be subjected to COVID-19 screening in line with COVID-19 guidelines.

At the time of writing, the Infection Control Team had commenced an audit of each prison to review infection control measures for visits.

On 8 July 2021, the Irish Prison Service announced the recommencement of visits, seven days after the full vaccination of prisoners in these prisons.³⁷ Conditions on return of physical visits included:

- All prisoners entitled to receive one physical visit per fortnight of a 15-minute duration
- Visits limited to two visitors (one adult and one child permitted)
- Visits will be behind Perspex screens while requiring all visitors to wear face coverings
- No physical contact between prisoners and family members permitted.

On 22 July 2021, the IPS informed the Inspectorate that visits had recommenced in Arbour Hill Prison on 21 July 2021.

4.2.3 Outcomes

A number of prisoners informed the Inspection Team that the video calls were a positive addition to the prison, and stated that technical issues at the beginning of the pandemic had since improved. However, prisoners also highlighted challenges with the video calls, particularly that older family members may not be familiar with the technology used to access these calls. One prisoner stated “I have video calls 20 minutes a week, poor connection but has improved. Older population need help with technology, they couldn’t get through.” Another prisoner commented that without face-to-face visits, “it’s a tougher sentence now.”

At the time of inspection, video calls were timed out after 20 minutes. In the event that it was possible to facilitate a longer video call time, the prison was not able to override the set time, as this was controlled by Irish Prison Service Headquarters. The video call time afforded to prisoners over the duration of COVID-19 was considerably less than what was permitted for in-person visits prior to the pandemic.

The Inspection Team was also informed that some prisoners, particularly those serving long sentences, had little or no family contact. Therefore the visiting restrictions had not largely impacted on them. On the other hand, some prisoners who had family living abroad and had not been able to visit with family prior to the pandemic, found the video calls to be of great benefit. Prisoners reported that video calls were no substitute for in-person visits, but that they would like video calls to remain in addition to face-to-face visits.

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. In an effort to uphold Article 2 of the European Convention on Human Rights (Right to Life), the Irish Government has allowed for restrictions

³⁷ Irish Prison Service (n 10).

to be imposed 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 Irish Prison Service must ensure that people in prison are able to maintain family contact to the greatest extent possible.

The Irish Prison Service has repeatedly indicated it is their intention to continue video calls post COVID-19. The Inspectorate welcomes this, and the commitment to continuous use of video calls alongside in-person visits. This is in line with Article 8 of the ECHR and Article 9 (3) of the UNCRC, 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 Arbour Hill 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 and isolation include: prisoners who tested positive for the COVID-19 virus; those showing symptoms of the COVID-19 virus, while awaiting test results; and those who are identified as close contacts of a person with COVID-19, while awaiting test results. The Inspection Team was informed that no prisoners were in quarantine or isolation during the inspection. As Arbour Hill Prison did not accommodate remand or committal prisoners, there was no requirement for prisoners transferred from other prisons to undergo quarantine upon entering the prison.

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.³⁸

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).³⁹

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 UN Mandela Rules (Rule 44).

³⁸ CPT Statement of Principles (n 7), Principles 7 and 8.

³⁹ CPT Minimum Decency Threshold (n 12).

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),⁴⁰ 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.

Furthermore, SPT advice published in June 2021 recommends that State Parties "improve the environment in areas of quarantine inside places of deprivation of liberty so that they do not correspond to places of solitary confinement, and compensate for the social isolation by using any means to improve social and family contact." And further, to "ensure that persons deprived of their liberty whose mental health is affected by COVID-19 measures, including those persons in quarantine, in medical isolation units, in psychiatric hospitals or in places of detention, receive adequate counselling and psychosocial support."⁴¹

4.3.2 Environment

The Inspection Team focused on the experience of being in quarantine during the COVID-19 outbreak in February 2021 (Section 4.1). During that time 13 prisoners tested positive for COVID-19, and 14 people entered isolation as a result of being a close contact. Senior Management stated that the average period of time prisoners spent in isolation/quarantine during the outbreak was 14 days.

At the time of the inspection, no prisoners were cocooning in Arbour Hill. During the outbreak, the prison was locked down and prisoners were confined to their cells in order to facilitate a mass testing programme. Prisoners who tested positive for COVID-19 remained in their cell for the full isolation period of 14 days. Once this period was completed, the prisoner was temporarily placed in a separate cell while their cell was cleaned by external cleaners.

The cell size for a number of double occupancy cells in Arbour Hill Prison was below minimum CPT standards (see Section 2.4). Issues of both privacy and proximity between the toilet and lower bed bunk were amplified for prisoners during periods of quarantine.

Given that only disability accessible cells had showers installed, the vast majority of prisoners had no access to shower facilities while in quarantine and isolation. This is not in line with the CPT "Minimum Decency Threshold," which requires that prisoners be provided with the means to keep themselves clean, which includes access to a shower (if possible on a daily basis but at a minimum twice a week).

The Inspection Team was informed by prisoners that, during quarantine/isolation, the cell door was only opened to deliver food, for medical reasons, and to enable prisoners to make six-minute phone calls. Food was delivered to the cell door in Kraft boxes. Prisoners were also provided with care packs which contained toiletries, puzzles, reading materials, and some confectionary items. These packs were prepared by prison staff.

Prisoners expressed feelings of frustration, anxiety and anger when reflecting on their time in quarantine/isolation. Some prisoners reported being in quarantine/isolation for over 20 days. This was raised at the inspection Closeout meeting with Senior Management who informed the Inspection Team that prisoners were not placed in quarantine/isolation for over 20 days, stating that 14 days was the standard maximum time. However, it was acknowledged that in one situation a prisoner had been required to attend court and as a result, his quarantine regime was extended.

⁴⁰ European Court of Human Rights, (December 2020) "Guide on the Case-law of the European Convention on Human Rights" https://www.echr.coe.int/Documents/Guide_Prisoners_rights_ENG.pdf, 49.

⁴¹ SPT Follow-up Advice (n 8).

4.3.3 Outcomes

Prisoners spoke to the Inspection Team about their experiences during quarantine and isolation, many of whom spoke negatively of having to eat, wash clothes, bathe and use the toilet facilities in a confined space.

“No shower or change of clothes, it was horrendous.”

“Gov gave me drinking water, toothpaste, face cloth, few bits, shower gel.”

“I felt horrible, I actually can’t describe it properly.”

“They don’t realise how that person behind that door is feeling.”

“I get two six-minute calls per day.”

“[Lack of] showering has had a huge impact on mental health.”

Regarding the impact of quarantine/isolation measures, one prison staff member stated “prisoners were stressed and frustrated, I can’t lie.”

One prisoner who had tested positive for COVID-19 stated that despite receiving information on how to prevent COVID-19 transmission, “there was a gap in the information - nothing in it on what to do if positive.” He reported to the Inspection Team that this unknown created further anxiety. The same prisoner spoke about quarantine:

*When released (from quarantine) I was given paper clothes, paper underwear.
I exercised in [the] cell to keep warm, the new cell was in poor condition.
Overnight in paper underwear, other prisoners were given paper tracksuits.”*

At the Closeout Meeting (17 May 2021) Senior Management acknowledged there were issues with the laundry at the time of the COVID-19 outbreak. This issue was due to staff shortages in the laundry team which created a backlog in the laundry service. Senior Management informed the Inspection Team that this was a “lesson learned” and that the prison would be better equipped moving forward.

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 recent guidance from the UN Subcommittee on Prevention of Torture’s Follow-up Advice (June 2021) requires that states “compensate for the social isolation by using any means to improve social and family contact.” The Office of the Inspector of Prisons shares the well-documented position that solitary confinement cause’s psychological harm to people in prison,⁴² regardless of the reason for its imposition. Therefore, 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.⁴³

4.3.4 Recommendations

Recommendation 10: In line with the European Prison Rules Rule 19.4 and the CPT Minimum Decency Threshold for Prisons, prisoners in quarantine/isolation must be permitted to shower, if not daily, at a minimum, two times in a seven day period.

⁴² 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.

⁴³ CPT Statement of Principles (n 7), Principle 5.

OIP Comment: This recommendation was partly accepted by the Prison Service in the Mountjoy Men’s 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 Minimum 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). In response to the recommendation made with respect to Portlaoise Prison, the Irish Prison Service accepted the recommendation and noted that, given the small population of prisoners in isolation/quarantine, Portlaoise Prison had created a showering station with a PPE donning and doffing area to facilitate showers.

Recommendation 11: In line with the June 2021 SPT Follow-Up Advice relating to COVID-19, the Inspectorate urges the Irish Prison Service to implement all possible measures for improving social and family contact for people in order to compensate for COVID-19-related isolation.

OIP Comment: The Inspectorate has recommended in the Mountjoy Men’s Prison, Cloverhill Prison, Wheatfield Prison, Limerick Prison, Portlaoise Prison and Shelton Abbey 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.”⁴⁴ 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 human contact for at least two hours a day and also confined for more than 23 hours a day, the result is de facto solitary confinement.

Recommendation 12: Prisoners in quarantine/isolation must have access to at least one hour in the open air each day.

OIP Comment: The Inspectorate has recommended in the Mountjoy Men’s Prison, Cloverhill Prison, Wheatfield Prison, Limerick Prison and Portlaoise 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 Men’s Prison and Cloverhill Prison, but not accepted with respect to Wheatfield Prison, Limerick Prison and Portlaoise Prison. The recommendation is being monitored by the Inspectorate.

Recommendation 13: Measures must be taken to mitigate the detrimental effects of isolation or quarantine, including psychological support during and after quarantine/isolation in order to assist prisoners coping with the restrictive measures imposed as a result of COVID-19.⁴⁵

⁴⁴ SPT Follow-up Advice (n 8).

⁴⁵ 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).

OIP Comment: The Inspectorate has recommended in the Mountjoy Men's Prison, Cloverhill Prison, Wheatfield Prison, Limerick Prison, Portlaoise Prison and Shelton Abbey COVID-19 Thematic Inspection reports that measures be taken to mitigate the effects of isolation on prisoners. This recommendation has been accepted by the Irish Prison Service on all occasions, with the Irish Prison Service indicating a roll-out of a COVID outbreak specific mental health protocol by mid-May 2021. The Inspectorate welcomes this initiative.

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 Irish Prison Service Framework impose varying degrees of change to the prison regime. As part of the COVID-19 Thematic Inspection of Arbour Hill Prison, the Inspectorate focused on regime changes made in response to COVID-19.

5.1.1 Compliance

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.⁴⁶

Further to this, in its Follow-up Statement⁴⁷ the CPT note:

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.

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 "Minimum Decency Threshold" (2021) states: "A satisfactory programme of purposeful activities (work, education, sport, training, etc.) is of crucial importance for the well-being of prisoners."⁴⁸

Furthermore, the UN Common Position on Incarceration (2021) recognises the importance of advancing rehabilitation and social re-integration:

⁴⁶ CPT Statement of Principles (n 7) Principle 7.

⁴⁷ 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).

⁴⁸ CPT Minimum Decency Threshold (n 12).

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.”⁴⁹

5.1.2 Environment

The daily regime in Arbour Hill Prison is outlined in Table 5.

Table 5: Arbour Hill Daily Regime (All Prisoners)

Time	Regime
	Prisoner kitchen workers unlocked for work.
	Unlock of prisoners, asked COVID questions and prisoners collect breakfast.
	Prisoners secured in cells except COVID Sani-Air cleaners/Education cleaners.
09:00	Unlock of prisoners, clean cells and go to work areas/education/gym.
	Prisoners return from works areas/education/gym to landings.
12:05	Prisoners fed their dinner meal, and secured in cells.
	Prisoners secured in cells except COVID cleaners.
14:00	Unlock of prisoners, clean cells and go to work areas/education/gym and library when available.
	Prisoners return from works areas/education/gym to landings.
16:00	Prisoners fed their evening meal, and secured in cells.
17:00	Unlock of prisoners, clean cells and go to yard, gym or library when available. Rec Hall closed during COVID. Computer classes in Education Unit on Tuesday evening.
	Prisoners return from yard or gym to landings.
19:20	Prisoners secured in cells.

*This daily regime schedule was provided by Senior Management; not all times included above for security reasons.

Incentivised Regimes

The Incentivised Regime Scheme was established to provide incentives designed to reinforce good behaviour and encourage engagement in structured activities. On the first day of the inspection, 125 prisoners in Arbour Hill Prison were on an Enhanced regime, with the remaining people in custody on a Standard regime (three people). A key criteria for persons transferred to Arbour Hill Prison is that they must not be on protection and must not need to be separated from the general population. At the time of inspection there were no prisoners on protection in Arbour Hill Prison.

5.1.3 Outcomes

At the time of inspection, prisoners were allowed to interact with other prisoners on the same landing. Additionally, they could interact with other prisoners in “the circle,” school and in workshops. They could also speak and interact with one another in the yard once they were within an assigned yard space that was separated by cones and tape. This regime and the level of interaction prisoners had with one another during the COVID-19 pandemic was unique to Arbour Hill Prison.

However, the regime on North One wing appeared to differ to that of the rest of the prison. It was reported by a prisoner that unlike other landings in the prison, the prisoners on North One wing were

⁴⁹ UN Common Position on Incarceration (n 19).

required to determine if they wanted to leave or remain in their cells between 14:00 and approximately 16:20. For the rest of the prison, this determination between staying in or leaving the cell was only required to be made during the 17:00-19:20 unlock period. The result was that during the 14:00 - 16:20 period, prisoners in one area of the prison were not able to freely come and go from their cells, and thus were subject to a different regime to the rest of the prison.

In the Closeout Meeting on 17 May 2021, Senior Management explained that the difference in regime for prisoners on North One wing was because of the need to secure these cells from passing footfall with increased prisoners en route to the yard.

In relation to the impact of COVID-19 on the prison regime, a number of prisoners reported feeling little impact aside from the lockdown period in February 2021, with one person stating “we were untouched here really.”

At the time of inspection, prisoners were able to freely move between the prison building and the yard during morning and afternoon unlock periods (with the exception of some prisoners in North One wing in the afternoon, as noted above). Access to workshops and classrooms was reduced to enable adherence to social distancing. Prisoners reported being actively encouraged by prison staff to take up new activities. A member of the teaching staff reported that some prisoners took up arts and crafts for the first time during the pandemic.

5.2 Access to Education

At the time of inspection, the school was open and operating within social distancing requirements. The Inspection Team examined how access to education was facilitated in the prison, and 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” that has 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 prisons can continue their education and training after release without difficulty (Rule 28.7).

With regards to library access, the Irish Prison Rules require the establishment of a library in each prison (Rule 110.6), to which prisoners 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 28.5 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, education services were open with social distancing requirements in place. Due to social distancing measures, classroom sizes were reduced significantly. For example, prior to COVID-19 the computer and cookery classes had nine students, which had been reduced to five students in order to comply with social distancing requirements. Arbour Hill Prison had 17 teachers; two full-time and 15 part-time teachers; some of whom were shared across other prisons. At the time of inspection, another prison had a COVID-19 outbreak, which resulted in the isolation of three teachers, and therefore impacted on prison education in Arbour Hill Prison.

On day two of the inspection, the school had six teachers present, which was described to the Inspection Team as “skeleton staff.” During lockdown periods teaching staff held meetings remotely to implement an educational plan and create appropriate study materials for students. A small number of teaching staff attended the “waiting room” which was external to the prison, where they were able to print materials for students. Materials included: mathematics workbooks, art and craft packs, literacy workbooks, language workbooks in Irish and Spanish, guitar, music classes, yoga and mindfulness booklets, exercise and breathing booklets and mental health awareness booklets. These materials were then disseminated to students via the Chaplain and prison staff. In an effort to raise morale, the TV channel played a music video created by a former prisoner from another prison.

Open University courses continued throughout the pandemic. 12 students completed Open University exams at the end of the 2020 school year. A further eight prisoners were set to take exams at the end of the 2021 school year. The courses ranged from level one foundation level in literacy and numerical skills up to level nine Master’s degree. Prisoners studying level one courses were provided with in-cell literacy courses that included a workbook and dictionary.

The Inspection Team was informed by teaching staff that one positive aspect of the pandemic was that it provided an opportunity for teachers to upskill their IT skills and utilise modern technology to assist in teaching. It also provided some prisoners an opportunity to experience this technology for the first time. The Inspection Team was informed by Senior Management that the Irish Prison Service was exploring ways to improve technology to develop education programmes. A number of computer applications were approved and in use at the time of inspection. Application materials included: study flashcards, online quizzes, animated presentations with music and user-created voice-overs.

The Inspection Team visited the school which appeared clean and welcoming. COVID-19 information messages were highlighted throughout the school. Every classroom had a maximum occupancy signpost at its doorway.

5.2.3 Outcomes

A number of prisoners spoke about the impact of the closure of the school over the course of the pandemic. Some Open University students reported feeling fatigued and disengaged with the courses. It was also made clear to the Inspection Team that students who studied level one courses on

foundation literacy and numerical skills struggled without the physical presence of teaching staff. These prisoners reported a reluctance to confide in fellow prisoners and to seek help or advice on learning.

The library remained closed throughout COVID-19. Prisoners were only able to access books by making a request to prison officers or to a prisoner who worked in the library. Prisoners reported that this was dependent on staff and if it was possible to retrieve books at the time. The Inspection Team encountered prisoners who complained that the selection of books on offer was poor, and expressed hope that new books would be added to the library.

Prisoners spoke positively about the school and its staff. One prisoner stated, “I study Spanish, music and art. Did the junior and now doing leaving. School is good. I think they care for us.” The Inspection Team encountered prisoners who were permitted to bring art materials to their cells to enable them to continue outside of the art class itself.

The Inspection Team was also informed of future plans for the prison TV channel to be utilised to provide pre-recorded in-cell education to prisoners. Teaching staff in Arbour Hill Prison had input in the development of a pilot programme with an estimated 140 pre-recorded videos and follow along workbook activities completed and awaiting external accreditation. The Inspectorate welcomes this step forward in the delivery of education. In the future, the Inspectorate would welcome an initiative for teachers to upload pre-recorded classes and accompanying materials onto digital tablets. This would allow students to pause, take notes and rewind their classes. It would also provide prisoners with the opportunity to improve their digitally literacy skills; this is especially prescient for older persons in custody who may be less familiar with digital technologies.⁵⁰

The Inspection Team was informed by Senior Management that the prison was in the process of trialling a test environment for a new IT infrastructure which would enable greater Wi-Fi connectivity and the use of in-cell tablets. The Inspectorate was provided with additional information about this initiative in the aftermath of the on-site inspection, and welcomes all efforts to enhance digital literacy and engagement for prisoners in Arbour Hill Prison. However, the Inspectorate notes that digital education should not be a substitute, but rather a complement to in-person education in the long-term.

5.2.4 Recommendations

Recommendation 14: 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 Men’s Prison, Cloverhill Prison, Wheatfield Prison, Limerick Prison, Portlaoise Prison and Shelton Abbey Prison COVID-19 Thematic Inspection reports that digital tablets be made available for prisoner use. The IPS has indicated their response to this recommendation is under review and that the Service is “developing an in-cell learning strategy to enhance learning from prison cells.” The Inspectorate welcomes this, and will continue to monitor and assess this initiative.

Recommendation 15: In line with Rule 110 of the Irish Prison Rules, Arbour Hill Prison should proactively consider the re-opening of library services in the prison.

OIP Comment: The Inspectorate has recommended in the Mountjoy Men’s Prison, Cloverhill Prison, Wheatfield Prison and Limerick Prison COVID-19 Thematic Inspection reports that prison libraries be

⁵⁰ UN Policy Brief on Older Persons and COVID-19 (n 5).

made available to prisoners. This recommendation has been accepted by the Irish Prison Service on all occasions and is being monitored by the Inspectorate.

5.3 Access to Exercise/Interactions

Restrictions on meaningful human interaction and exercise were implemented by the Irish Prison Service to prevent transmission of COVID-19 in Irish prisons. While recognising the necessity of these restrictions, the Inspection Team focused on the impact of these measures on prisoners in Arbour Hill Prison. As noted in Section 4.3, prisoners in quarantine, and especially those in isolation, experienced significant restrictions as regards exercise and human interaction.

5.3.1 Compliance

Rule 32 (1) 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 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, subject to any direction made by the Minister or the Director General (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. 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.”⁵¹

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.”

In terms of meaningful activity, the Mandela Rules (4, 23, 64-66, 105) state that, “providing meaningful activities supports prison management as well as the mental health and rehabilitation of prisoners. Opportunities for sport should be provided and at least one hour per day of outdoor exercise permitted. A prison library must be available and prisoners should be allowed to practise their religion.”⁵²

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

⁵¹ CPT Standards 2010 (n 28), 16.

⁵² Penal Reform International (PRI) (2016), The Revised United Nations Standard Minimum Rules for the Treatment of Prisoners (Short Guide) https://cdn.penalreform.org/wp-content/uploads/2016/01/PRI_Nelson_Mandela_Rules_Short_Guide_WEB.pdf

the prison, on any grounds, a denial of two hours of meaningful human contact each day is de facto 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*⁵³ provides further substance to the definition of meaningful human contact:

- Provided by prison or external staff, individual prisoners, family, friends or others – or by a combination of these;
- 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.”⁵⁴

5.3.2 Environment

Over the course of the pandemic, Arbour Hill Prison has been able to maintain access to a number of services, including psychology and addiction services. This has been facilitated by moving to an online video link format.

During the course of the inspection of Arbour Hill Prison, it was observed that the woodwork workshop and recycling workshop were operational on both days; however, this work was closed at certain points during the pandemic. In the recycling workshop the Inspection Team observed a number of work stations, which included the disassembly of electronic items such as: medical machinery, electrical cables, DVD drives, machinery power parts, various metals, low grade electrical boards and fans.

Arbour Hill Prison had one large exercise yard and one smaller exercise yard. During the outbreak of COVID-19 in February 2021, older vulnerable prisoners were relocated to East One wing and were given sole use of the smaller yard accessible from the East Wing. The Inspection Team observed both yards as clean.

The larger yard was sub-divided into three parts by way of cones and tape used to create designated areas for each of the wings. The large yard contained five telephones, three urinals, two toilets and two sinks, all of which appeared clean and were operational.

The Inspection Team was provided with the Standard Operating Procedure for the gym during COVID-19 which stated the following:

- No prisoner is to attend the gym if feeling unwell.

⁵³ Essex Paper 3 Initial Guidance on the Interpretation and Implementation of the UN Nelson Mandela Rules (2017) <https://cdn.penalreform.org/wp-content/uploads/2016/10/Essex-3-paper.pdf>

⁵⁴ SPT Follow-up Advice (n 8).

- All training gear and towels to be freshly laundered before and after use.
- All prisoners to be screened by gym officers before commencing workout.
- Strict social distancing protocols to be adhered to at all times.
- Maximum of ten prisoners at any time to ensure social distancing.
- New timetable to be adhered to stop busy periods and to ensure fair and safe access for all.
- All gym equipment to be wiped down before and after use with designated specialist cleaning products.
- Water fountain to be cleaned before and after use.
- Water fountain for gym use only.
- Showers to be commenced immediately after the gym.
- Gym will be thoroughly cleaned three times daily and deep cleaned twice a week.
- Gym sanitisation to be used three times per day.

The Inspection Team was informed by staff that access to the gym was phased to ensure different units and landings did not mix. The gym appeared clean, was well equipped and contained a multitude of cardio and resistance weight training machines including several treadmills and smith machines. The gym also contained a number of mental health awareness posters along with COVID-19 posters and sanitisation stations. At the time of inspection, the gym timetable operated as follows (Table 6):

Table 6: Arbour Hill Gym Timetable

Section	Time
Morning	9:00 to 10:00
Morning	10:00 to 11:00
Afternoon	14:15 to 15:15
Reserve Period	17:15 to 18:30

The recreation room was in the same large area as the gym, which was separated by a moveable partitioned wall. The recreation room contained two telephones enclosed in booths for privacy, a snooker table, two pool tables and one table tennis table. Despite the recreation area being larger than the gym, it was closed during the inspection, and had been closed since the outbreak in February 2021. Senior Management stated the decision not to re-open was made as the recreation room was considered high risk for the spread of COVID-19. Seasonal weather had improved and prisoners could spend this time in the yard, gym or interacting on the wings. During the outbreak period other activities such as the Braille shop, print room, fabric shop, joinery and waste management were closed for a period of between four and six weeks. Table 7 outlines the status of activities and availability of services during COVID-19.

Table 7: Status of Activities/Interactions during COVID-19

Activities/Interactions	Status during COVID-19 Pandemic
Gym	Available
Alcohol Anonymous/Narcotics Anonymous	Available
Addiction Counselling	Phone Service
Psychology	Available (video link and in person)
Yard	Available
Chaplaincy	Available (part-time)
Library	Suspended
Recreational Room	Unavailable
Section 39 visits	Suspended

Prior to the pandemic, prisoners availed of services and interactions that helped to develop life and social skills. These interactions included social events such as a group dinner which gave prisoners an opportunity to have a sit down meal in a group environment; for some prisoners it had been a considerable number of years since they had experienced communal dining. Other services included the Travellers in Prison Initiative, in which a representative from the Traveller Counselling Service met with prisoners from the Travelling Community to create an information booklet to help men cope with life in prison. In May 2019, a group of drama students performed a production of Brendan Behan’s play “The Quare Fellow.” The production was attended by the President of Ireland, Michael D Higgins, amongst other guests, including the Inspectorate.

5.3.3 Outcomes

The Inspection Team was informed by Senior Management that the Irish Prison Service Infection Control Team was of great assistance and support to Arbour Hill Prison in providing advice on infection control measures. In particular, Arbour Hill Prison Senior Management had sought hygiene advice relating to the gym and recreation room.

In relation to access to the yard, during periods of unlock, most prisoners had unrestricted access to the yard, and therefore had the opportunity for fresh air, exercise and meaningful interaction with others. The large yard also contained football pitch markings, however there was no football allowed due to the COVID-19 restrictions in place. The Inspection Team was informed by prison officers that the Chaplain had organised football matches in the past.

A number of prisoners spoke highly of the gym: “The gym is a great set up.” Another prisoner stated, “I go to the gym three to four days a week, (its) important to keep a health body and mind.” The Inspection Team was informed by Senior Management that there were specific exercise programmes tailored towards elderly prisoners. This was referred to as the “mature movers programme.”

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

5.4 Other Issues

Rehabilitation Services – Building Better Lives (BBL) Programme

The Building Better Lives (BBL) programme is a "therapeutic programme for men who acknowledge that they have committed a sexual offence and who have a desire to build a better life for themselves." The programme, devised by psychologists within the Irish Prison Service, is based on 2010 research conducted in Canada.

At the time of inspection, the BBL programme operated in Arbour Hill Prison in Dublin and in the Midlands Prison in Portlaoise.⁵⁵ The BBL programme replaced the Sex Offender Treatment Programme (SOTP) in 2009.

The Probation Service provided the Inspection Team with the BBL programme leaflets, which comprise of three levels: (i) Exploring Better Lives (EBL); (ii) Practicing Better Lives (PBL); and (iii) Maintaining Better Lives (MBL). The programmes are delivered in stages across Arbour Hill Prison and Midlands Prison; the Inspection Team was informed by the Probation Service and the Head of Psychology Services in the Irish Prison Service that access to complete the BBL programme results in inter-prisoners transfers to Arbour Hill. An overview of each of the stages of the BBL programme is provided below in Table 8.

Table 8: BBL Programmes Overview

Programme Section	Programme Aim
Exploring Better Lives Group (EBL)	The aim of this group is to help prisoners to recognise how they can bring about positive change in their life. This group runs twice per week for two months. Once completed prisoners will progress to the next group.
Practicing Better Lives Group (PBL)	The aim of this group is to help prisoners to develop a better understanding of the factors in their life that contributed to their offending. A key part of this group is to support prisoners in developing positive and realistic future plans and skills. This group runs twice weekly for six months.
Maintaining Better Lives (MBL)	The aim of this group is to provide ongoing support for prisoners who are serving long sentences for sexual offences. Taking part in the group will help prisoners to maintain the benefits they achieved in their previous work and help them link up with community supports. The group runs once per week for four months. The PBL group must be completed at least one year prior to the MBL.

The Inspectorate was informed by the Head of Psychology Services within the Irish Prison Service that the BBL programme has strict inclusion and exclusion criteria for participation. The qualifying criteria includes: admission of the offence and harm caused; stability of mental health and personality; sufficient sentence length; risk of re-offending; capacity to engage in group programming; and pre-and post-assessment reports. Engagement with the BBL programme typically occurs in the last two years of a person's sentence.

Between 2015 and 2019 (pre-COVID) an average of 20-25 people participated in the BBL programme annually. In 2020, nine people completed the BBL programme.

The Head of Psychology Services in the Irish Prison Service provided the Inspectorate with the following statistics regarding the BBL programme:

⁵⁵ Irish Prison Service (2013) http://www.irishprisons.ie/images/monthlyinfonote/sex_offenders_2013.pdf

- 25% of prisoners imprisoned for a sexual offence engage in all or part of the BBL programme..
- 25% of prisoners who might benefit from the BBL programme are not in prison long enough to engage in the programme (over a two-year sentence requirement).
- 25% of prisoners are appealing their sentence.
- 25% of prisoners are unsuitable for the BBL due to their mental health, personality instability or denial of the offence.

The Inspection Team met with a number of prisoners who had engaged in the BBL programme. Many expressed feelings of frustration and disillusionment with the programme. Despite completing the course, they noted that the programme does not result in incentives such as sentence reduction, although this is the practice in other jurisdictions, which was noted by both prisoners and staff. One staff member stated, “there’s no carrot to get them to engage.”

The Inspection Team spoke with prisoners who were uncomfortable with some of the group work that was carried out within the BBL programme. One prisoner stated, “we don’t need to know each other’s crimes.” A number of prisoners informed the team that accommodations had been made for them to engage in one-to-one sessions with the psychology team.

The Inspectorate was informed by the Head of Psychology Services that, as a result of emerging research evidence, discussion with field experts, and new Council of Europe recommendations, the Irish Prison Service had determined the need to review the current BBL programme and to seek to implement appropriate revisions. Many of the emerging recommendations for change require a significant reduction in the barriers to access treatment. For example, the Inspectorate was informed that research shows early engagement for assessment and treatment is of benefit, rather than engagement in the final two years of imprisonment. Additionally, the Inspectorate was informed that research indicates that programmes designed to address sexual offending were not only effective for people serving long sentences who have admitted their crime, but also for people with short sentences and those who deny their offence.

The Inspectorate was informed that, at the time of inspection, the following psychology staffing resources were dedicated to work with people convicted of sexual violence:

- 2 x Staff Grade Psychologists (one in Midlands Prison and one in Arbour Hill Prison)
- 0.4 WTE locum Senior Psychologist based in Arbour Hill Prison

The Inspectorate was informed that the following resources for psychology would be required in order to provide a service to all people convicted of sexual violence:

- 5 Staff Grade Psychologists
- 1 Full-time Senior Psychologist based in Arbour Hill Prison.

5.4.1 Recommendation

Recommendation 16: In line with ICCPR Article 10 (3) and the need to ensure prisoners have continued access to rehabilitative services, the Inspectorate recommends the Irish Prison Service continue to assess and revise / replace the Building Better Lives programme to ensure effective and timely engagement. This may include augmenting resources for the psychology service across Arbour Hill Prison (and Midlands Prison) to ensure an adequate number of staff are available to provide a service to all people convicted of a sexual offence.

6 RESETTLEMENT

6.1 Release

As part of the COVID-19 Thematic Inspection of Arbour Hill 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.”⁵⁶ 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.”⁵⁷ Alongside this, the Irish Prison Service and the Probation Service have developed a multi-agency approach to manage and rehabilitate “offenders” from pre- to post-imprisonment. This approach 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”.⁵⁸

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)(3)(ii)(d), and on the Prison Officer “to contribute to the rehabilitation and reintegration into the community (...) [of prisoners]” (Rule 85(3)(c)(iv). However, neither the Irish Prison Rules 2007-2020 nor the Prison Act 2007 place an obligation on the Irish Prison Service to prepare people in prison for a planned and gradual return to life in society. An Inter-Agency Group was established to implement key recommendations made by the Penal Policy Review Group⁵⁹ to support the rehabilitation of offenders and crime prevention.⁶⁰ However the Group’s last published report was in 2019. Despite this absence in the national legislation, international human rights 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.

⁵⁶ Irish Prison Service, Resettlement and Reintegration, <https://www.irishprisons.ie/prisoner-services/reintegration/>

⁵⁷ Irish Prison Service, Irish Prison Service Strategic Plan 2019-2022 https://www.irishprisons.ie/wp-content/uploads/documents_pdf/Irish-Prison-Services-Strategy-2019-2022.pdf.

⁵⁸ IPS (n 56).

⁵⁹ For more about the Penal Policy Review Group see, http://www.justice.ie/en/JELR/Pages/Penal_Policy_Review

⁶⁰ 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

Further to this, the revised 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);
- 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).

The Council of Europe Recommendation (2003) on life sentence and long term sentence prisoners states: “Individual planning for the management of the prisoner’s life or long-term sentence should aim at securing progressive movement through the prison system (progression principle).”⁶¹

Further, it states: “Elderly prisoners should be assisted to maintain good standards of physical and mental health. To this end, the prison administration should provide opportunities for work, exercise and other activities that are suited to the individual prisoner’s physical and mental capacities.”

The Council of Europe states:

In order to reduce the harmful effects of imprisonment and to promote the resettlement of prisoners under conditions that seek to guarantee safety of the outside community, the law should make conditional release available to all sentenced prisoners, including life-sentence prisoners.⁶²

The SPT Follow-up Advice (2021) urges States to “continue efforts to reduce the prison population by pursuing policies such as early release, parole and non-custodial measures.”⁶³

6.1.2 Environment

Integrated Sentence Management

ISM (Integrated Sentence Management) is a system developed to ensure co-ordination of interactions with prisoners based on agreed sentence plans.

⁶¹ Council of Europe Committee of Ministers, Recommendation Rec(2003)23 of the Committee of Ministers to Member States on the Management by Prison Administrations of Life Sentence and Other Long-term Prisoners, https://search.coe.int/cm/Pages/result_details.aspx?ObjectId=09000016805dec7a

⁶² Council of Europe (n 61)

⁶³ SPT. Advice of the Subcommittee (n 45), 10(g).

The role of the Integrated Sentence Management (ISM) officer is to work with prisoners to develop a personal plan that includes setting objectives in the areas of education, training and personal development. This would allow for each prisoner to have a preparatory plan for their release. If a prisoner has received a sentence of one year or more they are eligible to be assessed by an ISM officer. The sentence plan should be created and regularly reviewed.

The Inspection Team was informed by Senior Management that Arbour Hill Prison had been without an ISM officer for over one year. In an attempt to compensate for this loss, Probation, Resettlement and Psychology Services played a pivotal role in ensuring support was provided to people leaving prison. The Inspectorate commends the efforts these services made to enable resettlement support for prisoners, but also notes that this is not sustainable in the long-term.

The Inspection Team viewed a number of leaflets available to prisoners on topics such as coping with alcohol and drug addiction; depression; anger management; and coping with feelings of guilt and managing general stress.

6.1.3 Outcomes

As required by the European Prison Rules, the Mandela Rules and the Irish Prison Rules (Section 6.1.1), the Irish Prison Service and Arbour Hill Prison should ensure prisoners are prepared to re-integrate into society upon their release. The Inspection Team determined that, at present, despite the best efforts of staff, which are to be commended, Arbour Hill Prison is not fulfilling this obligation.

There were a number of issues regarding the sentence management of prisoners in Arbour Hill Prison.

The Inspection Team spoke with prisoners who were nearing the end of their sentence. One prisoner claimed to have not seen the ISM officer in over 18 months, and questioned whether there was an ISM officer in Arbour Hill Prison. Prisoners reported being “stressed about getting out.” It was clear to the Inspection Team, based on discussions with prisoners, that there was a need for development of a structured plan for how prisoners would engage with prison rehabilitative services.

The Inspection Team met with the Probation Service, and was informed that the Probation Service continued its work via video link throughout the pandemic. Probation officers and administrative staff continued to fulfil their full time working rota despite COVID-19 restrictions. Every life sentenced prisoner in Arbour Hill was designated a Probation Officer. The Inspection Team was informed that prisoners who could not meet Parole Board recommendations due to COVID-19 restrictions “won’t be penalised for things that are out of their control.” The manner in which prisoners fulfil these recommendations had however changed, with video link replacing in-person engagement in most situations. This type of engagement differed from the previous face-to-face interaction, and at times caused frustration for prisoners.

A number of prisoners reported to the Inspection Team a clear plan upon release, although the majority of these were plans developed by the prisoner, rather than in collaboration with services operating in the prison. Other prisoners who had a less clear plan for their release expressed concerns about securing housing and accommodation upon release. Prison staff and the Probation Service staff confirmed that the greatest challenge in terms of resettlement is sourcing accommodation for prisoners prior to their release.

Senior Management, the Probation Service, and prisoners informed the Inspection Team of fears relating to prisoner release. These included concerns about prisoner safety upon release and the impact of media interest on people as they exited the prison and re-integrated into society. The Inspection Team was informed of a number of measures taken by staff to mitigate and alleviate these concerns;

the Inspectorate welcomes the often behind-the-scenes efforts taken by prison staff, the Probation Service staff and psychology staff to ensure prisoner safety upon release.

In addition to the above, the Inspectorate acknowledges that people convicted of sex offences do not have access to open prisons.⁶⁴ Therefore, prisoners who have committed an offence of this nature are not being afforded the same opportunities as other prisoners to benefit from the rehabilitative ethos of an open prison.⁶⁵ This issue should be considered in the context of the Irish Prison Service's responsibility to eliminate discrimination under Section 42 of the Public Sector Duty.

6.1.4 Recommendation

Recommendation 17: In line with the Mandela Rules and the European Prison Rules, the Irish Prison Service should strengthen, operationalise and apply the Integrated Sentence Management process so that all prisoners are actively engaged and contributing to their sentence and re-integration plan and have regular meetings with the ISM officer per year. Prisoners should be provided with a written copy of their sentence plan. The vacant ISM officer post in Arbour Hill Prison should be filled immediately.

⁶⁴ The Irish Prison Service sets out the criteria in which prisoners are assessed for transfer to an open prison. Factors taking into account when approving a prisoners to an open prison includes: nature of sentence/offence, length of sentence, length of sentence left to serve and risk to the public. See Irish Prison Service (2019) *Open Centre Policy Document* (https://www.irishprisons.ie/wp-content/uploads/documents_pdf/Open-Centre-Policy-2019.pdf)

⁶⁵ The purpose of an open prison is to support prisoners as they transition and reintegrate back into society. The concept of an open prison is premised on the principle of trust. Prisoners typically have more freedoms and a greater connection to the outside world. In 1955, the first *UN Congress on the Prevention and Treatment of Crime and the treatment of Offenders* placed particular emphasis on open institutions and described its benefits:⁶⁵

1. The open institution is one of three components that characterise 'modern prison systems', and is supportive of the 'individualisation' principle
2. Open prisons could contribute to decreasing disadvantages of short term prison sentences

The Congress recommended (i.) the extension of an open prison system to the 'largest possible number of prisoners (ii.) the compilation of statistics to assess the impact of open conditions on recidivism and social rehabilitation.' See Manuel Lopez-Rey, First UN Congress on the Prevention of Crime and Treatment of Offenders, 47 *J. Crim. L. Criminology & Political Sci.* 526 (1956-1957) p. 534,

<https://scholarlycommons.law.northwestern.edu/cgi/viewcontent.cgi?article=4532&context=jclc>

7 RECOMMENDATIONS & IPS ACTION PLAN

No.	Recommendation	IPS Response	Action Required	Action Owner	Timeline
AHCT1 <i>IPS/Prison</i>	In line with Rule 54 of the Nelson Mandela Rules, the Irish Prison Service should ensure that written and oral information is provided to prisoners on quarantine and on an ongoing basis over the course of quarantine. This information should be designed to assist prisoners in adapting to quarantine, and should clearly outline what they can expect while in quarantine. The information should be provided in a language and form that can be understood by the prisoner; this may require the assistance of interpreters. Prisoners should be provided with ongoing opportunities to raise questions and to be informed of all matters necessary to adapt to quarantine and prison life in general.	<p>Accepted:</p> <p>The Irish Prison Service provides a comprehensive Prisoner Information Book to all new committals to prison. The Book is printed in several languages and gives basic information about regimes and services within prisons.</p> <p>A bespoke booklet titled “Covid-19 – Living in Cell” was developed by the Red Cross Prisoner Volunteers to provide detailed information to prisoners on isolation/quarantine and gives specific information on the Covid-19 testing process.</p> <p>The information, which has been designed by prisoners for prisoners, is provided in a clear, easy to read plain English format.</p> <p>This information booklet has been translated into several languages.</p> <p>In addition prisoners are provided with verbal information by prison management on the quarantine process including the timelines and testing process.</p>	<p>The Irish Prison Service will continue to provide translations of information provided.</p> <p>Governor provides a verbal briefing to new committals and prisoners going on temporary release.</p>	<p>Care and Rehabilitation</p> <p>Prison Management</p>	In place and will be reviewed on an ongoing basis
AHCT2 <i>IPS</i>	The Irish Prison Service should provide prisoners with a written copy of the <i>Framework for Living with COVID-19 and/or Unwinding of Prison Restrictions</i> (as applicable). Prisoners should be consulted, and updated on future plans including, family visits, regimes, and sentence progression as COVID-19 restrictions unfold.	<p>Part Accepted:</p> <p>The Irish Prison Service has commenced the unwinding of prison restrictions in line with the roll out of the covid-19 vaccination programme in all prisons.</p> <p>Extensive communication with prisoners is carried out at all times to raise awareness of changes to restrictive measures.</p> <p>Arbour Hill management continue to brief prisoners on changes via Governor’s Parade and class officers are available to communicate with prisoner at all times.</p>	Continue to update as required	Prison Management Team	In place and Ongoing

		The prisoners Red Cross continue to develop information booklets and arrange regular information leaflet cell drops. The Prisoner TV channel is also updated as the Covid-19 situation evolves.			
AHCT3 <i>IPS</i>	In line with the Nelson Mandela Rules, (Rule 22.1) 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 times reflected in the community: breakfast (morning), lunch (midday) and dinner (evening).	<p>Accepted:</p> <p>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.</p> <p>The Irish Prison Service has been engaging with the staff representative association with regard to implementing this change across the prison system.</p> <p>The Irish Prison Service has identified the review of prisoner mealtimes as a priority action in the Public Service Agreement 2021/2022 and continues to engage with the staff representative association in this regard.</p>	<p>The Irish Prison Service will continue to engage with the staff representative association with regard to the alteration of the existing prisoner meal schedule</p> <p>The Irish Prison Service has reintroduced divisional unlock across all prisons as part of the unwinding of restrictions.</p>	Care and Rehabilitation / Human Resources	Ongoing
AHCT4 <i>IPS</i>	In line with the UN Mandela Rules (Rule 65 (1)), consideration should be given to the establishment of a permanent full-time Chaplain in Arbour Hill Prison	<p>Accepted:</p> <p>Arbour Hill Prison has a full-time Chaplain post however, the permanent post holder has been on an extended absence from duty, resulting in the need to use a Locum Chaplain (shared with Mountjoy Prison).</p> <p>The Arbour Hill Chaplain has recently returned to the role on a full-time basis.</p>		Care and Rehabilitation	Completed
AHCT5 <i>IPS/Prison</i>	In line with the easing of restrictions in the community, in-person religious services in prison should resume while maintaining public health guidelines.	<p>Accepted:</p> <p>The Irish Prison Service is currently in the process of restoring in person religious services across the system.</p>			Completed

		<p>The National Infection Control Team has provided updated covid-19 guidance and infection control advice allowing for the restoration of in person religious services in all prisons (subject to the completion of the vaccination programme).</p> <p>Religious Services recommenced in Arbour Hill Prison on Sunday 22/08/2021.</p>			
AHCT6 <i>IPS/Prison</i>	In line with Section 42 of the Public Sector Duty and Rules 15 and 16 of the United Nations Standard Minimum Rules for the Treatment of Prisoners (Nelson Mandela Rules), a shower screen and extractor fan should be installed in in-cell showers for cells that accommodate prisoners with physical disabilities.	<p>Part accepted:</p> <p>Extractor fans are already installed in these cells.</p> <p>Arbour Hill Prison management and Building Services Division will review the provision of the shower screens and undertake remedial works if appropriate.</p>	The provision of shower/privacy screens will be reviewed.	Building Services Division / Prison management	Under review/TBC
AHCT7 <i>IPS</i>	In line with the CPT standards on living conditions, and with respect to the European Convention on Human Rights Article 8, all multi-occupancy cells in Arbour Hill Prison should meet minimum CPT requirements, with access to a fully-partitioned toilet facility.	<p>Part accepted:</p> <p>Arbour Hill Prison dates back to 1848 and as a result there are physical limitations on the cellular accommodation.</p> <p>Prison management and Building Services Division are reviewing the reinstatement of 900mm privacy screens in multi-occupancy cells. Screens, which were previously fitted, were removed by prisoners.</p> <p>Screens of this height provide adequate privacy while still facilitating checks to ensure safety of Prisoners.</p>	Privacy screen to be reinstated in cells.	Building Services Division / Prison management	Under review/TBC
AHCT8 <i>IPS/Prison</i>	In line with Section 42 of the Public Sector Duty, the Irish Prison Service should ensure that all prison staff participate in ongoing and continuous training and awareness-raising programmes on international human rights standards and principles of equality and non-discrimination.	<p>Accepted:</p> <p>All staff are reminded on an ongoing basis of the need to treat prisoners with dignity and respect.</p> <p>All staff who join the Irish Prison Service receive training in relation to human rights, equality and diversity. This training has evolved in response to evolving societal values, legislation and international human rights.</p> <p>The Irish Prison Service appointed an Equality and Diversity Lead in 2019 with a view to</p>	<p>E-learning modules in development.</p> <p>Publication of Code of Ethics</p>	<p>Irish Prison Service Training College</p> <p>Director General</p>	<p>Ongoing</p> <p>Q3 2021</p>

		<p>advancing a number of actions to enhance dignity and respect within the Service.</p> <p>A specific anti-racism awareness campaign was rolled out via the Intranet in March 2021 by the Equality and Diversity Lead.</p> <p>The Director General wrote to all staff in March 2021 reminding them of the need to uphold human rights and treat people in their care with dignity and respect.</p> <p>The Irish Prison Service recently procured a Learning Management System and intends to provide training to staff in relation to the new Code of Ethics (completed and due for publication in Q3 2021) and Section 42 responsibilities through E-Learning in the near future.</p> <p>The Service is committed to designing and delivering more bespoke training in relation to the important areas of human rights, equality, diversity and inclusion.</p> <p>A prisoner may raise a concern or make a formal complaint via the Prisoner Complaint Process. All complaints are treated with the utmost seriousness and will be thoroughly investigated.</p> <p>The Governor has advised that 1 complaint was received from a prisoner who alleged they had been subject to inappropriate comments by a staff member.</p> <p>The matter was formally investigated and the complaint was not upheld.</p>			
AHCT9 <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:</p> <p>Arbour Hill Prison has a bed capacity of 138. The daily average number in custody in 2020 was 130 or an average occupancy level of 94%.</p> <p>The average number in custody in Arbour Hill in 2021 (to 20/8/2021) is 123 or 89%.</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

		<p>In March 2020 the Irish Prison Service took decisive action to reduce the prison population to ensure effective infection control measures.</p> <p>The IPS has engaged with the Department of Justice to examine potential solutions to continue 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>	Data analysis on the impact of increased committals to be completed.	Criminal Justice Efficiencies committee	
<p>AHCT10 <i>IPS/Prison</i></p>	<p>In line with the European Prison Rules Rule 19.4 and the CPT Minimum Decency Threshold for Prisons, prisoners in quarantine/isolation must be permitted to shower, if not daily, at a minimum, two times in a seven day period.</p>	<p>Accepted:</p> <p>Given the relatively static prisoner population in Arbour Hill Prison, very few prisoners have been required to quarantine or isolate, with the exception being during the Covid-19 outbreak in February (19/02/2021 – 08/03/2021).</p> <p>The Infection Control Guidance on the provision of showers for prisoners in Quarantine/Isolation was updated in July by the NICT to allow for two showers in a seven day period – where operationally feasible.</p> <p>All prisoners confined to their cell for the purpose of quarantine have access to hot water and soap to maintain adequate hygiene.</p> <p>This is in line with the <i>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.</i></p> <p>Any prisoner required to quarantine or isolate in Arbour Hill is also provided with a care pack that includes hygiene products.</p>	<p>The Infection control Guidance on the provision of showers for prisoners in Quarantine/Isolation was updated in July to allow for two showers in a seven day period – where operationally feasible.</p>	Care and Rehabilitation; Human Resources	Completed
<p>AHCT11 <i>IPS/Prison</i></p>	<p>In line with the June 2021 SPT Follow-Up Advice relating to COVID-19, the Inspectorate urges the Irish Prison Service to implement all possible measures for</p>	<p>Part accepted:</p> <p>Every effort continues to be made by the Irish Prison Service to allow prisoners in</p>	<p>Continue the provision of in cell technology to allow prisoners to maintain contact with family and services.</p>		Ongoing

	improving social and family contact for people in order to compensate for COVID-19-related isolation.	<p>Quarantine/Isolation to have contact with family and prison services.</p> <p>This includes the use of in-cell telephones and the use of tablet computers for those on significantly restricted regimes.</p> <p>A critical measure in the prevention of the possible spread of covid-19 to the prison population has been the isolation and quarantining of suspected or positive cases of covid-19.</p> <p>This measure is consistent with action taken by other services who manage positive and suspected cases.</p> <p>The priority for the Irish Prison Service and prison management is to limit and reduce the time spent by prisoners in isolation/quarantine through the testing process.</p> <p>Physical visits to prisons have also recommenced in line with the roll out of the prison vaccination programme. Physical visits in Arbour Hill recommenced on 24/7/2021</p>			
AHCT12 <i>IPS/Prison</i>	Prisoners in quarantine/isolation must have access to 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. Prisoners are fully informed of the quarantine rules on committal by the Governor on parade.</p> <p>Restrictions are reviewed on an ongoing basis by the Emergency Response Planning Team.</p>			
AHCT13 <i>IPS/Prison</i>	Measures must be taken to mitigate the detrimental effects of isolation or quarantine, including psychological support during and after quarantine/isolation in order to assist	<p>Accepted:</p> <p>A Covid outbreak-specific mental health protocol has been put in place by the IPS Psychology Service.</p>			Completed

	prisoners coping with the restrictive measures imposed as a result of COVID-19.	The approach incorporates a three-tiered layered care model which includes preventative, enhanced and acute mental health care interventions. This includes the use of tablets to proactively engage people on significantly restrictive measures, where required.			
AHCT14 <i>IPS</i>	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.	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 large volume of in-cell audio-visual and printed material has now been produced by the ETBs. Blended learning has not yet formally commenced pending consultation with Staff Association.	Care and Rehabilitation	Q4 2021 Q3 2021
AHCT15 <i>IPS/Prison</i>	In line with Rule 110 of the Irish Prison Rules, Arbour Hill Prison should proactively consider the re-opening of library services in the prison.	Accepted: Arbour Hill library is open and Dublin City Council library services resumed at the end of July 2021.			Completed
AHCT16 <i>IPS</i>	In line with ICCPR Article 10 (3) and the need to ensure prisoners have continued access to rehabilitative services, the Inspectorate recommends the Irish Prison Service continue to assess and revise the Building Better Lives programme to ensure effective and timely engagement. This may include augmenting resources for the psychology service across Arbour Hill Prison (and Midlands Prison) to ensure an adequate number of staff are available to provide a	Accepted: Arbour Hill resettlement and community services were provided virtually and maintained virtually insofar as was possible throughout the pandemic, e.g. Grow and AA. Release requirements were met, including requirements for release of people convicted of a sexual offence. The BBL programme has resumed face to face meetings within the past month.	Business case submitted as part of Estimates Process		Q1 2022

	service to all people convicted of a sexual offence.	<p>The Irish Prison Service is reviewing its approach to the management of prisoners convicted of sexual violence and the operation of the Building Better Lives Programmes.</p> <p>In this regard, the Irish Prison Service has submitted a business case for the provision of additional resources for the treatment of sexual violence via the 2022 Estimates Process.</p>			
AHCT17 <i>IPS/Prison</i>	In line with the Mandela Rules and the European Prison Rules, the Irish Prison Service should strengthen, operationalise and apply the Integrated Sentence Management process so that all prisoners are actively engaged and contributing to their sentence and re-integration plan and have regular meetings with the ISM officer per year. Prisoners should be provided with a written copy of their sentence plan. The vacant ISM officer post in Arbour Hill Prison should be filled immediately.	<p>Accepted:</p> <p>The ISM post in Arbour Hill is not vacant however the post holder is currently absent from duty.</p> <p>A temporary panel has now been formed and staff have been trained to undertake this task until the return of the permanent post holder.</p>			Completed
AHREQ1 <i>IPS</i>	The Inspector of Prisons requests to be provided with information on the direction given to Arbour Hill Prison by the Irish Prison Service to implement S.I. 250 - Prison (Amendment) Rules 2020 - Rule 36A of the Irish Prison Rules.	Under review			
AHREQ2 <i>IPS</i>	The Inspector of Prisons requests to be provided with information on the direction given to Arbour Hill Prison by the Irish Prison Service to implement S.I. 250 - Prison (Amendment) Rules 2020 - Rule 32A of the Irish Prison Rules.	Under review			

