



OIFIG AN CHIGIRE PRÍOSÚN  
OFFICE OF THE INSPECTOR OF PRISONS

# **COVID-19 Thematic Inspection of Cork Prison**

31 May 2021 - 1 June 2021

IPS review: 12 August - 2 September 2021  
Submitted to Minister: 3 September 2021

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# EXECUTIVE SUMMARY

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The Office of the Inspector of Prisons carried out the eighth of twelve COVID-19 Thematic Inspections in Cork Prison on 31 May to 1 June 2021. This inspection examined thirteen assessment areas across the Five Inspectorate Focus Areas: Respect & Dignity; Safety & Security; Health & Wellbeing; Rehabilitation & Development; and Resettlement.

Over the course of inspection, prison Senior Management and staff in Cork Prison were 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 preventing widespread transmission of COVID-19.
- There was a common effort amongst prisoners and staff in the prison to prevent transmission of COVID-19.
- The school and services in Cork Prison were proactive in adapting delivery of educational and support activities over the course of the pandemic.

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

- The lack of in-person family visits has had a significant impact on prisoners.
- A large number of prisoners expressed apprehension about speaking to members of the Inspection Team, citing fear of transfer as a repercussion for engaging with the Office of the Inspector of Prisons.
- Non-English speaking prisoners relied on fellow prisoners for translation and communication. The lack of interpretation mechanisms available to both prisoners and staff was reported as an issue.
- A number of prisoners reported experiences of discrimination based on their race and/or nationality.

The Office of the Inspector of Prisons is concerned that the strategies implemented in Cork Prison to prevent the transmission of COVID-19 have not fully considered corresponding negative outcomes for prisoners. These restrictions *at all times* must have a legal basis, be proportionate, and be necessary.

The Inspectorate was informed by prisoners and staff of a number of innovative ideas for the improvement of access to services and activities. The Inspectorate encourages Cork Prison to consider, in consultation with prisoners and staff, new pro-active initiatives to address the concerns raised in this report.

As the Government eases COVID-19 restrictions across the country, the Irish Prison Service should provide timely and prison-specific information to prisoners about the relaxation of restrictions in prison settings.

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

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

# 1 INTRODUCTION

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## 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.

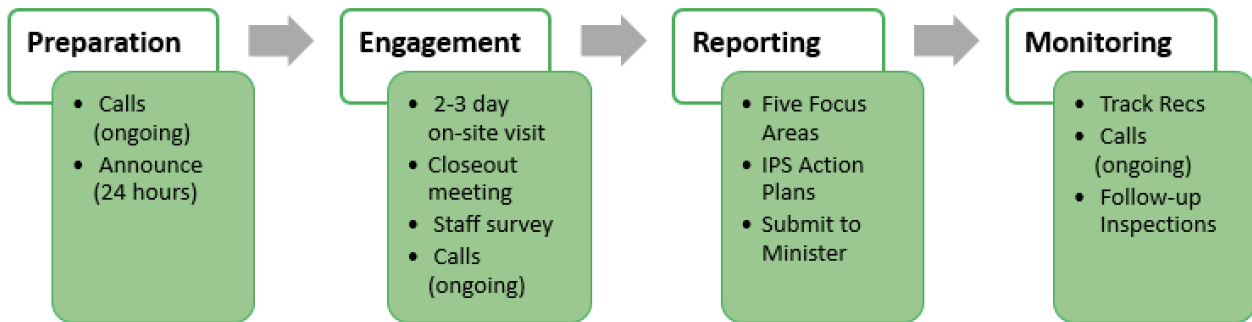
Where any matters are so omitted, a statement to that effect must be attached to the report concerned on its being laid before both Houses of the Oireachtas, and on its publication.

## 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,<sup>1</sup> 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.<sup>2</sup>

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.<sup>3</sup> Based on internal information and information received from the IPS, the Inspectorate determines if a visit to a prison is (i) warranted given the risk, and (ii) in line with the principle of “do-no-harm” (ensure that risk is offset by preventive action). COVID-19 Thematic Inspections are announced, with prisons provided with at least a 24-hour notice in advance of the inspection. The Inspection Team is reduced in size, and the inspection is carried out 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.

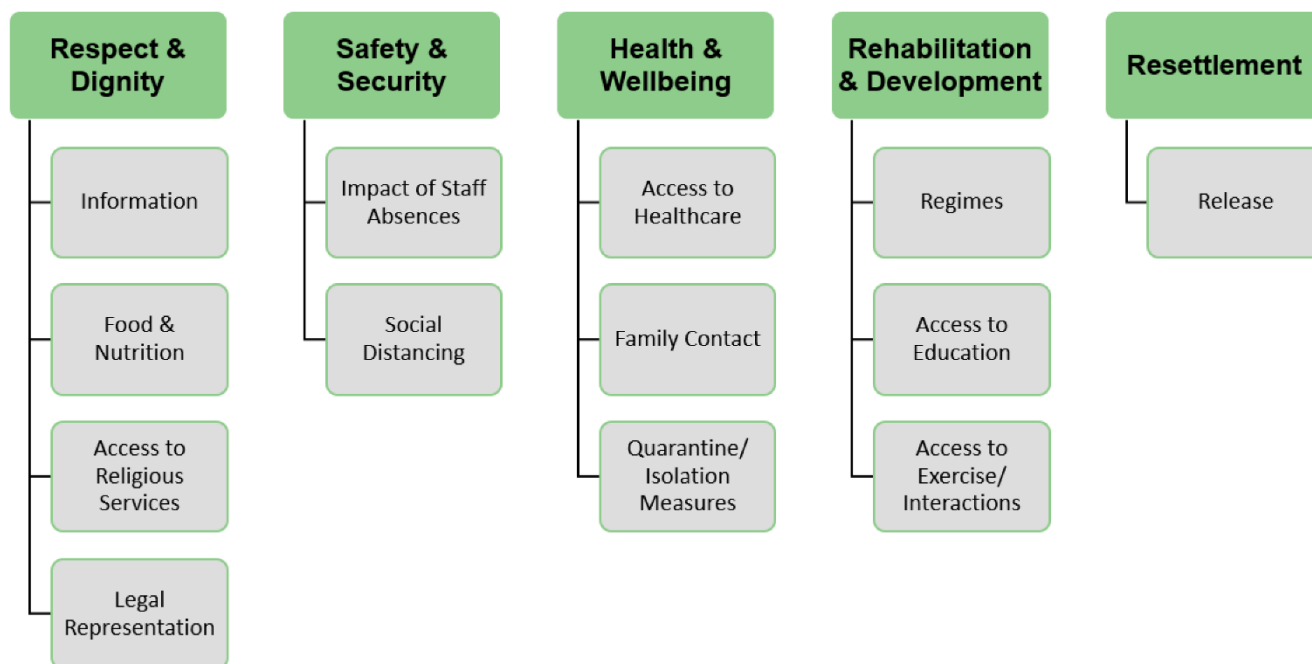
<sup>1</sup> OIP. COVID-19 Call Template, available at: <https://www.oip.ie/wp-content/uploads/2021/05/COVID-Call-Template.pdf>

<sup>2</sup> OIP. COVID-19 Staff Survey, available at: <https://www.oip.ie/wp-content/uploads/2021/05/COVID-19-Survey-for-IPS-Staff-2021.pdf>; Survey Initial Findings Infographic (June 2020): <https://www.oip.ie/wp-content/uploads/2021/06/OIP-COVID-19-Staff-Survey-Initial-Findings.pdf>

<sup>3</sup> 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

## Cork Prison Assessment Themes



The COVID-19 Thematic Inspection process involves the following:

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

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

The 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. Six calls were made to Cork Prison in advance of the inspection on 19 February 2021, 5 March 2021, 26 March 2021 and 16 April 2021, 6 May 2021, 24 May 2021. The Inspectorate carried out a post on-site inspection call on 25 June 2021 as well as engaged in continuous follow-up email communications with Senior Management.

Over the duration of the inspection process, the Inspectorate endeavours to raise awareness about 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, available in Irish, English (NALA Plain English Mark), Cantonese, French, Polish, Romanian, Russian and Spanish, were distributed on the first day of the Inspection.<sup>4</sup> Throughout the Inspection the Inspection Team observed these information booklets in the cells. The information booklet is available

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

on the Inspectorate's website and has been provided to the Irish Prison Service for ongoing dissemination.

This Report on the Inspection of Cork Prison, the eighth 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;
- The physical and non-physical prison Environment; and
- The Outcome, or impact of compliance or non-compliance with legislation and/or standards and the environment within the prison setting.

The Office of the Inspector of Prisons may provide recommendations to assist the Irish Prison Service in bringing its procedures and practices in line with international human rights standards and best practice. As part of the Inspectorate's inspection and reporting processes, the Inspectorate engages the prison and the Irish Prison Service to review the report and recommendations, and determine recommendation Action Plans. The Irish Prison Service Action Plan in response to the COVID-19 Thematic Inspection in Cork Prison is provided in Section 7. The Irish Prison Service review, as received by the Office of the Inspector of Prisons, is included in this report. At this time, the Office of the Inspector of Prisons is not in a position to verify the veracity of the information provided. Where the Irish Prison Service has made a statement contrary to the findings of the Inspection Team this will be monitored on an ongoing basis by the Office of the Inspector of Prisons. Any IPS Review statements in this report are provided in the manner received.

The Office of the Inspector of Prisons notes and welcomes the suite of measures identified by the Irish Prison Service to assist in addressing and preventing issues raised in this report, in particular the issues reported by prisoners and raised by the Inspectorate under Section 2.5.

The on-site inspection of Cork Prison was carried out over two days. There were no delays in accessing the Prisoner Information Management System (PIMS) database. The degree of co-operation received by prison authorities during the on-site inspection was good. The Inspection Team had open access to Cork 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 prison staff working in Cork Prison for their engagement. The Inspector of Prisons (Inspectorate) and the Inspection Team presented its preliminary observations to the Cork Prison Senior Management staff at a virtual Closeout Meeting on 3 June 2021. The commentary received during this meeting was taken into account in the drafting of this report. The Inspectorate looks forward to ongoing dialogue and engagement with both prisoners and staff in Cork Prison.

### 1.3 Composition of the Inspection Team

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

### 1.4 Overview of Cork Prison

Cork Prison is a closed, medium security prison for adult males. It is the committal prison for counties Cork, Kerry and Waterford.

At the time of inspection, Cork Prison was comprised of two wings, A wing and B wing, both of which had three landings (A1, A2, A3 and B1, B2, B3). A1 landing accommodated prisoners on protection and prisoners in quarantine/isolation. A2 and A3 landings accommodated general population prisoners. B1 landing served as the committal landing for the prison, and also accommodated vulnerable prisoners. The Challenging Behaviour Unit was located on B1 landing, and B2 and B3 were drug free units. The majority of prisoners on an Enhanced Regime were accommodated in B2 and B3 landings. Both B2 and B3 landings also accommodated prisoners serving longer sentences, as well as prisoners serving their first custodial sentence where there was no previous history of criminality.

Cork Prison accommodated 269 prisoners on the first day of inspection, and 272 prisoners on the second day of inspection.<sup>5</sup> At the time of inspection, approximately 8% of prisoners in Cork Prison were Foreign Nationals. Alongside Irish nationals, Cork Prison also accommodated people from Brazil, the Czech Republic, the United Kingdom, Georgia, Mauritius, Nigeria, Poland, Romania and Slovakia.

Prior to the onset of COVID-19, committal prisoners entering Cork Prison were first accommodated in B1 landing. It was at this point that they would be assessed before being allocated a cell. The management of COVID-19 has impacted on the committal process in Cork Prison. As part of COVID-19 preventive measures, all committal prisoners were required to undergo a quarantine period upon entry to the prison. Prisoners newly committed to prison were permitted to leave quarantine after receiving a negative COVID-19 test on the seventh day of quarantine. Quarantine committals, and people in isolation, were accommodated in B1 landing. At times when committal rates were high, A1 landing was also used to accommodate quarantine committals. Therefore, at the time of inspection, A1 landing accommodated a combination of prisoners on protection and prisoners in quarantine or isolation.

The cell capacity for Cork Prison is set out in Table 1.

**Table 1: Cell Capacity for Cork Prison**

Unit	Single Cell	Double Cell	Total Cell
<b>A Wing</b>			
A1	-	30	60
A2	-	29	58
A3	-	30	60
<b>B Wing</b>			
B1	19	4	27
B1- SOC (Special Observation Cell) & CBU (Challenging Behaviour Unit)	4	-	4
B2	3	23	49
B3	-	28	56
<b>Total</b>	26	144	314

<sup>5</sup> Irish Prison Service, (31 May 2021) [https://www.irishprisons.ie/wp-content/uploads/documents\\_pdf/31-May-2021.pdf](https://www.irishprisons.ie/wp-content/uploads/documents_pdf/31-May-2021.pdf); Irish Prison Service, (1 June 2021) [https://www.irishprisons.ie/wp-content/uploads/documents\\_pdf/01-June-2021.pdf](https://www.irishprisons.ie/wp-content/uploads/documents_pdf/01-June-2021.pdf).



Based on information provided by the Irish Prison Service to the Inspectorate, Table 2 provides the number of people in custody placed on COVID-19-related restricted regimes on 28 May 2021, which was three days before the first day of inspection (31 May 2021).

**Table 2: People in Custody, COVID-19 Restricted Regimes**

Date	Quarantine	Isolation	Cocooning
28 May 2021	30	0	0

On the first day of inspection, 31 May 2021, there were 23 people in quarantine / isolation. Table 3 provides further information on the status of people in quarantine/isolation on this date, as reported to the Inspection Team by Senior Management on the first day of the on-site inspection.

**Table 3: Quarantine/Isolation Status, 31 May 2021**

Type	Number	Status
Isolation Suspected	2	First swab completed, 29 May 2021
Isolation Precautionary	1	
Isolation - Travel History	1	Received 2 negative test results
Quarantine Committal	19	

Over the course of the two-day on-site inspection, the Inspection Team spoke with a number of people who had experienced quarantine / isolation. On the final day of the inspection, the Team spoke with six prisoners who were at different stages of quarantine / isolation.

#### *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 Cork Prison the Inspectorate received one Rule 44 letter. Prison Management was informed of this, however the contents and author of the letter remained confidential to the Inspectorate.

## 1.5 Immediate Action Notifications (IANs)

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

## 2 RESPECT & DIGNITY

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### 2.1 Information

Central to the Respect & Dignity Focus Area is the provision of information within the prison. As part of the inspection of Cork Prison, the Inspection Team examined how people in prison perceived of the Prison Service's effort to provide COVID-19-related information, and to determine if prisoners felt well-informed. A particular focus of the inspection was on information provided to prisoners who did not speak English.

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

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

The United Nations Standard Minimum Rules for the Treatment of Prisoners (the Mandela Rules) (2015) provide more specificity about the contents of such an explanatory booklet. 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) Pandemic (Principle 4) requires that any restrictive measures

taken to prevent the spread of COVID-19 should have a legal basis and be necessary, proportionate, respectful of human dignity and restricted in time. Persons deprived of liberty should receive comprehensive information, in a language they understand, about any such measures.

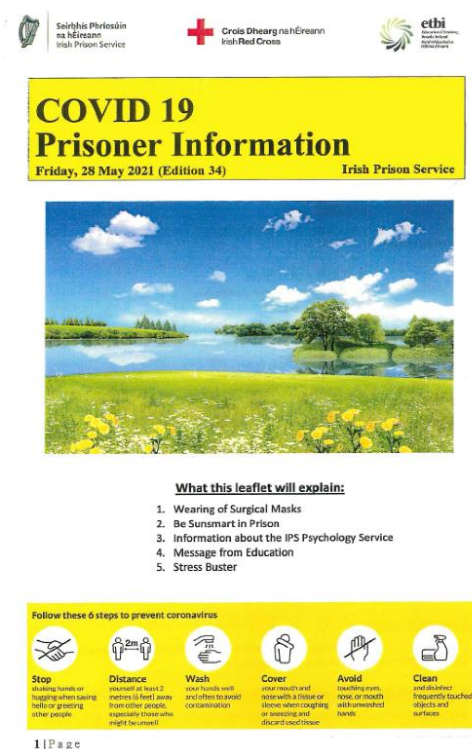
The United Nations Subcommittee for the Prevention of Torture (2021), in its Follow-up advice to State parties and National Preventive Mechanisms relating to the Coronavirus Disease (COVID-19) Pandemic, urged all States to “inform all persons deprived of liberty and their relatives, regularly and comprehensively, about the vaccination programme, including its benefits and possible side effects, and ensure that vaccination is voluntary and based on informed consent.”<sup>6</sup>

### 2.1.2 Environment

The Irish Prison Service produced newsletters designed to provide prisoners with updates on COVID-19 safety measures. At the time of inspection, these newsletters were being provided to prisoners in Cork Prison approximately every two weeks. The newsletters included information on issues like relaxation and sleep aid techniques, and how to manage worry. It also provided information on practical issues such as the procedure for how families can lodge money into prisoner accounts and instructions on how to make video calls. The first newsletter edition was dated 20 March 2020.

At the time of inspection the 34<sup>th</sup> edition of the “COVID-19 Prisoner Information” newsletter, dated 28 May 2021 (Figure 3) had been distributed to prisoners in Cork Prison. The newsletter stated that divisional unlocking of cells was due to take place from Wednesday, 2 June 2021. The newsletter also indicated that prisoners would be required from that date to wear surgical masks at all times when outside their cells. Additional information was provided on the importance of wearing masks and on where to collect and dispose of masks. The newsletter also stated that if prisoners were to attend school a higher grade FFP2 mask would need to be worn.

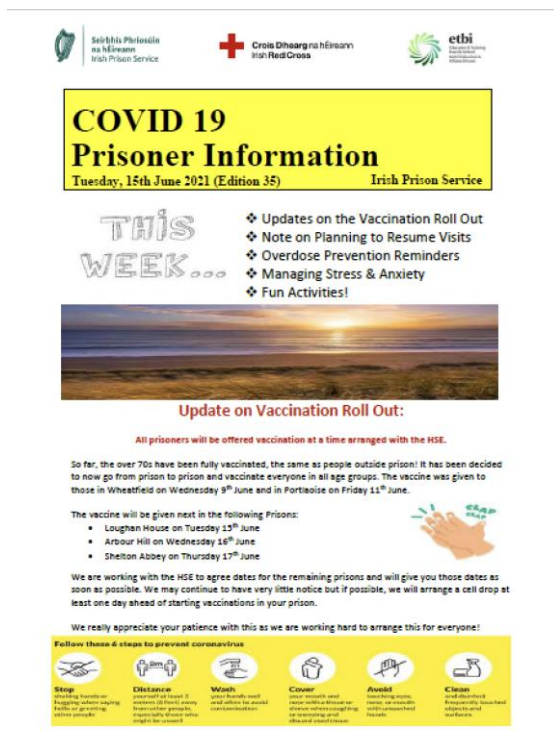
**Figure 3: COVID-19 Prisoner Information Newsletter 34<sup>th</sup> edition, 28 May 2021**



<sup>6</sup> 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, <https://www.ohchr.org/EN/HRBodies/OPCAT/Pages/AdvicesToNPMS.aspx>

Senior Management reported in a post-on-site inspection call (25 June 2021) that English versions of the 35<sup>th</sup> edition of the COVID-19 Prisoner Information newsletter had been distributed to prisoners on 15 June 2021. It was also distributed in additional languages on 18 June 2021. This newsletter provided an update on the vaccination rollout in prisons. Additionally, it informed prisoners that all prisoners would be offered a vaccine in the coming weeks and months. It provided information on how to prepare for the vaccine, which included watching a Q&A video on the in-cell TV channel and discussing any queries with a nurse or doctor. It stated what type of vaccine would be given and illustrated how vaccine information would be recorded for each person. The newsletter outlined the prisons that had already been offered the first dose of the COVID-19 vaccine (Wheatfield Prison on 9 June 2021 and Portlaoise Prison on 11 June 2021), and also provided the dates for when the next three prisons would be offered a first dose of the vaccine (Loughan House, Arbour Hill Prison and Shelton Abbey).

**Figure 4: COVID-19 Prisoner Information Newsletter 35<sup>th</sup> edition, 15 June 2021**



### 2.1.3 Outcomes

The Inspection Team observed a number of information boards across the A and B wings which displayed information about the AVP (Alternatives to Violence) Project; the Samaritans programme; IASIO (Irish Association for Social Inclusion Opportunities); the 28-day meal menu and food allergens; and how to make complaints. The Inspection Team observed complaint forms and a complaint box located on each unit.

The Inspection Team spoke with a number of prisoners who indicated that because of literacy issues they found it challenging to understand information in the manner and form it was provided to them.

In general, prisoners reported feeling well-informed about COVID-19 and the preventive measures put in place to prevent transmission within the prison. However, there were a number of prisoners who reported frustration with inconsistencies in the rationale behind restrictions imposed on them. For instance, at the time of inspection restrictions were in place that required persons with a beard, who did not have a religious exemption, to shave their beards if they wanted to attend the school or engage in a video call with their family (Section 3.2).

A number of prisoners reported barriers in their ability to request to see the Governor, namely that prison officers required that prisoners first indicate the rationale for requesting to speak with the Governor. These prisoners indicated they felt as if their requests were being screened for approval. In relation to this, a number of prisoners asked the Inspectorate to convey to Senior Management their wishes to meet with the Governor. This matter was raised during the course of the Closeout Meeting, where the Inspectorate was informed that it was a matter of course for a member of Senior Management to “triage the parade” to identify requests according to priority. Senior Management committed to meeting with the prisoners who had requested to speak with the Governor; Senior Management followed-up with the Inspectorate on 9 June 2021 to request the names of those prisoners who had indicated they wished to speak with the Governor. The Inspectorate welcomes this action taken by Senior Management, and encourages ongoing and readily available interactions between Senior Management and prisoners in Cork Prison.

In relation to COVID-19 and vaccinations in the prison, the Inspection Team met with a small number of prisoners who had received their first vaccine in the community prior to being committed to Cork Prison. These prisoners spoke about uncertainties regarding the plan for their follow-up vaccine, and queried how administration of their follow-up vaccine would be facilitated in the prison.

As regards information provision upon entering quarantine, one prisoner informed the Inspection Team that he had received no information about the quarantine process and only found out about the COVID-19 test swab when the nurse arrived at the cell door. A number of prisoners reported that upon committal they assumed the COVID-19 quarantine regime, was the “real” prison.

A number of prisoners reported that the in-cell TV channel had been in operation for five weeks. A small number of prisoners reported that a wider variety of courses would be beneficial, as the current offerings did not apply to prisoners with different learning needs.

#### 2.1.4 Recommendations

**Recommendation 1:** In line with Rule 54 of the Nelson Mandela Rules, Cork Prison and the Irish Prison Service should ensure that written and oral information about the process of quarantine is provided to prisoners on an ongoing basis. 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 previous occasions.*

**Recommendation 2:** The Irish Prison Service should provide prisoners with a written copy of the *Framework for Living with COVID-19*<sup>7</sup> and/or *Unwinding of Prison Restrictions*<sup>8</sup> (as applicable). Prisoners should be consulted, and updated on future plans relating to family visits, regimes, and sentence progression as COVID-19 restrictions unfold.

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<sup>7</sup> See, Irish Prison Service, COVID-19 in Irish Prisons, <https://www.irishprisons.ie/covid-19-irish-prisons-2/>

<sup>8</sup> 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/>.

*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.”*

### 2.1.5 IPS Review

#### Section 2.1.3 (Outcomes)

*Section 2.1.3 refers to the perception of some prisoners that there is a screening process in place for requests to see the Governor and it could be viewed that a screening process was employed so that management could avoid meeting certain prisoners. I note that the Governor has responded to this in the close out meeting however, I can confirm that this triage process for Governors parade is in line with normal practice.*

*The Governors in Cork Prison are available at all times to meet prisoners. By using a triage system prison staff are able to reserve time at Governors Parade for prisoners who have significant issues that need to be considered by senior management.*

*Many issues raised by prisoners are service level issues that can easily be dealt with by the Class Officer or the Assistant Chief Officer. Allowing prison officers to deal with these issue, empowers the officer further develops the prisoner/officer relationship.*

*Should a prisoner still wish to see the Governor in Cork, this is facilitated.*

## 2.2 Food & Nutrition

One of the measures implemented by the Irish Prison Service to prevent the 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 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.”<sup>9</sup> Further, the Inspectorate urged the Prison Service to commit to better consultation with people subjected to public health measures or restricted regimes about their food and to consider models used in hospitals for food selection. Given the recommendations made by the Inspectorate in regards to food provision for individuals who were cocooning, the Inspection Team considered as part of the COVID-19 Thematic Inspection how food was provided in Cork Prison.

### 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.

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<sup>9</sup> 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>.

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

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 states that prisoners should have ready access to clean water and adequate food both in quantity and of nutritional value. Failure to meet this minimum decency threshold can lead to situations in which prisoners are exposed to inhuman or degrading treatment.

## 2.2.2 Environment

### *Kitchen*

The Inspection Team visited Cork Prison kitchen on the first day of the inspection. At that time dinner had been brought to the units for distribution at the unit serveries. On observation, the kitchen appeared clean and organised. The Inspection Team did not observe COVID-19 signage in the kitchen, but noted clear signage on specific dietary requirements for prisoners, which included provision for prisoners with coeliac disease, lactose intolerance; vegetarian and Halal diets. At the time of inspection, Halal food was sourced from a certified meat supplier; however, the kitchen did not have separate cooking facilities for preparation of Halal food.<sup>10</sup>

On 31 May 2021, 156 meals were prepared for A Wing and 113 meals were prepared for B Wing for each meal; a total of 807 meals across breakfast, dinner and tea. Given that Cork Prison is a committal prison, the kitchen prepared additional food each day to accommodate any fluctuation in committal numbers; an additional 33 meals were prepared on 31 May 2021 (total = 880 meals).

All meals in Cork Prison were served from the serveries. However, prisoners in A1 and B1 landings (protection and quarantine/isolation prisoners), vulnerable prisoners and prisoners in the Challenging Behaviour Unit in B1 landing had their dinner served directly to their cells. The kitchen was staffed by 12 prisoners in the main kitchen, and six prisoners worked in the staff mess hall. Prisoners who worked in the kitchen and also attended school were accommodated to ensure they were provided with two half days off a week to participate in school. Table 4 provides the daily meal schedule for prisoners.

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<sup>10</sup> The Islamic Foundation of Ireland provided the following guidance on preparation of Halal food in a phone communication dated 29 July 2021:

1. There should be a separate section devoted to both preparation and storage of Halal food;
2. If a separate section is not possible it is acceptable to prepare halal food at the vegetarian/vegan station; however, that may disrupt proper preparation of vegan food, and in that case using a separate chopping board is acceptable;
3. Chopping boards/utensils used for preparing Halal food should be marked as “Halal” so that there is no cross over contamination;
4. There should be a separate storage area marked “Halal meat separate”; and
5. Kitchens should examine the ingredients in desserts for alcohol, gelatine or animal fat, which are prohibited food items.

**Table 4: Meal Times in Cork Prison**

Meal	Time
08:00	Breakfast
11:40	Dinner
15:30	Tea (a smaller lunch type serving)

At the time of the inspection, the daily budget for meals per prisoner in Cork Prison was controlled centrally with a price per prisoner cost of €5.75. Table 5 below sets out the menu on the days of the on-site inspection. Due to supplier issues the previous day the kitchen was required to swap the coddle meal on Monday to turkey curry.

**Table 5: Food Menu on Inspection Dates**

Date	Dinner	Desert	Tea
Monday 31 May 2021	Turkey Curry	Banana	Curry Pie
Tuesday 1 June 2021	Coddle	Yogurt	Egg mayonnaise & salad, tomato

### *Tuck Shop*

At the time of inspection, Tuck Shops were situated on both A and B wings. Prisoners physically attended the Tucks Shops in small groups over the duration of the pandemic. In-person attendance at the Tuck Shop provided an opportunity for prisoners to interact with each other. Enhanced prisoners on B3 landing had access to a fridge in which they were able to store cheese and milk. The Inspection Team observed the fridge contents which contained a few cartons of milk. Table 6 provides the Tuck Shop Timetable at the time of inspection.

**Table 6: Cork Prison Tuck Shop Timetable**

Day	Tuck Shop Access
<b>Monday</b>	A1 landing; "bag and tag" (Tuck Shop items delivered to prisoners in their cells) for quarantine prisoners and B1 landing remand prisoners Reserve period (evening) tobacco/toiletry orders for entire prison
<b>Tuesday</b>	A2 landing and remand prisoners Reserve period tobacco/toiletry orders for entire prison
<b>Wednesday</b>	A3 landing and remand prisoners Reserve period (evening) tobacco/toiletry orders for entire prison
<b>Thursday</b>	B2 landing and B3 landing Enhanced Prisoners
<b>Friday</b>	B3 landing and B2 landing Enhanced Prisoners
<b>Saturday</b>	Saturday afternoon committals/quarantines bag and tag Reserve period (evening) tobacco/toiletry orders for entire prison
<b>Sunday</b>	Delivery of newspapers ordered during the week Long term prisoners can order fresh fruit, nuts, honey etc. Reserve period (evening) tobacco /toiletry orders entire prison.

At the time of inspection, Tuck Shop items were costed at 5% over cost price for the item, except for cigarettes which were priced at the recommended retail price. Prices of select items were as follows:



cigarettes ranged between €13 and €18.45; biscuits ranged between €1 and €3.80; soft drinks ranged between €1.35 and €2.90; hygiene products ranged between €2 and €13 with, branded razors costing €13.29; and chocolate bars ranged between €1 and €4 with the average cost being €1.

### 2.2.3 Outcomes

Amongst the freedoms people in prison lose upon entering prison is the loss of autonomy and agency related to selection, preparation and consumption of food.<sup>11</sup>

On the second day of inspection, the Inspection Team observed meals being served on the B2 landing at 12:15, and noted the quantity of food appeared to be adequate in size. The Inspectorate noted that set meal times in the prison did not align with the normal times at which people in the general community eat their meals. Thus, the meal scheduling in Cork Prison did not reflect the Council of Europe's "normalisation" principle outlined in the Revised European Prison Rules 2020, (Rule 5) which state, "life in prison shall approximate as closely as possible the positive aspects of life in the community."

Prisoners reported dissatisfaction with the timing of meals during the day, which was brought to the attention of Senior Management during the Closeout Meeting on 3 June 2021. However, the Inspection Team received positive feedback from prisoners about the quality and standard of the food:

*"Food is very good."*

*"Food tastes nicer."*

*"Food is good; it's cooked right."*

*"Food is better than home."*

*"Food is not a problem here."*

*"Foods totally different down here."*

Whilst most of the food was served at the servery, there were a number of prisoners who were served dinner at their cell door, particularly protection prisoners and prisoners in quarantine/isolation on A1 landing, vulnerable prisoners and prisoners in the Challenging Behaviour Unit on B1 landing.

As noted above, protection prisoners and prisoners in quarantine/isolation were accommodated on A1 landing, and therefore all prisoners on A1 landing did not attend the servery to collect their meals. This COVID-19 preventive measure impacted on the out-of-cell time for protection prisoners in that they were denied the opportunity to leave their cells to collect their meals at the servery.

The Inspectorate welcomes the efforts made by Cork Prison Senior Management, the Chaplain and kitchen staff to support prisoners of Muslim faith over the Ramadan period; the Inspectorate was informed that religious dietary requirements were accommodated.

Prior to inspection, the Inspectorate was provided with a Tuck Shop item list that included prices for each item. However, on observation the Tuck Shop list provided to prisoners did not include prices. Prison staff reported that prisoners could be informed of Tuck Shop pricing when attending the Tuck Shop, and that a price list was not available for prisoners due to frequent price changes. The Inspectorate encourages Cork Prison to provide prisoners, especially new committals, with Tuck Shop pricing information. In relation to this, one prisoner suggested that a general translation of the list would be helpful for new committals who were from other countries.

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<sup>11</sup> Penal Reform International (2021) *Prison and Food: From in-cell eating and meal lines to collective and domestic kitchens*, <https://www.penalreform.org/blog/prisons-and-food-from-in-cell-eating-and/>

The issue of transparent and easily accessible pricing is of concern to the Inspectorate given the open environment nature of the Tuck Shop in Cork Prison. While beneficial for prisoner interaction and engagement, it may also present a situation where prisoners are able to overhear information about prisoner accounts, i.e., a prisoner may not be able to afford an item after requesting information on the pricing. It is for this reason that the Inspectorate urges Cork Prison to consider providing Tuck Shop price lists to prisoners, and to also ensure prisoners are able to easily and privately access their accounts information. This issue was brought to the attention of Senior Management at the Closeout Meeting.

#### 2.2.4 Recommendation

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

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

#### 2.2.5 IPS Review

##### Section 2.2.3 (Tuck Shop Pricing)

*I am advised by the Governor that all new committals receive a Tuck Shop list which includes the price of each item available. The Governor has advised me that the price list is now also available on noticeboards and copies are available at the Tuck Shop and prisoners are able to bring a copy back to their cell.*

*In addition, a communication will issue shortly from the Finance Directorate reminding all prison management teams to ensure that tuck shop prices clearly visible in all Prison Tuck Shops.*

## 2.3 Access to Religious Services

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

#### 2.3.1 Compliance

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

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

### 2.3.2 Environment

At the time of inspection there was one full-time Chaplain assigned to the Chaplaincy Service in Cork Prison. The chapel was located alongside the A3 landing on the A wing but was not in use at the time of the inspection due to COVID-19 restrictions. The Chaplain had continuous access to prisoners on both A and B wings throughout the COVID-19 pandemic.

The Chaplain informed the Inspection Team that recorded mass was broadcasted on the in-cell TV channel every Sunday throughout the COVID-19 pandemic, and that prisoners could also view mass services on RTE. Before COVID-19, an average of 30 prisoners attended mass in the prison. However, given social distancing requirements, when the chapel is permitted to open in the future the maximum occupancy will be reduced to seven people. Mass services for prisoners and staff were held separately before COVID-19 restrictions.

### 2.3.3 Outcomes

The Inspectorate welcomes the continuous access the Chaplaincy Service had to people in Cork Prison throughout the pandemic. Prisoners informed the Inspection Team that the Chaplaincy Service was beneficial as a liaison between prisoners and their families. This support was observed over the course of the inspection, with the Chaplain receiving phone calls from concerned family members of prisoners. Prisoners also reported that the Chaplaincy Service was a support for prisoners who may not be able to afford items from the Tuck Shop.

However, several prisoners reported that their religious needs were not being met in the prison. Some prisoners expressed a desire for in-person access to other faith leaders.

As of 30 July 2021, mass services had not returned in Cork Prison; however, plans were in place to commence in-person mass services in September, following the vaccination programme.

### 2.3.4 IPS Review

#### 2.3.2 Environment (Return of Religious Services)

*The National Infection Control Team has updated its Covid-19 Guidance for Religious Services which has allowed for the resumption of same. The facilitation of in-person Religious Services is being permitted, with protective measures, following the completion of the vaccination programme. In that regard, Religious Services recommenced in Cork Prison from Tuesday 31<sup>st</sup> August, 2021.*

*The capacity of the prison chapel is twenty and not seven as reported.*

## 2.4 Access to Court and Legal Representation

Cork Prison is the committal prison for counties Cork, Kerry and Waterford. On the first day of inspection there were 314 prisoners in custody in the prison. According to the information provided to the Inspection Team on the first day of inspection there were 31 prisoners on remand and 17 prisoners awaiting trial in the prison. With prisons working under level 5 restrictions the use of video-link was part of the examination in this assessment area.

## 2.4.1 Compliance

### *Access to Court*

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

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

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

The Human Rights Committee, in General Comment No. 32, states that that the fundamental principles of a fair trial should be respected during times of an emergency.<sup>12</sup>

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

The right of any person to be physically present for his or her trial on criminal charges [and on his initial appearance before the judicial authority following his arrest or detention on criminal charges] should be fully respected, including in situations of crisis or emergency such as the COVID-19 pandemic. In particular, national laws and rules should not permit, and in practice courts and other authorities should not proceed, with criminal trials in which an accused is denied the right to be physically present for the trial and is instead forced to participate by means of a video link or similar technology without his freely given and fully informed consent.<sup>13</sup>

The *Civil Law and Criminal Law (Miscellaneous Provisions) Act 2020*, states that relevant hearings can be conducted remotely by the Court of its own motion, or on application to the court once it is satisfied that:<sup>14</sup>

- (a.) The application being heard without the relevant person being in the court would not thereby be prejudicial to the relevant person;
- (b.) The interests of justice does not require the presence of the relevant person at the hearing;

<sup>12</sup> UN Human Rights Committee (2007) General Comment 32, see paragraph 6, <https://undocs.org/CCPR/C/GC/32>

<sup>13</sup> International Commission of Jurists (2020) Videoconferencing, Courts and COVID-19 Recommendations based on International Standards, [https://www.unodc.org/res/ji/import/guide/icj\\_videoconferencing/icj\\_videoconferencing.pdf](https://www.unodc.org/res/ji/import/guide/icj_videoconferencing/icj_videoconferencing.pdf)

<sup>14</sup> See Section 23(4) of the *Civil Law and Criminal Law (Miscellaneous Provisions) Act 2020*.  
<http://www.irishstatutebook.ie/eli/2020/act/13/enacted/en/print#sec22>

- (c.) The facilities provided by a live video link between the court and the place where the relevant person is located are such as to enable such interpretation or translation as may be necessary during the hearing;
- (d.) The relevant person and his or her legal representative are able to communicate in confidence during the hearing;
- (e.) The application being heard without the relevant person being present in court is otherwise appropriate having regard to-(i.) the nature of the application (ii.) the complexity of the hearing, (iii.) the age of the relevant person, and (iv.) his or her mental capacity; and
- (f.) No other circumstances exist that warrant the relevant person's presence in court for the hearing.

### *Legal Representation*

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

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

The Irish Prison Rules 2007-2017 largely align with international standards around legal representation. Prisoners are entitled to have privacy during visits with a legal advisor (Rule 38.1). Visits with a legal adviser can take place at any reasonable time (Rule 38.2) and when needed an interpreter can be present (Rule 38.3). Prisoners are also entitled to send and receive letters from their legal adviser (Rule 44.1.a). A prisoner can send a letter to their legal adviser without it being opened before it is sent (Rule 44.3). Any letter sent to a prisoner by their legal adviser can only be opened in the presence of the prisoner. This is strictly to examine that it is such a letter (Rule 44.4). Prisoners are entitled to make a telephone call to their legal adviser (Rule 46.5). Legal documents cannot be retained by a prisoner officer or a member of An Garda Síochána during a search (Rule 7.2). Prisoners are also entitled to privacy when communicating with their legal advisor using video link (Rule 42).

### **2.4.2 Environment**

Over the course of the COVID-19 pandemic in Ireland in 2020, the use of remote courts hearings expanded from 30 to 58 courts in Ireland, with more than double the number of cases heard via video-link as compared to 2019.<sup>15</sup>

In May 2021 the Bar Council of Ireland released a joint statement with the Bar Council of England and Wales, the Bar Council of Northern Ireland and the Faculty of Advocates of Scotland in which they warned against the widespread instruction of remote video hearings and that it is suitable “only for short uncontroversial or procedural business.” Among the disadvantages cited by the barristers were less

<sup>15</sup> EuroPris, Videolink-Maximising Resources for Service Delivery, M O' Mahoney, Europris, 11 November 2020 cited in Penal Reform International (2021) *Global Prison Trends 2021*, <https://cdn.penalreform.org/wp-content/uploads/2021/05/Global-prison-trends-2021.pdf>

effective hearings because of less satisfactory judicial interaction. They outlined how managing witnesses, especially in cross-examination was also less satisfactory if done remotely and could have an adverse impact on the quality of the evidence given. The Joint Statement also argued that remote hearings delivered a "markedly inferior experience," and that the benefits of human interaction in physical hearings could not be ignored. A key concern was the need to protect the diverse needs of clients and safeguard their participation: "By its nature, a remote and automated system will only degrade the valuable interaction that should be at the heart of meaningful and open access to justice."<sup>16</sup>

On 31 May 2021, there were nine prisoners booked for video-link courts, and three prisoners booked for legal consultations that afternoon. The Inspection Team was informed that the average bookings for video-link courts each day was 20 sessions, with the busiest days being Tuesdays, Wednesdays and Thursdays (designated for the High Court). Two prisoners in quarantine attended video court on the first day of inspection and were provided with masks, PPE, disinfectant spray and visors.

In a pre-inspection call (6 May 2021) Senior Management described the video-link facilities as small and not fit for purpose. At the time of inspection, Cork Prison was seeking approval to move the video-link facility to another area of the prison where it would be possible to facilitate 16 videolink booths. The prison had five court/legal representation videolink booths at the time of inspection. The Inspection Team was informed that the proposed new area for the videolink booths was the wood shop, also known as the "hurley shop"; it was reported by staff that this workshop had been closed for two years, and that the closure was not a result of COVID-19.

Phones had been installed in each cell in Cork Prison in March/April 2021 and this enabled contact with solicitors throughout the implementation of COVID-19 restrictions in the prison. Videolink facilities could also be used to enable conversations between solicitors and their clients. However, prisoners in isolation could only speak to a solicitor using the in-cell phone (six-minute call); video-link access was not permitted for prisoners in isolation as they were not permitted to leave the cell. Prisoners and staff informed the Inspection Team that if a prisoner wanted to speak with their solicitor during a court hearing the court would adjourn to facilitate this communication.

### 2.4.3 Outcomes

The Inspection Team spoke with a number of prisoners regarding access to their legal team and the utilisation of court video-links. A small number of prisoners stated that one of the benefits of accessing court through video-link was a reduction in the time spent during transport and waiting in court escort vans.

However, the majority opinion expressed to the Inspection Team by prisoners was that video-link court attendance reduced capacity to participate in the legal process and to engage fully with legal teams:

*"I got sentenced through video link, I couldn't even talk up."*

*"It's like watching TV."*

*"When it [video-link] skips, it's very frustrating."*

*"You can't really speak on video – you need to be down there in person to be engaged."*

*"You can't get to speak up for yourself; you can't talk to your solicitor."*

A number of prisoners reported to the Inspection Team that the use of videolink to participate in court proceedings created barriers to communication with their legal team, with one prisoner stating, "You

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<sup>16</sup> The Bar Council, Four Bars statement on the administration of justice post-pandemic, <https://www.barcouncil.org.uk/resource/four-bars-statement-on-the-administration-of-justice-post-pandemic.html>

have to call your solicitor before, but not during hearings.” Another prisoner reported that when engaging with the court through videolink he went into a separate room to call his solicitor to ask a question. Staff confirmed that prisoners had a period of time before court proceedings where they could call their solicitor. Under these circumstances, prisoners would need to identify any questions they may have for their solicitor in advance of court proceedings. It is the view of the Inspectorate that this disjointed form of engagement with legal representation during legal proceedings may impede adequate opportunity for persons to communicate and consult with a legal adviser (Mandela Rules, Rule 61.2)

Video-link court access has assisted in ensuring timely access to the courts for many prisoners. However, the Inspectorate has concerns about the suitability of this mechanism to facilitate access to courts. Remote court hearings may result in access to justice issues for prisoners.<sup>17</sup> Research on video-link access to courts has shown that these experiences diminish prisoners’ opportunities for engagement with and expressive participation in legal procedure.<sup>18</sup> These findings are important in the context of a person’s right to a fair trial.

#### 2.4.4 Recommendation

**Recommendation 4:** Taking into consideration Article 6 of the ECHR and Article 14 (3) of the ICCPR, the Irish Prison Service should continuously monitor and engage with persons in custody on the impact of remote court hearings.

## 2.5 Other Issues

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

### *Non-English Speaking Prisoners*

At the time of inspection, there were a number of Foreign National prisoners in Cork Prison who were unable to readily communicate in English, and who were subsequently not being provided with sufficient support. Rule 37.1 of the European Prison Rules indicates that “positive measures shall be taken to meet the distinctive needs of prisoners who are foreign nationals,” and Rule 37.2 states that, “special attention shall be paid to the maintenance and development of the relationships of prisoners who are foreign nationals with the outside world, including regular contacts with family and friends, probation and community agencies and volunteers, and, subject to the prisoners’ consent, diplomatic or consular representatives.”

Over the course of the inspection, the Inspection Team was informed of instances where prisoners provided interpretation and translation assistance to non-English speaking prisoners; the Inspection Team also observed this practice. The issue of non-English communication and access to information was reported by prisoners on a number of occasions, and thus required specific attention.

Details of specific issues raised by prisoners are not highlighted here in order to preserve anonymity. However, lack of information impacted on non-English speakers in the following ways:

- Inability to request hygiene and cleaning products while in quarantine/isolation;
- Insufficient access to information about release planning;

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<sup>17</sup> Written Evidence submitted by the Equality and Human Rights Commission, <http://data.parliament.uk/writtenevidence/committeeevidence.svc/evidencedocument/public-accounts-committee/transforming-courts-and-tribunals-progress-review/written/106341.html>

<sup>18</sup> C. McKay, “Videolinks from Prison: Court ‘Appearance’ within Carceral Space” (2018) 14(2) *Law, Culture and the Humanities*.

- Challenges in engaging with resettlement officers;
- Inability to advocate for rights to privacy, family contact, etc; and
- Required to rely on fellow prisoners to communicate their, often personal, needs and queries.

Non-English speaking prisoners and prisoners acting as interpreter/translators, by virtue of holding and sometimes sharing personal information, may be placed in compromising and/or embarrassing situations which may impact on their safety and security in the prison. This was an issue that was highlighted by the CPT in its visit to Ireland in 2019,<sup>19</sup> and was raised by the Office of the Inspector of Prisons with respect to the “COVID-19 Thematic Inspection of Cloverhill Prison 2021.”<sup>20</sup>

The Inspectorate notes that difficulties may arise for non-English speakers when the onus is placed on them to articulate and advocate for their rights and needs. Rather, it is the responsibility of prison officers to “at all times conduct himself or herself and perform his or her functions in such a manner as to ...contribute to the... (iv)... general welfare of, and (v) maintain the respect of prisoners.”<sup>21</sup> In circumstances where it is not possible for a prisoner to articulate their needs, prison officers must take proactive measures to ensure that prisoners’ rights to welfare and dignity are not curtailed.

The Inspectorate is of the view that there is much more that can be done in Cork Prison to support prisoners who do not speak English, or who may have difficulty communicating in English.

By way of example, over the course of inspection, prisoners reported their concerns to the Inspection Team about a non-English speaking prisoner who had been having difficulties accessing information in the prison; prisoners requested that a member of the Inspection Team seek to speak with this prisoner. The Inspection Team met with the prisoner, and with interpretation assistance provided by a fellow prisoner, the Inspection Team was informed by the non-English speaking prisoner that he had not been able to make calls to his family since his committal to the prison (a period of over five months). The prisoner provided consent for this issue to be raised with Senior Management; the Inspectorate brought the matter to the attention of Senior Management during the Closeout Meeting on 3 June 2021, where Senior Management informed the Inspectorate that the prisoner had been able to make calls to his family and solicitor for a period of months. The Inspectorate requested call records to confirm this. In a follow-up email received on 16 June 2021, the Inspectorate was informed by Senior Management that the prisoner concerned had in fact not been able to make calls since his committal. In response to this, an Integrated Sentence Management (ISM) officer, with the assistance of an interpreter, met with the prisoner to discuss the issue. Following this meeting the ISM officer was able to locate the information required to set up calls for the prisoner. Call records were subsequently provided to the Inspectorate that demonstrated the prisoner had then made daily calls to his family. The example provided here is illustrative of the need to ensure non-English speaking prisoners are provided with support to ensure their rights are maintained; in this case the right to family contact (Section 4.2). The Inspectorate welcomes the actions taken by Senior Management and the ISM officer to ensure this prisoner was able to make contact with his family. However, this prisoner was not provided with this support until the Inspectorate identified the issue.

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<sup>19</sup> CPT. Report to the Government of Ireland on the visit to Ireland carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 23 September to 4 October 2019, <https://rm.coe.int/1680a078cf>

<sup>20</sup> OIP. COVID-19 Thematic Inspection of Cloverhill Prison: 18-19 March 2021 (July 2021) 11. <https://www.oip.ie/wp-content/uploads/2021/08/Cloverhill-Prison-COVID19-Thematic-Inspection-Report-2021.pdf>

<sup>21</sup> Irish Prison Rules 2007-2020, Part 8: Prison Officers, Rule 85(3)(c)(iv) and Rule 85(3)(c)(v).



In response to the issues raised by the Inspectorate about non-English speaking prisoners during the Closeout Meeting, Senior Management committed to a review of the number of language materials currently available to prisoners; the Inspectorate welcomes this action.

### *Discrimination*

The Inspection Team engaged with a number of prisoners who alleged experiencing discrimination by prison staff on the basis of race and/or nationality. The issue of discrimination has been raised in relation to a number of COVID-19 Thematic Inspections, and is a matter of concern for the Inspectorate.<sup>22</sup>

The UN Committee on the Elimination of Racial Discrimination defines racial discrimination in its International Convention on the Elimination of All Forms of Racial Discrimination under Article 1 as:

(A)ny distinction, exclusion, restriction or preference based on race, colour, descent, or national or ethnic origin which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life.

One prisoner reported a prison officer had referred to a Black prisoner as “a raisin in a bowl of rice,” Another prisoner stated, “we’re ethnic, so people are scared of us.”

The CPT Report to the Government of Ireland in 2010 highlighted the issue of racial discrimination in Cork Prison:

The delegation received a number of allegations of verbal abuse (particularly at Cork Prison, in relation to prisoners from the (T)raveller community and foreign nationals, which on occasion was of a racist nature) and of physical ill-treatment of inmates by certain members of the prison staff.

In its 2010 report the CPT recommended that the Irish Prison Service regularly deliver messages to all prison staff that “all forms of ill-treatment of prisoners, including verbal abuse” were unacceptable and would result in severe sanctions.

### *Fear of Reprisal and Working Culture*

Of particular concern to the Inspectorate was an unusually high number of reports from prisoners that they feared reprisal, such as transfer to another prison, if they were to engage with the Inspectorate. The below quotes capture this feeling of apprehension:

*“People are afraid of other jails; so you have to be obedient.”*

*“They don’t write to you (Office of Inspector of Prisons) because they’re afraid.”*

*“They tolerate a lot of stuff here so they don’t get transferred.”*

*“They’re scared for their lives to write to anyone.”*

The 2020 Revised European Prison Rules require that “(n)o prisoner, member of the prison staff or any other person, shall be subject to any sanction for providing information to an independent monitoring body.”<sup>23</sup> Further, the United Nations Subcommittee on Prevention of Torture (SPT) Policy on Reprisals in relation to its Visiting Mandate, states that the principle of “do no harm” is put at risk in situations where persons who come into contact with the oversight body are prejudiced.<sup>24</sup> The principle of “do no

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<sup>22</sup> OIP. COVID-19 Thematic Inspection of Mountjoy Prison: 1 - 4 March 2021, 15 <https://www.oip.ie/wp-content/uploads/2021/08/Mountjoy-Prison-COVID19-Thematic-Inspection-Report-2021.pdf>; OIP. COVID-19 Thematic Inspection of Cloverhill Prison: 18 - 19 March 2021, 11 <https://www.oip.ie/wp-content/uploads/2021/08/Cloverhill-Prison-COVID19-Thematic-Inspection-Report-2021.pdf>

<sup>23</sup> Revised European Prison Rules (2020) Part VI 93.3

<sup>24</sup> SPT Policy of the Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment on Reprisals in relation to its Visiting Mandate (May 2016) CAT/OP/6/Rev.1.

harm” is central to the work of the Inspectorate, and reports that prisoners fear reprisal as a response to engagement with the Inspectorate is of grave concern to the Inspectorate.

The issue of fear of reprisal was raised with Senior Management at the Closeout Meeting on 3 June 2021.

A small number of prisoners also reported a culture of bullying amongst prison staff, with one prisoner stating, “staff are from a small community – bullying crosses the walls.” Another prisoner explained that transfer to Cork Prison can be seen as a “punishment for staff as well as prisoners.” The Inspectorate has previously identified concerns with prison staff culture in the Irish Prison Service. The 2015 report, “Culture and Organisation in the Irish Prison Service: A Road Map for the Future”, noted the following in relation to a negative work culture, which was identified by prison staff as impeding their ability to carry out their work:

... (S)ome of their colleagues were satisfied just to get through the day with the minimum of effort and put pressure on others to adopt a similar attitude. Anyone who was seen to break ranks was liable to be ostracised. In extreme instances this could extend to harassment of family members outside the prison.<sup>25</sup>

While the Inspectorate notes that the issue of a negative staff work culture in Cork Prison was raised by prisoners, and not prison staff, the Inspectorate maintains the view that all Prison Service staff should act in accordance with the 2012 Council of Europe Code of Ethics for Prison Staff, which states that “prison staff shall promote a spirit of co-operation, support, mutual trust and understanding among colleagues.”<sup>26</sup>

### 2.5.1 Recommendations

**Recommendation 5:** In line with Section 42 of the Public Sector Duty, the Irish Prison Service must ensure that Foreign National and non-English speaking prisoners have equal access to provision of information. It must also enact positive measures to ensure the protection, promotion and fulfilment of the human rights of non-English speaking and Foreign National prisoners, including the right to private and family life (ECHR Article 8, European Prison Rules, Rule 37.1).

**Recommendation 6:** 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.

**Recommendation 7:** In line with the European Prison Rules, Rule 93.3, Cork Prison and the Irish Prison Service should undertake a robust information campaign to ensure prisoners and prison staff are informed of their right to engage with the Office of the Inspector of Prisons, and other monitoring bodies, without fear of reprisal.

### 2.5.2 IPS Review

#### *Section 2.5 (Non-English Speaking Prisoners)*

*Section 2.5 refers to a non-English speaking prisoner who had been unable to make telephone calls since his committal, a period of 5 months. I am advised by the Governor that this issue had not been brought to the attention of management prior to being raised with the Inspection Team.*

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<sup>25</sup> OIP. *Culture and Organisation in the Irish Prison Service: A Road Map for the Future* (November 2015) Sec. 6.2.2. <https://www.oip.ie/wp-content/uploads/2020/04/Culture-and-Organisation-in-the-Irish-Prison-Service-A-Road-Map-for-the-Future.pdf>

<sup>26</sup> Council of Europe (2012) Code of Ethics for Prison Staff CM/Rec(2012)5, IV(F)(30).

*The Governor also advises that following a cursory look at the telephone system, at the closing meeting, it appeared that the prisoner was correctly set up on the telephone system with a phone card and numbers installed.*

*The Governor has advised however, following a more detailed review of the system, it was identified that a foreign number had been recorded incorrectly and therefore was not connecting, this is regrettable. The matter has now been addressed by prison management. I have asked the Governor to ensure that all such numbers are checked going forward, in so far as possible, given that the call recipient may also have language difficulties.*

### *Section 2.5 (Discrimination)*

*Section 2.5 reports on allegations by some prisoners of experiences of discrimination by prison staff on the basis of race/ethnicity. The Report also reports on fears expressed by prisoners of reprisals for speaking up. The Irish Prison Service takes these allegations very seriously. All staff are reminded on a regular basis of the need to treat prisoners and colleagues with dignity and respect.*

*Earlier this year I wrote to all staff to remind them of their obligations in this regard. In 2020, the Service appointed its first Equality and Diversity Lead to advance a number of actions in this area. In March 2021, the Equality and Diversity Lead rolled out an Anti-racism awareness campaign via our Intranet Portal.*

*It is concerning that prisoners in Cork Prison continue to feel that they have been discriminated against on grounds of race and ethnicity and that some prisoners have reported a fear of speaking up in the prison. I have discussed these issues with the prison Governor. The Governor has highlighted that the 2019 CPT reported positively on Cork Prison and commented specifically on the positive relationship between staff and prisoners. There have been significant advancements in Cork Prison since the 2010 visit of the CPT including the opening of a brand new prison facility and the delivery of staff training. The Governor has advised that the Teachers in the Education Centre engage specifically with ethnic groups.*

*I have referred the observations contained in the Report to our Equality and Diversity Lead for review with regard to identifying further actions that can be taken by the Service to address this issue.*

*It is also important that prisoners feel that they can raise issues of concern and make complaints without any fear of reprisal and that prisoners feel open to engage with your Office and other bodies including the visiting Committee so that they can raise issues of concern. The Governor has advised that at no stage are prisoners threatened with transfer from Cork Prison for engaging with your Office or raising issues of concern.*

*I have asked our Equality and Diversity Lead to conduct a survey of prisoners, in association with the Red Cross volunteers, on prisoner experiences and perceptions of making a complaint or raising issues of concerns to help us to get a better understanding of the prisoner experiences in these areas. This will then inform what actions need to be taken in this regard.*

*In addition, I have asked our Communications Team to work with your Office with regard to the development of an information and awareness campaign for broadcast on the Prisoner TV Channel and inclusion in the prisoner information literature to raise awareness of the role of the Office of the Inspector of Prisons and the process for contacting your Office should they wish to do so, without fear of reprisal.*

## 3 SAFETY & SECURITY

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### 3.1 Impact of Staff Absences

The impact of COVID-19 related staff absences over the course of the pandemic was reported to the Inspection Team as consistently minimal. Cork Prison had not experienced an outbreak of COVID-19 in the prison, and in the week leading up and following the inspection there was a maximum of one COVID-19 related staff absence each day (24 May 2021: 0 absences; 25 May 2021: 1 absence; 27 May 2021: 1 absence; 28 May 2021: 0 absences; 3 June 2021: 1 absence; and 10 June 2021: 1 absence).<sup>27</sup>

#### 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. Rules 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.<sup>28</sup>

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.<sup>29</sup>

#### 3.1.2 Environment

At the time of inspection, COVID-19 related attendance and non-attendance for duty was set out through the *COVID-19 Staff Notification 1st March 2021 - Attendance for duty and self-isolation*. This document provided guidance for prison management with respect to COVID-19 related attendance and

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<sup>27</sup> Information provided to Office of the Inspector of Prisons, *IPS Status Updates*, as dated in text.

<sup>28</sup> 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](https://www.unodc.org/res/justice-and-prison-reform/nelsonmandelarules-GoF/UN_System_Common_Position_on_Incarceration.pdf).

<sup>29</sup> SPT Follow-up Advice (n 6), Section 15(c).

non-attendance. Guidance on employees who were confirmed cases; close contacts; symptomatic persons; employees living with someone impacted by COVID-19 and employees who had travelled abroad was set out in the staff notification document.

When staff absences occurred, the Cork Prison Regime Management Plan (RMP) was directly impacted. The RMP, which is unique to each prison and agreed upon by the Prison Service and the Prison Officer's Association, sets out posts of priority to be covered in a prison to ensure the security of the prison, safety of the staff, and the safe custody of prisoners. The RMP outlines the priority of posts and services, and determines how and when officers need to be redeployed to provide escorts and cover other posts. The RMP is based on management of posts rather than tasks. Despite this, the Inspection Team observed a number of staff members taking initiative to work in a task-based rather than post-based manner, which enabled them to provide additional support to prisoners and fellow staff.

The Cork Prison COVID-19 Regime Management Plan policy outlined that under conditions where there were no positive cases of COVID-19 in the prison, that Work Training Officers (WTO) for both the Hurley Shop and Computer Print Shop would be reassigned to Cleaning Parties (supervision of cleaning in the prison). The prisoner unlock system was controlled to enable staggering of recreation times, allow for social distancing and reduce contact between wings and landings. The COVID-19 RMP also outlined the availability of activities for prisoners as this aligned with prison officer availability to staff the activities: Horticulture (Redeployed); Industrial Skills (Redeployed); Joinery/Carpentry (Cleaning Party); Light Maintenance (Redeployed); Fabric Shop (Redeployed); Industrial Cleaning; Kitchen; Mess; Waste Management; Laundry; ISM; and Out Reach Services.

### 3.1.3 Outcomes

The focus of the RMP is security, with prisoner rehabilitation services often negatively impacted by staff absences and redeployment. At the time of inspection there was one staff member out on long term sick leave due to COVID-19; however, as noted above, this absence was not captured in all IPS daily absence counts. The Inspection Team noted that COVID-19 did impact on certain posts in the prison, particularly because staff were redeployed to cover other posts.

For example, the Inspection Team was informed that the prison library was not open, but would be open if staffing was available; the library was one of the first posts to be cut in the Cork Prison RMP. The Censor's office was also one of the first posts to be cut on the RMP when staff were on sick leave or assigned to the Prison Service Escort Corps (PSEC). It was reported that the Censor's office was often closed. However, on the first day of the inspection the Censor's office was staffed.

## 3.2 Social Distancing

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

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

Despite the Irish Prison Service efforts to implement social distancing in prisons, prisons are a difficult environment to maintain physical distance. Prisons are often overcrowded, poorly ventilated, and with limited space and resources, prisoners must share phones, showers and common areas.<sup>30</sup> Similarly, staff may share small offices and locker rooms, and eat in common areas. While social distancing is recognised as the most effective way to prevent transmission of COVID-19, it is not practicable at all times in the prison context; additional measures such as proper use of PPE and improved sanitation and hygiene practices are needed.

### 3.2.1 Compliance

Given that it is not always possible to social distance in prison settings, the World Health Organization recommends the continuous use of a medical mask for prison staff when making contact with detainees at distances of less than 1 metre, during security and health checks, and during transfer of COVID-19 cases to other prisons or hospitals. WHO guidance on management of masks<sup>31</sup> 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 Prevention<sup>32</sup> 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.

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<sup>30</sup> 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.

<sup>31</sup> World Health Organization, "Preparedness, Prevention and Control of COVID-19 in Prisons and Other Places of Detention Interim Guidance" (8 February 2021) 25-27.

<sup>32</sup> 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>)

6. This should take at least 20 seconds.
7. Rinse your hands under running water.
8. Dry your hands with a clean towel or paper towel.

In order to ensure safety and social distancing throughout the prison estate, a reduction in general prisoner population numbers is fundamental, as highlighted in 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.<sup>33</sup>

Further, the SPT Follow-up Advice to State Parties and National Preventive Mechanisms relating to the Coronavirus Disease (COVID-19) Pandemic (2021) urges States to: “continue efforts to reduce the prison population by pursuing policies such as early release, parole and non-custodial measures.”<sup>34</sup>

### 3.2.2 Environment

Since the start of the pandemic, the population of prisoners in Cork Prison has decreased, with a total reduction of 17.2% between 2 March 2020 and the first date of the inspection, 31 May 2021 (Figure 5).<sup>35</sup>

**Figure 5: Prisoner Numbers in Cork Prison, 2020-2021**



Reduction in prison numbers reduces the number of people cell-sharing, which in turn minimises the risk of COVID-19 transmission, and enables prisoners to practice social distancing. The Inspectorate welcomes the overall reduction of the numbers of people in Cork Prison, and would like to see this trend continue.

To facilitate social distancing, Cork Prison enacted a 50/50 staff rota designed to prevent mixing of staff across the prison.

The Irish Prison Service provided instruction on 25 March 2020 with respect to dress and appearance for prison officers and the management of COVID-19 transmission. This document stated that all male officers were required to be cleanly shaven when reporting for duty. It further stated that “in exceptional cases a male officer may be permitted to report for duty without being cleanly shaven where a doctor’s

<sup>33</sup> United Nations System (n 28).

<sup>34</sup> SPT Follow-up Advice (n 6).

<sup>35</sup> IPS Statistics, 2020 Prison Population: <https://www.irishprisons.ie/information-centre/statistics-information/2015-daily-prisoner-population/>; IPS Statistics, 2021 Prison Population: <https://www.irishprisons.ie/information-centre/statistics-information/2015-daily-prisoner-population/2021-prison-population/>

certificate was provided to Senior Management that outlined clear medical reasons for being unable to shave before reporting for duty, e.g. a skin condition.” This was to ensure a tight seal against the face when wearing an FFP2 mask.

The Irish Prison Service provided additional guidance on the clean shaven policy in an email dated 28 May 2021. It stated that the policy was based on infection control research completed by the Health Protection Surveillance Centre, the Centre for Disease Control and Prevention, the Health and Safety Authority in Ireland and England, the European Centre for Disease Prevention and Control and 3M - the global leaders in masks development “who stated they would not stand over their product if they were worn with facial hair.” The email stated that “FFP2 and FFP3 respiratory masks are unsuitable for HCWs [Health Care Worker] with facial hair as it affects the seal between the mask and the face.”

The Inspectorate was informed by Senior Management prior to the on-site inspection that the requirement for prison staff to be clean shaven had been met with some resistance from a small number of staff. At the time of inspection, surgical masks were worn by all staff observed. Surgical masks were identified as the appropriate mask to wear in the prison at the time of inspection, with FFP2 masks required during a COVID-19 outbreak.

### 3.2.3 Outcomes

The Inspection Team noted that social distancing was not practiced by prisoners in Cork Prison. However, staff were required to social distance, and on observation this was practiced to a satisfactory level.

The Inspection Team observed Cork Prison to be clean throughout, with regular cleaning taking place. Every seven to ten days prisoners were provided with Sani 4-in-1 surface cleaner and toilet cleaner for in-cell cleaning. Prisoners were also provided with a new flat mop cloth each day. Prison staff reported that the floors were washed three times a day. The Inspection Team observed floors being cleaned and noted that both the stairs and floors of the prison were clean throughout. The Inspection Team also observed regular cleaning of touch points such as locks and door handles. Staff informed the Inspection Team that an additional two extra cleaners were assigned to each landing to clean touch areas every 30 minutes. The prison school had four cleaners assigned to it; and all school cleaners had been trained by industrial cleaners. There were a total of six industrially trained cleaners in Cork Prison at the time of inspection. The Inspection Team was informed that in addition to the weekly cleaning regime, the industrial cleaners spray cleaned the prison every Saturday. All PSEC escort vans were washed every Thursday.

The Inspection Team noted six hand sanitisers on A1 landing and no hand sanitizer in the in-reach corridor rooms (four rooms in total) used for video calls. However, on observation, a cleaner was assigned to the in-reach corridor to maintain consistent cleaning of the area. The Inspection Team observed that social distance markings were not set out in certain parts of the prison, such as the committal area. There were no social distancing markings on the floor at the Tuck Shop, the serveries or the in-reach services area utilised for video calls. COVID-19 wall signage was visible in the prison. Three signage posters on COVID-19 were observed in the committal area and outside the Tuck Shop.

Staff reported that at the outset of the pandemic a committee comprised of Senior Management and members of the health team had been established to determine the maximum occupancy for all cells and rooms in the prison. The Inspection Team was informed that whilst the higher grade mask (FFP2) would not enable increases in maximum occupancy in a room, it could increase the time a person could be permitted to spend in a room. The Inspection Team observed maximum occupancy information on the walls of the class offices and the in-reach services area utilised for video calls. There was also maximum occupancy signage in the school and the library.



At the time of inspection, there were a number of concerns raised by prisoners about a newly adopted policy (early May 2021) which required prisoners attending video calls with family members and services to be clean shaven. Prisoners reported being denied access to scheduled video calls with their children because they were not “clean shaven.” Senior Management stated that the area in which video calls took place was identified as a higher risk area due to increased volumes of footfall, therefore FFP2 facemasks were deemed mandatory in this area of the prison.

A number of prisoners were of the view that the decision to make FFP2 masks mandatory for prisoners, 14 months into the pandemic was a result of staff frustration with the IPS clean shaven policy. One prisoner informed the Inspection Team that staff “use COVID as an excuse to do what they like.” Other prisoners reported that special accommodation had been made for prisoners with accepted religious and medical exemptions, and that these prisoners were able to use a video call phone on the landing. Although this video call room was readily accessible on the landing, prisoners with beards who did not have religious exemptions were not permitted access to the video call room on the landing. Senior Management confirmed to the Inspectorate in a post-inspection call (25 June 2021) that access to the landing video call room was not permitted to prisoners who chose not to shave off their beards.

The Inspectorate is of the view that restrictions on access to family video calls for prisoners with beards who do not have an exemption is disproportionate and runs counter to the CPT’s “Minimum Decency Threshold” on contact with the outside world which provides for “regular possibilities to maintain contact with the outside world.”<sup>36</sup>

In the aftermath of the on-site inspection, the Inspectorate engaged in ongoing communications with Senior Management in regards to the above issue. On 28 June 2021 the Inspectorate was informed that the procedure had been reviewed and that prisoners with beards were permitted to attend video calls with their families as of 2 July 2021. While the Inspectorate welcomes this, it is also worth noting that prisoners with beards were denied their right to family contact for a period of nearly two months.

### 3.2.4 Recommendation

**Recommendation 8:** 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 the prison population. This recommendation was accepted with respect to all prisons except for Cloverhill Prison, which indicated partial acceptance given the fact it is a remand prison with little control or input into prisoner numbers.*

### 3.2.5 IPS Review

#### Section 3.2.3 (Outcomes – Prisoner Access to Video Calls)

*It is reported that some prisoners raised a concern with regard to access to video calls and the requirement to be clean shaven for same due to the video booths being located in an area that needed enhanced level of PPE (FFP2 Mask). I have raised the issue with the governor who has advised that this issue related to one prisoner only and the matter has since been addressed.*

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

*A reminder has issued to all prisons via the Prisons Covid Liaisons Group in relation to the PPE requirements for attendance at video calls to ensure that this issue does not reoccur.*

## 4 HEALTH & WELLBEING

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### 4.1 Access to Healthcare

Access to healthcare in Cork 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.”<sup>37</sup> 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.<sup>38</sup>

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: “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).<sup>39</sup> The guidance from the UN Subcommittee on Prevention of Torture’s Follow-up Advice (June 2021, states: “Include in the national vaccination programme, with priority, all persons deprived of liberty, all personnel, including medical, security, social, administrative and other personnel, of places of deprivation of liberty and staff

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<sup>37</sup> CPT Standard on Health Care Services in Prisons (1993) CPT/Inf(93)12-part <https://www.refworld.org/pdfid/4d7882092.pdf>

<sup>38</sup> 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.

<sup>39</sup> 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>

of the national preventive mechanism.” Further, *SPT Protocol for National Preventive Mechanisms undertaking On-site Visits during the Coronavirus Disease (COVID-19) Pandemic*, reiterates a key message: “The provision of health care for prisoners is a State responsibility. Prisoners should enjoy the same standards of health care that are available in the community, and they should have access to necessary health-care services free of charge without discrimination on the grounds of their legal status.”<sup>40</sup>

A key observation made by the UNODC in the post COVID-19 recovery was the need for States to address challenges associated with imprisonment including that co-ordination between justice and health sectors, should be key to “build back better.”<sup>41</sup>

#### 4.1.2 Environment

##### *General Healthcare*

At the time of inspection, the nursing staff complement in Cork Prison was one Chief Nurse Officer (CNO) and 11 nurses. This staffing level allowed for three nurses per shift (Monday through Sunday). However, the Inspection Team was informed that four nurses per shift was required to cover the workload. There was one Health Care Assistant (Monday to Friday) who provided assistance to prisoners with mobility issues. The Inspection Team was informed that there were approximately 40 to 50 methadone users at any one time in the prison.

A local dentist attended Cork Prison one morning a week (Thursday) accompanied by a dental nurse. In a pre-onsite inspection communication, Senior Management reported that as of and from 16 April 2021, the dentist had seven prisoners on his waiting list, of which he saw five people, one declined and one was in court. The prison had one optician who attended the prison once a month for an afternoon clinic, and a podiatrist that provided a clinic once a month. The waiting lists for both the optician and podiatrist were not extensive.

At the time of inspection, there was one Senior Clinical Psychologist; one staff grade psychologist; one assistant psychologist and three student psychologists working in Cork Prison. In a pre-onsite inspection communication with Senior Management it was reported that on 16 April 2021 there were 25 prisoners awaiting an open triage with the psychology service. The Inspection Team was informed of at least three prisoners who were described as “currently declining.” The Inspection Team was informed that open referrals to the psychology service were triaged within twelve weeks of referral receipt, where possible.

Cork Prison had an In-Reach psychiatry team that provided three sessions a week on Tuesday mornings; Wednesday afternoons and Friday mornings. The Inspection Team was informed that the waiting list for prisoners eligible to be transferred to the Central Mental Hospital (CMH) was 1.5 years.

The prison had a General Practitioner service every morning, Monday to Friday with a permanent post due to be filled in August 2021. At the time of inspection, the GP function was provided by three General Practitioners from a GP practice. High priority prisoners were triaged and seen first. There was no waiting list for the GP.

##### *COVID-19 Healthcare*

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

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<sup>40</sup> United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules), Rule 24.

<sup>41</sup> UN (n 28).

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, shortness of breath, 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)

On the first day of inspection there were 19 prisoners in quarantine and four prisoners in isolation. There was no accommodation difference between quarantine and isolation cells. Each cell had a clear marking on it to identify the COVID-19 restricted regime. Prisoners in quarantine and isolation were seen twice a day by nursing staff. At the time of inspection, negative test results were provided verbally, and positive test results were provided by the healthcare team. The Inspection Team was informed that the recent HSE cyberattack had resulted in delays in receipt of COVID-19 test results, which meant that prisoners were required to stay in quarantine/isolation for longer periods.

At the time of the on-site inspection the Principle of Equivalence, with respect to the COVID-19 vaccination rollout was not being adhered to in Cork Prison. On 31 May 2021, there were a number of prisoners eligible for COVID-19 vaccination in line with community eligibility: four prisoners in Group 4; two prisoners in Group 5; two prisoners in Group 6 and 23 prisoners in Group 7 of the community groups. However, only one person had received the COVID-19 vaccine, and a second person who was offered the vaccine had declined. Table 7 provides the number of vaccinations that had taken place across prison estate as of 26 May 2021 and as of 31 May 2021 in Cork Prison.

**Table 7: Vaccination numbers according to community cohort / total prison population and Cork Prison population May 2021**

Cohort	Total Prison Population vaccinated - 26 May 2021	Cork Prison population vaccinated- 31 May 2021
Cohort 1	-	
Cohort 2	-	
Cohort 3	-	
Cohort 4	23	1
Cohort 5	67	
Cohort 7	-	
Cohort 9	-	
Not coded	-	

As of the dates of the on-site inspection, Cork Prison had not experienced an outbreak of COVID-19. Since March 2020, 13 staff members had tested positive for COVID-19, and two prisoners had tested positive for COVID-19 (community-based transmission).

### 4.1.3 Outcomes

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

As of 11 May 2021, Ireland had administered 1,922,913 doses of COVID-19 vaccinations across the State; 1,408,105 people had received their first dose and 514,808 people had received their second dose.<sup>42</sup> At the time of inspection, one prisoner in Cork Prison had received his COVID-19 vaccination and one prisoner had refused; there were 31 prisoners eligible for receipt of the vaccine in line with community eligibility. At the time of inspection, prisoners reported there was no indication or information provided as to when prisoners eligible for vaccination would be vaccinated.

There were a number of prisoners who reported to the Inspection Team a sense of feeling left behind. Older prisoners spoke about how they would have been vaccinated if they were not in prison, with one prisoner describing the Principle of Equivalence as “tough shit is what they call it here.”

A number of staff commended the manner in which prisoners dealt with COVID-19 restrictions in Cork Prison; one staff member stated “fair play to the prisoners.”

At the time of writing this report, the Irish Prison Service informed the Inspectorate that the COVID-19 vaccination programme had commenced roll-out across prisons from 10 June 2021 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.

Follow up information about the vaccination roll-out provided to the Inspectorate by the Irish Prison Service on 5 August 2021 stated that 199 (83.6%) prisoners received their first vaccine on 3 August 2021; 41 (16.4%) prisoners declined the vaccination. The second dose of the vaccination was administered on 24 August 2021; 184 (96.9%) prisoners received a vaccination and six (3.1%) prisoners declined the vaccination.

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 provided the HSE with a list of impending releases on the day of vaccination; this enabled follow-up upon release.

The Inspectorate has recommended across the first 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.

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<sup>42</sup> Information available here: <https://covid19ireland-geohive.hub.arcgis.com/pages/6830eb851e3e4ae9861c916db88fb4beon> (retrieved 22 June 2021).

## 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 Cork Prison, the Inspection Team assessed the impact of restrictions on family contact, in particular the loss of in-person visits. The Inspectorate also examined how the Irish Prison Service has compensated for the loss of family contact.

### 4.2.1 Compliance

In response to the need to prevent transmission of COVID-19 in prisons the Irish Prison Rules 2007-2017 were amended in 2020 to include Rule 36A. Rule 36A places a restriction on implementation of Rules 35 and 36 as a means to prevent the transmission of infectious disease in prisons. Rule 35 includes provisions for ordinary visits whereby convicted adult prisoners are entitled to receive not less than one visit from relatives or friends each week of not less than 30 minutes duration. For unconvicted prisoners, the visit entitlement under Rule 35 is one visit per day from relatives or friends of not less than 15 minutes in duration on each of six days of the week, where practicable, but in any event, on not less than on each of three days of the week. Rule 36 provides for the regulation of visits, including provisions on the designation and searching of visitors, visits from legal representatives and visits for foreign nationals. The 2020 Amendment to the Rules, under 36A, permit the Director General (36A(1)) or the Governor, subject to any direction 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, it states:

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

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

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

In May 2021, the CPT published its “Minimum Decency Threshold.” This threshold provides for “regular possibilities to remain in contact with the outside world.”<sup>43</sup> The CPT welcomed the increasing availability of in-cell telephones and secure prison mobile phones, as well as internet based solutions to enable prisoners to maintain family contact.

In June 2021, the SPT advised member states to: “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.”

#### 4.2.2 Environment

The daily call allowance for prisoners was based on the Incentivised Regimes Scheme, which is explained in more detail in Section 5.1. At the time of inspection, 36% of prisoners were on the Enhanced level of the Incentivised Regime Scheme, which allowed these prisoners to make 14 calls a week (two six-minute calls each day). 60% of prisoners were on the Standard level, which allowed prisoners to make seven calls each week (one six-minute call each day), and 4% of prisoners were on the Basic level of the Incentivised Regime Scheme, which allowed for three six-minute calls to be made each week. Prisoners in quarantine/isolation were provided with an additional six-minute phone call each day from 14 April 2021. All outgoing calls were 6 minutes in duration.

Most prisoners in Cork Prison had access to in-cell phones. The exception to this was for men in the vulnerable prisoners unit; prisoners did not have access to phones in their cells for safety reasons. Video calls were facilitated using a phone with a small screen.<sup>44</sup> At the time of inspection, family video calls took place in small rooms located on the B3 landing in-reach corridor. Video call scheduling was divided across the two wings in Cork Prison. Prisoners in A Block could book video calls on Mondays, Wednesdays and Fridays. Prisoners in B Block could book video calls on Tuesdays, Thursdays and Sundays. At the time of inspection, video calls ran six days a week. The Inspection Team was informed that, due to limited staffing levels, the prison did not run calls on Saturdays. Table 8 provides the number of video calls booked from Friday 7 May 2021 through to Monday 10 May 2021.

**Table 8: Booked Video Calls, 7 - 10 May 2021**

Day	Video Calls booked
Friday 7 May 2021	22
Saturday 8 May 2021	No service
Sunday 9 May 2021	25
Monday 10 May 2021	11

On the first day of inspection, Cork Prison initiated a roll-out of a pilot project designed to increase family contact between prisoners and their families. The pilot project, which was to run for one month, would allow each prisoner to receive two family/personal contact phone calls per day directly through the in-cell phone. These calls would last for ten minutes and were in addition to the outbound call allowance. During the course of inspection, prisoners were provided with written (English) information about the initiative. However, the initiative was not fully operational over the two days of the inspection. Senior Management updated the Inspectorate on the pilot project (30 July 2021), and indicated the proof of concept was completed and undergoing review. The Inspectorate welcomes the family call-in initiative, and commends all involved in developing a compensatory measure for family contact. The Inspectorate would like to see this initiative continue, and to be rolled out across the prison estate.

<sup>43</sup> CPT (n 36).

<sup>44</sup> Example of phone type available in the COVID-19 Thematic Inspection of Shelton Abbey report, page 35, Figure 7.



The Inspectorate notes the strong desire of prisoners to see the return of in-person visitation. Given that Cork Prison is one of the final prisons to receive the COVID-19 vaccination, it will also be one of the last prisons to see a return to in-person visits. The visit facility, on observation, had screens in place in preparation for the return of visits; the use of screens should only continue for as long as necessary under public health guidance.

The Inspectorate acknowledges that the restriction on in-person visitation was introduced to protect the lives of prisoners. However, this measure should always be balanced against the principles of proportionality and necessity, and take into account due consideration for the right to family life and privacy (ECHR, Article 8).

### 4.2.3 Outcomes

Prisoners were informed of the pilot project for in-cell calls on the first day of inspection, and initial feedback was very positive. In a post-onsite inspection call, (25 June 2021) Senior Management reported that the project had been working well and that whilst there had been a number of initial technical issues, feedback from prisoners had continued to be positive. Senior Management informed the Inspection Team that the pilot was due to discontinue on 25 June 2021, as the licence had only been provided for one month; Senior Management indicated an intention to request an extension of the licence.

The Inspection Team spoke with many prisoners in relation to the loss of in-person family visitation. A number of prisoners spoke about how the video calls did not compensate for in-person visits from family:

*“A visit is an embrace; a touch; it’s not just a visual experience.”*

*“I have never seen my son in person.”*

*“Thank God for family.”*

*“You just want to hold your child.”*

*“I have two grandkids that I have never seen.”*

*“For some people it was a very difficult experience.”*

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 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.

An issue of concern to the Inspection Team was the number of prisoners who reported having their video calls cancelled because were not clean shaven (Section 3.2). A number of prisoners reported that the restriction on access to video calls for people with beards had only commenced in the weeks leading up to the inspection.

A small room on B3 landing had been converted to facilitate video calls for prisoners who were exempted from shaving their beards on religious grounds; this was not available to people on the B wing who did not have a religious exemption, despite the room being unoccupied for large periods of the day. Prisoners reported not being able to access the school and services because they had a beard. Prisoners expressed a confusion over the timing of this policy and the logic behind it:

*“Why 14 months later?”*

*“It’s really new”*

*“I hear it’s the POA [Prison Officer’s Association].”*

*“Why is the country unwinding, but we’re tightening?”*

The Inspectorate welcomes follow up information provided to the Inspectorate by Senior Management on 25 June 2021 that indicates the restrictions on access to video calls for people with beards had been reviewed and the mandatory requirement to wear FFP2 masks to the prisons video call location was removed (Section 3.2.3).

#### 4.2.4 Recommendation

**Recommendation 9:** In line with Rule 24.1 of the European Prison Rules, and following the success of the family call-in pilot project in May/June 2021, the Inspectorate recommends that all necessary steps be taken to ensure the family call-in initiative is made permanent in Cork Prison.

**Request for Information 1:** The Inspector of Prisons requests to be provided with information on the direction given to Cork 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. On the first day of the inspection, there were four prisoners in isolation and 19 prisoners in quarantine in Cork 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.<sup>45</sup>

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<sup>45</sup> CPT Statement of Principles relating to the Treatment of Persons Deprived of their Liberty in the Context of the Coronavirus Disease (Covid-19) Pandemic (20 March 2020) CPT/Inf(2020)13, <https://rm.coe.int/16809cfa4b>, Principles 6 and 8.

Recent CPT guidance (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).<sup>46</sup>

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

While solitary confinement in itself is not a breach of Article 3 of the European Convention on Human Rights (prohibition on torture and inhuman or degrading treatment or punishment),<sup>47</sup> 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 to 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;” It also goes on to state: “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.”<sup>48</sup>

### 4.3.2 Environment

As of 12 May 2021, there were 13 positive COVID-19 cases amongst staff and two positive cases amongst prisoners since the start of the pandemic.

Prisoners sent to Cork Prison on committal; prisoners returned to custody by An Garda Síochána under a Section 42 warrant; prisoners transferred from another prison; prisoners returning from court or hospital and prisoners ready for release were all screened for COVID-19 by the nursing staff. Committal prisoners and those returning to custody by An Garda Síochána under a Section 42 warrant were required to undergo a quarantine period. As Cork Prison serves as the committal prison for counties Cork, Kerry and Waterford quarantine numbers were consistently high. Table 9 provides the number of prisoners in quarantine / isolation in Cork Prison during the week leading up to inspection.

**Table 9: Number of Prisoners, COVID-19 Restricted Regimes, 20 – 28 May 2021**

Date	Quarantine	Isolation
20 May 2021	42	3
24 May 2021	35	2
25 May 2021	38	-
27 May 2021	36	-
28 May 2021	30	-

On 7 May 2021, Senior Management reported Cork Prison had an average of 30 committals per week; with 13 committals to the prison occurring between 30 April 2021 and 7 May 2021. On 24 May 2021, as part of a post on-site inspection call, Senior Management reported that quarantine numbers had increased from nine prisoners on 10 May 2021 to 40 prisoners on 20 May 2021; this was due to a significant increase in the number of people being committed to the prison. The impact of this influx of

<sup>46</sup> CPT (n 36).

<sup>47</sup> European Court of Human Rights, “Guide on the Case-law of the European Convention on Human Rights” (December 2020) [https://www.echr.coe.int/Documents/Guide\\_Prisoners\\_rights\\_ENG.pdf](https://www.echr.coe.int/Documents/Guide_Prisoners_rights_ENG.pdf), 49.

<sup>48</sup> SPT Follow-up Advice (n 6).

quarantine numbers resulted in the prison needing to accommodate an additional 31 quarantine prisoners. At the time of inspection, prisoners were quarantined on B1 landing, which was described as “spill over mode” from A1 landing.

While in quarantine, prisoners were provided with a pack containing biscuits, a soft drink, noodles and cleaning products. These were provided to prisoners free of charge. The Inspection Team was informed that in addition to this pack of items, prisoners were also provided with one tracksuit; three sets of tops; one set of clothes and unlimited socks and underwear.

The cells utilised for quarantine and isolation on A1 and B1 landings were clearly marked with magnetic signs on the cell door. Cork Prison had showers in each cell which allowed for all prisoners to shower whilst in quarantine and isolation. Prisoners in quarantine received 40 minutes out-of-cell time each day.

Senior Management reported in a post-onsite inspection call (25 June 2021), that Cork Prison had received 16 committals to the prison in the previous four days, with seven committals being received the day prior to the call. This had resulted in some prisoners sleeping on the floor due to a lack of space.

### 4.3.3 Outcomes

The Inspection Team spoke with a number of prisoners regarding their experience of quarantine and isolation in Cork Prison. With large numbers of prisoners in quarantine in the prison, not all prisoners are in single cells. The Inspection Team spoke with one prisoner who had previously experienced quarantine as the sole occupant in a cell, and was at that point sharing a cell during his second stint in quarantine; he expressed that quarantine was an easier experience with another person in the cell.

A number of prisoners spoke about having only one item of underwear over the course of seven days in quarantine. Other prisoners spoke about the discomfort of drug withdrawal and not being able to change into a clean set of clothes. Two prisoners reported that a prisoner had vomited in the cell due to withdrawal sickness and that the cell was not ventilated after the incident. On observation, the cell was dirty and the floor had dirt that could not be swept up as the prisoners had no sweeping brush. Prisoners reported having only one pair of socks and underwear, which they hand washed and dried on the radiator in the cell. One prisoners stated he had to wait five days for a duvet cover, and two prisoners reported using the same one towel that they had been issued with upon committal.

A number of prisoners who were in prison for the first time, informed the Inspection Team that they thought quarantine “was the real jail” and that the restrictions on out-of-cell time “was what it would be like” for their whole sentence. Other prisoners informed the Inspection Team that quarantine was “not too bad” and that the company in the cell had helped the process.

A number of prisoners spoke about the delay in test results due to the HSE cyberattack, which resulted in a longer time spent in quarantine.

A small number of prisoners informed the Inspection Team that they only received 30 minutes fresh air; one prisoner stated, “You’re lucky to get that.” One prisoner said that he “felt like an animal” during the extended lock up in quarantine. Another prisoner reported that he was not permitted to shave for 11 days and felt that this was “the height of disrespect.” Further, a prisoner stated that he found quarantine extremely difficult; he described being cold, uncomfortable and in pain due to existing medical ailments. One prisoner in quarantine stated that food, which was delivered to the cells in takeaway-style boxes, was put on the partition wall that divides the cell and the toilet.

A prisoner informed the Inspection Team he had been in quarantine for seven days and was still waiting to make a call to his family. The Inspectorate welcomes the availability of shower facilities to people in

quarantine in Cork Prison, but is of the view that more needs to be done to improve human contact and access to out-of-cell time in the fresh air.

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, 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.<sup>49</sup>

#### 4.3.4 Recommendations

**Recommendation 10:** 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 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."<sup>50</sup> 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 11:** 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 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 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 12:** 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.<sup>51</sup>

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<sup>49</sup> CPT Statement of Principles (n 45), Principle 5.

<sup>50</sup> SPT Follow-up Advice (n 6).

<sup>51</sup> 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 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

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## 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 Cork 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.<sup>52</sup>

Further to this, in its Follow-up Statement<sup>53</sup> the CPT noted:

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

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 (rehabilitation) 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."<sup>54</sup>

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

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<sup>52</sup> CPT Statement of Principles (n 45) Principle 7.

<sup>53</sup> 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).

<sup>54</sup> CPT (n 36).

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.<sup>55</sup>

### 5.1.2 Environment

At the time of inspection, Cork Prison comprised of two wings: A wing and B wing. The A1 landing accommodated a mix of prisoners on protection and in quarantine/isolation. Protection prisoners were split into two groups. A2 and A3 landings accommodated “general population” prisoners.

B wing was comprised of three landings. B1 landing was the committal landing for the prison, and also accommodated vulnerable prisoners and the Correctional Behaviour Unit. B2 and B3 were the drug free units in Cork Prison. Prisoners on the Enhanced Regime were accommodated here. Both B2 and B3 landings also accommodated longer sentenced prisoners or those serving their first custodial sentence.

The daily regime varied across the prison. Table 10 provides an overview of the general regime. However, prisoners on protection and prisoners on restricted regimes experienced less out-of-cell time than that outlined in Table 10. For example, prisoners on protection in A1 landing received approximately three hours out of cell each day; in contrast, enhanced prisoners on B2 and B3 landings received approximately seven hours out-of-cell time each day.

**Table 10: Overview of General Daily Prison Regime**

Time	Regime
08:00- 08:40	Unlock, breakfast and dispensary
09:20-12:30	Unlock, exercise / dinner, and secured in cells
14:00	Unlock, clean cells, work areas/education/gym/library when available
15:30- 16:00	Evening meal and secured in cells
16:40	Unlock, clean cells, yard/gym/library when available
19:00	Prisoners return from yard/gym
19:30	Prisoners secured in cells

#### *Incentivised Regimes*

The Incentivised Regime Scheme is designed to provide incentives to reinforce good behaviour and encourage engagement in structured activities. The number of prisoners on the various Incentivised Regimes in Cork Prison was examined one year apart to determine if there was a significant change in regime allocation since the onset of the pandemic. Table 11 outlines the numbers of prisoners on each regime in May 2020 and May 2021. Weekly gratuity is also aligned with the Incentivised Regime Scheme: Enhanced daily gratuity: €2.20; Standard daily gratuity: €1.70; and Basic daily gratuity: .95 cents.

**Table 11: Incentivised Regime Scheme - Cork Prison One Year Apart**

Year	Total Population	Enhanced	Standard	Basic
25 May 2020	272	98 (36%)	163 (60%)	11 (4%)
24 May 2021	269	97 (36%)	162 (60%)	10 (4%)

<sup>55</sup> UN (n 28).



### 5.1.3 Outcomes

At the time of inspection, prisoners on Rule 63 regimes (“protection prisoners”) were divided into two groups. Out of cell time was rotated across the two groups, as was out-of-cell time for prisoners on COVID-19 restricted regimes. To ensure social distancing, out-of-cell time in the yards was staggered. Whereas prior to COVID-19 prisoners from different landings could exercise together in the yards, during COVID-19 access to the yard was staggered. Prison staff reported that alongside ensuring enforcement of social distancing measures, staggered access to the yards also had the impact of reducing social pressure on prisoners.

Prisoners accommodated on B wing reported that the regime on A wing was more restrictive. One prisoner on protection on A1 landing reported that the regime for protection prisoners was akin to punishment, and stated that there was pressure to come off of protection or risk being transferred to another prison. He stated, “We’re here as protection prisoners, but they punish us (...) we get lasts of everything, (and) no rehabilitation down here whatsoever.” The regime for prisoners on protection was reported by prisoners as allowing for between one and three hours out-of-cell time each day. Another prisoner on A1 landing explained that he only received 15 minutes out-of-cell time on the landing; 45 minutes in the yard; and a further five minutes later on the landing. He stated that one group of protection prisoners experienced 23 hours of lock up each day, while the other protection group was locked in their cells for 21 hours each day.

One prisoner reported that the “prison looks lovely but they don’t give you the time of day.” In contrast, other prisoners reported that they could not fault the prison and that system was run well.

### 5.1.4 Recommendation

**Recommendation 13:** The Inspectorate urges Cork Prison to consider all available ways to increase out-of-cell time and maximise access to services for prisoners accommodated under Rule 63 of the Irish Prison Rules.

## 5.2 Access to Education

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

### 5.2.1 Compliance

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

The Mandela Rules (Rule 104) state that education of young and illiterate prisoners should be compulsory and that, “so far as practicable” the education of prisoners shall be integrated with the educational system of the country so that after their release prisoners may continue their education without difficulty. In addition, the European Prison Rules (Rule 28.1) state that every prison shall seek to provide all prisoners with access to educational programmes that are “as comprehensive as possible

and which meet their individual needs while taking into account their aspirations.” Much like the Irish Prison Rules (Rule 110), the European Prison Rules state that persons with literacy and numeracy needs should be prioritised (Rule 28.2). These Rules also echo the Mandela Rules by stating that education and vocational programmes should be integrated with the country’s general system so that prisons can continue their education and training after release without difficulty (Rule 28.7).

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

### 5.2.2 Environment

At the time of inspection, the school in Cork Prison was open. The school had been due to re-open on 19 April 2021, but this was postponed due to a “withdrawal of goodwill” undertaken by prison staff on 16 April 2021. It was reported that the “withdrawal of goodwill” centred on the lack of clarity provided by the Department of Health and Department of Justice in relation to when prison staff would be vaccinated against COVID-19.

In the weeks leading up to the inspection, prisoners were notified of a policy that required them to be clean shaven to attend the school.<sup>56</sup> It was explained that this was to allow for maximum protection from the FFP2 mask at all times.<sup>57</sup> At the time of inspection, the school was closed two afternoons of the week to facilitate access to services such as psychology and addiction counselling. In-reach services utilised the video link booths located in the in-reach corridor. Table 12 provides the school timetable from April 2021 onwards.

**Table 12: Cork Prison School Timetable April 2021**

	AM	PM	PM
<b>Monday</b>	School & Services B Division	Services A Division	Visits video calls
<b>Tuesday</b>	School & Services B Division	School A Division	Visits video calls
<b>Wednesday</b>	School & Services B Division	School A Division	Visits video calls
<b>Thursday</b>	School & Services B Division	Services A Division	Visits video calls
<b>Friday</b>	School & Services B Division	School A Division (Protection)	Visits video calls

At the time of Inspection, the in-cell TV Channel had been in operation in the prison for five weeks, with a number of QQI Level 2 and 3 courses scheduled throughout the day. QQI Level 2 courses included Food Choice and Health, Crafts and Computer Skills. QQI Level 3 courses included Spanish, Craft Sewing, Nutrition and Healthy Options and Career Preparation. These courses ran throughout the morning and afternoon over a two week period.

<sup>56</sup> “Notice to All Prisoners” provided to the Inspection Team through email 16 April 2021.

<sup>57</sup> Prisoners will be given the FFP2 Masks on leaving their respective units by the school officer collecting them, they must be worn in transit from the unit to the school or services areas. On completion of their school classes & services appointments the masks are to be disposed of in the respective clinical waste bins.

At the time of inspection, the Inspection Team was informed that the following courses and classes were discontinued or finished early due to COVID-19 related public health restrictions in Cork Prison:

- UCC:
  - ACE Adult Continuing Education Short lecture series
  - Certification in the Mental Health course with UCC
  - Inside Out programme with UCC
- MTU:
  - MTU (Munster Technological University) Short lecture series didn't take place
  - Special purpose award in practical culinary skills module with CIT now MTU (Munster Technological University had to finish early
  - Pop up restaurant event cancelled.
- QQI-a number of modules were not completed
- Naloxone information delivery stopped.
- Traveller Visibility Group not allowed access to prison and therefore no Peer mediation training
- Artist in prison and writers in prison workshops stopped.
- An Gaisce
- Cork Citizen's Information
- AA
- Red Cross (Training for new members)
- Singing group –
- Healthy food made easy –a six week peer-led nutrition and cookery course developed by community dieticians did not go ahead.
- Psychology group work
- Probation group work
- Merchants Quay Ireland group work.
- Manual Handling training
- Community Coaching
- Samaritan (training for new members)

At the time of inspection, the school in Cork Prison provided an array of learning programmes to prisoners. For example, the school facilitated an eight-week art programme on "The Impressionists: Painters of Modern Life," and also a literature seminar on the works of writers in prison. Also available for completion was a "Certificate in Mental Health in the Community" NFQ Level 6 Award, which was offered by University College Cork. This programme explored mental health difficulties and supporting personal recovery, and examined contemporary debates in the field of mental health.

Cork Prison engaged with the Department of Sociology and Criminology at the University College Cork to run the "Inside Out - Criminal Justice and Social Justice" module in the prison. The programme was designed to break down barriers and prejudices and provide "outside" students and "inside" students with a unique opportunity to study together as peers. This was a 10-week course held in the prison that saw eight student prisoners and eight UCC sociology and criminology students learn and study together.

QQI level 2 modules were available to prisoners, which included mathematical modules on number sequencing, number values, mathematical symbols and addition and subtraction. QQI level 3 modules available to prisoners included a Nutrition and Healthy Options module. IT education was also provided at QQI level 3, which included a Word Processing module that provided education on word processing applications, concepts and terms, document creation, storing and saving and formatting.

### 5.2.3 Outcomes

The school in Cork Prison opened with a reduced maximum occupancy in each class as a means to ensure social distancing. Reduced capacity resulted in waiting lists for some practical classes, such as Woodwork and Home Economics. To compensate for the reduction in the number of people able to attend classes, teaching staff reduced the length of some modules, which allowed for a decrease in the waiting list over time.

Before the implementation of COVID-19 restrictions, the school had a daily capacity of 84 students, this had been reduced to 38 to facilitate social distancing. Prior to the onset of COVID-19, approximately 50 to 60 students engaged with the school; 17 of whom had re-engaged at the time of inspection. Teaching staff reported concerns related to re-engagement, and stated that although some classes had capacity for three students there were occasions where only one student would attend. A member of teaching staff stated, "The guys aren't showing up." A prisoner explained to the Inspection Team that "trying to get back into a structure is emotionally demanding." Attendance levels were further compounded by the mandatory requirement for prisoners to be clean shaven to attend class.

The Inspection Team was impressed by the range of school activities available to prisoners before COVID-19, and also with the way in which the prison engaged with the academic community to provide a range of educational subjects. One prisoner who had participated in the "Inside Out - Criminal Justice and Social Justice" module described how "the outside brought the theory; the inside brought the knowledge, and it just worked." The Inspection Team spoke with another prisoner who attended the pyrography class. He described how he could escape into the world that he created in the wood, and that for a couple of hours a week he can be "taken away by drawings (...) when you're doing this you're not in prison at all."

The Inspection Team noted a number of positive educational initiatives in the school. However, because teaching staff did not have access to the prison landings they were dependent on prison officers to relay information to men in custody. A member of teaching staff stated, "if there is no prison officer then communication doesn't happen."

Digital literacy is an important skill for future employment prospects and to assist in the reduction of re-offending. If digital tablets were to be introduced to deliver education, teaching staff could reach previously unreachable prisoners, such as prisoners in quarantine/isolation or prisoners accommodated under Rule 63 of the Irish Prison Rules. One member of teaching staff reported, "Laptops are a game changer for course completion."

For prisoners engaged with the school, the value of the opportunity to participate in education could not be overstated. One prisoner stated, "if you want to change; the foundation is education." However, as noted by teaching staff, the main challenge facing prisoners actively engaged in the school is the progression and support provided outside of prison. A prisoner who had engaged in the school during a previous period in the prison confirmed this, by stating, "(if I) had the support I would have gone a lot further."

Given the need to socially distance, the school and in-reach services have reduced capacity and determined a schedule to facilitate use of rooms in the school and on the in-reach corridor. Of concern to the Inspectorate is how this arrangement will be maintained and improved upon, especially during periods when school is in session (school in the prison aligns with the general community academic calendar).

The library in Cork Prison was closed on both days of the inspection. Senior Management reported that the library post was the first to be cut on the Regime Management Plan, and members of prison staff confirmed that even prior to COVID-19 the library was often closed.

#### 5.2.4 Recommendation

**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 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, Cork Prison should proactively consider the re-opening of library services in the prison.

*OIP Comment: The Inspectorate has recommended in the Mountjoy Prison, Cloverhill Prison, Wheatfield Prison, Limerick Prison and Arbour Hill Prison COVID-19 Thematic Inspection reports that library services be re-opened for prisoners. On all occasions the Irish Prison Service has accepted this recommendation.*

### 5.3 Access to Exercise/Interactions

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

#### 5.3.1 Compliance

Rule 32(1) of the Irish Prison Rules mandates that all prisoners not employed in outdoor work or activities are entitled to not less than one hour of exercise in the open air each day, weather permitting. In addition to this, the Rule states that “in so far as is practicable,” all prisoners must be permitted access to the use of indoor space and equipment for physical recreation, exercise or training.” However, the 2020 Amendment to the Irish Prison Rules 2007-2017, Rule 32A provides an amendment to Rule 32, whereby it permits the Director General (32A(1)) or the Governor, 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.”<sup>58</sup>

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.”

Despite restrictive measures imposed to prevent COVID-19 transmission, the standard on access to meaningful human contact remains, with the CPT stating in its March 2020 Statement of Principles: “on cases of isolation or placement in quarantine of a detained person who is infected or is suspected of being infected by the SARS-CoV-2 virus, the person concerned should be provided with meaningful human contact every day” (CPT Principle 8). For prisoners separated from the general population of the prison, on any grounds, a denial of two hours of meaningful human contact each day results in 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*<sup>59</sup> provides further substance to this principle as it is:

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

### 5.3.2 Environment

Table 13 provides an overview of prison staff posts cut from the Regime Management Plan on each day of the inspection, and therefore resulting in closure of activities in the prison.

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<sup>58</sup> CPT Standards, Revised 2010, <https://www.refworld.org/pdfid/4d7882092.pdf>, 16.

<sup>59</sup> Essex Paper 3 Initial Guidance on the Interpretation and Implementation of the UN Nelson Mandela Rules (2017) <https://rm.coe.int/16806f6f50>.

**Table 13: Posts Cut from Cork RMP, 31 May and 1 June 2021**

31 May 2021	1 June 2021
<ul style="list-style-type: none"> <li>• Sports hall</li> <li>• Computer and print shop</li> <li>• Library</li> </ul>	<ul style="list-style-type: none"> <li>• Hurley shop</li> <li>• Censor’s office</li> <li>• Fabric shop</li> <li>• Computer and print shop</li> <li>• Library</li> <li>• Internal escorts on B3</li> </ul>

At the time of inspection there was one gym in Cork Prison, which was timetabled according to prison landing. In a pre-on-site inspection call, Senior Management reported that the timetable was posted weekly on the landings. Under COVID-19 maximum occupancy protocols, only ten prisoners could attend the gym at any one time; a gym officer escorted prisoners from the landings to the gym.

The Challenging Behaviour Unit yard was observed by the Inspection Team to be very small in size, bleak and dirty. There was no seating and the toilet was dirty. The prison “upper yard” was a square shape with one bench. There were nets over the top and the phone was working. The recreation hall had one functional phone. The prison also had a sports hall which was not open during COVID-19 restrictions. All yards observed by the Inspection Team were concrete, grey spaces. The yards contained toilets which were observed to be dirty. There were no activities provided for in the yard aside from walking continuously in circles.

**Table 14: Cork Gym Schedule (late May/early June)**

Time	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
<b>Week 1</b>							
AM	A3	A2	A3	A3	A2	A2	A3
PM	A1	Deep Cleaning	A1	Deep Cleaning	A1	A2	A3
Reserve	B3	B2	B3	B2	B3	B2	B3
<b>Week 2</b>	<b>Monday</b>	<b>Tuesday</b>	<b>Wednesday</b>	<b>Thursday</b>	<b>Friday</b>	<b>Saturday</b>	<b>Sunday</b>
AM	A2	A2	A3	A2	A3	A3	A2
PM	A1	Deep Cleaning	A1	Deep Cleaning	A1	A3	A2
Reserve	B2	B3	B2	B3	B2	B3	B2

At the time of inspection Cork Prison operated a number of initiatives designed to connect prisoners with the outside community. The Irish Prison Service, in collaboration with IASIO, the Cork Sports Partnership and Cork ETB, ran a Sports and Educational Coaching Initiative to assist and prepare candidates in gaining coach and volunteer expertise in the sports sector. This was a twelve-week programme ranked at QQI level 3.

### 5.3.3 Outcomes

The Inspection Team did not observe any COVID-19 signage in the gym, and noted that some of the equipment was in a state of disrepair; for example, the material on some of the seats was torn. On observation, the gym was poorly ventilated. A number of prisoners reported a bad smell of sewage in

the gym. One prisoner informed the Inspection Team that the smell could be so overpowering “that it was everywhere” and at times “made it too difficult to stay.”

Prison Staff reported that protection groups (Rule 63) were given less access to exercise than other groups. Prisoners informed the Inspection Team that they may only get access to the gym once a week and that there was sometimes a waiting list for access.

The Merchants Quay service in Cork Prison was staffed by 1.5 councillors, who attended the prison on a rotational basis Monday through Friday. On 16 April 2021 there were 40 prisoners on the addiction counselling waiting list. Prisoners serving a short sentence were prioritised to allow for aftercare and appointments to be arranged. Prisoners serving longer sentences could be on the list for up to 12 weeks. Addiction councillors and psychology staff were observed as having restricted space to provide services, with a member of service staff reporting, “it’s been great to see clients, but access is reduced.” To facilitate engagement with more prisoners, counselling sessions were reduced from 50 minute to 30 minute sessions. Addiction staff reported that sessions were conducted through Perspex screens with masks and shields, and were also conducted over the phone. The Inspection Team was informed that this different form of therapeutic intervention required councillors to “relearn what therapy is.” The Inspectorate welcomes the fact that services continued engagement with prisoners throughout COVID-19. However, as restrictions unwind the Inspectorate would urge the prison to consider how to facilitate increased engagement with services given the limited space afforded to the school and in-reach services.

The Inspection Team observed that activities such as the Hurley Shop, the Fabric Shop and the Print Shop had been closed for a long period of time (up to two years in some cases), and was informed by prison staff that the closure of these activities was not a result of COVID-19 restrictions. The Inspectorate queries the rationale for prolonged closure of these activities.

### 5.3.4 Recommendations

**Recommendation 16:** In line with the requirement to ensure “meaningful human contact,” the Inspectorate recommends that Cork Prison develops and implements measures designed to mitigate the impact of restrictions imposed on prisoner exercise and interactions by Rule 32A of the Irish Prison Rules; this should be done in consultation with prisoners and staff working in the prison.

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

**Recommendation 17:** The Inspectorate recommends that efforts be made to include green spaces in and around the yards.

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

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



# 6 RESETTLEMENT

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## 6.1 Release

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

### 6.1.1 Compliance

The Irish Prison Service has committed itself to the management of custodial sentences in a way that “encourages and supports prisoners to live law abiding and purposeful lives as valued members of society.” To enable and operationalise this, the Irish Prison Service 2019-2022 Strategic Plan determines to “further develop the integration of prisoner care and support services to deliver more effective rehabilitation to prisoners.”<sup>60</sup> Alongside this, the Irish Prison Service and the Probation Service have developed a multi-agency strategy to manage and rehabilitate “offenders” from pre- to post-imprisonment. This strategy involves Integrated Sentence Management (ISM); Community Return; Probation Service case management and post-release supervision; and engagement with the Irish Association for the Social Integration of Offenders (IASIO) Resettlement Service.

The stated aim of this multi-pronged strategic approach is to ensure “that all releases from Irish prisons and places of detention are planned releases to ensure the informed and effective transition of the offender from prison to the community, in compliance with statutory, legal and sentencing provisions.”<sup>61</sup>

The Irish Prison Rules include provisions which place responsibility on the Governor to “assist and encourage prisoners in (...) preparing for reintegration into society after release” (Rule 75(1)(ii)(d), and on the Prison Officer “to contribute to the rehabilitation and reintegration into the community (...) of prisoners” (Rule 85(3)(c)(iv). An Inter-Agency Group was established to implement key recommendations made by the Penal Policy Review Group to support the rehabilitation of offenders and crime prevention.<sup>62</sup> However, the Group’s last published report was in 2019. Despite this absence in the national legislation, international human law and standards place great emphasis on preparation for release.

The Mandela Rules (Rule 87) state:

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

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

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

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<sup>60</sup> IPS, “Irish Prison Service Strategic Plan 2019-2022” [https://www.irishprisons.ie/wp-content/uploads/documents\\_pdf/Irish-Prison-Services-Strategy-2019-2022.pdf](https://www.irishprisons.ie/wp-content/uploads/documents_pdf/Irish-Prison-Services-Strategy-2019-2022.pdf).

<sup>61</sup> IPS, “Resettlement and Reintegration” <https://www.irishprisons.ie/prisoner-services/reintegration/>.

<sup>62</sup> Annual Report of the Interagency Group for a Fairer and Safer Ireland, [http://www.justice.ie/en/JELR/Annual\\_Report\\_of\\_the\\_Interagency\\_Group\\_for\\_a\\_Fairer\\_and\\_Safer\\_Ireland\\_2018.pdf/Files/Annual\\_Report\\_of\\_the\\_Interagency\\_Group\\_for\\_a\\_Fairer\\_and\\_Safer\\_Ireland\\_2018.pdf](http://www.justice.ie/en/JELR/Annual_Report_of_the_Interagency_Group_for_a_Fairer_and_Safer_Ireland_2018.pdf/Files/Annual_Report_of_the_Interagency_Group_for_a_Fairer_and_Safer_Ireland_2018.pdf)

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

### 6.1.2 Environment

#### *Integrated Sentence Management (ISM)*

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

At the time of inspection, Cork Prison had two Integrated Sentence Management (ISM) officers who worked back to back to ensure continuous ISM presence in the prison. This allowed for a ratio of approximately 80 prisoners to one ISM officer. At the time of inspection, the Director of Operations provided ISM officers with a weekly list of suitable prisoners for community services. This included prisoners serving a sentence of between three and twelve months. There was an average of 30 to 40 prisoners requesting to be included in the community scheme. All prisoners sentenced to one year or more and less than eight years were given the opportunity to link in with an ISM officer. The Inspection Team was informed that if a prisoner was sentenced to more than two years the ISM officer would link in with them a year prior to release. However, it was noted by a staff member that “some can fall through the loop, you have to keep an eye on the release list.”

In cases where prisoners were serving short sentences, ISM officers would conduct assessments with the prisoners over the phone while the person was in quarantine.

The Inspection Team noted that the ISM Officers and the resettlement team worked closely together in Cork Prison to ensure prisoners were provided with necessary supports. The ISM role provided information with respect to accommodation needs to the resettlement team. Both teams conducted multi-disciplinary meetings to discuss the resettlement needs of prisoners.

#### *Resettlement*

At the time of inspection, Cork Prison had two staff members working on resettlement services: one IASIO resettlement coordinator who worked on releases for people who had housing established prior to release, and one coordinator who worked specifically with prisoners who would be unhoused upon

release. The three pillars of resettlement included accommodation; healthcare and welfare for prisoners re-integrating into society. Resettlement coordinators provided support to prisoners with respect to driving licences, passport applications, social welfare payments, medical card applications and processes for return to home countries.

The Inspection Team was informed that lack of accommodation upon release was a significant issue for prisoners in Cork Prison. On the first day of inspection, there were 59 prisoners registered as without accommodation in the community. Of these, 42 prisoners were sentenced and 17 prisoners were on remand. At the time of inspection, there were only two hostels in Cork; when there was no availability in these hostels alternative accommodation would be sourced through the Nightlight service. The Inspection Team was informed that the “homeless list” was checked daily by the resettlement team. Due to COVID-19, staffing in hostels has reduced, and this has resulted in accommodation planning being carried out further in advance of a release date; this change to the process was described as more intensive and did not always align with the plan determined by the Irish Prison Service.

The resettlement team connected with prisoners due for release during the two-to-three month period prior to the release date. Prisoners without a PPS number were not entitled to accommodation and could only apply for a PPS number upon release from prison; the Inspectorate was informed that these people were “definitely falling through the cracks.”

Another support provided by the resettlement team to prisoners was the issuing of medical cards. In 2019 the resettlement team organised 68 medical cards for prisoners; in 2020, they secured 64 medical cards. At the time of inspection, the resettlement team also provided support to enable social welfare payments to prisoners upon release. Due to COVID-19, welfare payments moved to an electronic form, whereas prior to this arrangement was made for prisoners to collect payments by appointment from physical locations. From January 2021, the resettlement team had arranged welfare payments for 87 prisoners. This automatic form of payment was described to the Inspection Team as being “embedded now at this point;” the Inspectorate welcomes this initiative.

### 6.1.3 Outcomes

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

The Inspectorate welcomes the increase in ISM allocation from one to two officers in Cork Prison. The ISM and resettlement teams appear to be co-ordinating services well together, and have been successful in ensuring prisoners’ practical resettlement needs have been met across the pandemic. However, the Inspection Team met with a number of prisoners who did not feel supported in their impending release and reported a lack of interaction around preparation for this. For example, two Foreign National prisoners due for release in the next two to three months were unaware of this until they met with the Inspection Team. One prisoner who was unhoused at the time of committal and was due to be released in August, informed the Inspection Team that he had not met with a resettlement officer to regarding his release. Given the concerns raised by the resettlement team and by prisoners, the Inspectorate queries the effectiveness of engagement between resettlement coordinators and non-English speakers.

It was reported to the Inspection Team that a key challenge for coordinating resettlement is the ability to secure medical cards for prisoners prior to their release. Before a medical card could be activated, the coordinator needed to identify a GP who would agree to take on the new patient. It was reported that only after three GP refusals (a lengthy process which required numerous consecutive communications), would the Health Service Executive (HSE) nominate a GP. Due to COVID-19, and

the resultant impact on healthcare services provided by General Practitioners in the general community, the challenge of sourcing and assigning prisoners to GP care was exacerbated over the course of the pandemic.

In the early stages of the pandemic, the Irish Prison Service reduced the population of people in prison as a means to reduce the potential for COVID-19 transmission in the prisons. This act had a significant impact on the resettlement team in Cork Prison, in that the two coordinators were tasked with expediting supports for prisoners who were to be released. It was reported by the resettlement team that during that period (April to June 2020), approximately six to eight releases were processed each day. Additionally, releases continued over the duration of the pandemic: “releases happen every day, and that hasn’t changed.”

The Inspection Team was informed that both literacy and language barriers among the prisoner population presented as challenges for the resettlement team. Part of pre-release planning for prisoners included hostel placements for unhoused prisoners. If a hostel could not be secured, the resettlement team would secure a bed through the Nightlight service until a long-term bed could be made available. In addition to housing placement there were a number of administrative forms the resettlement team processed for prisoners to ensure the necessary supports were in place upon release. These supports included the first social welfare payment; a provisional identification card; a medical card; and an appointment with a GP. Prisoners with literacy issues or Foreign National prisoners who did not speak English were assisted by the resettlement team to complete the necessary forms. In some situations this reportedly raised some issues when it was required for a prisoner to provide consent to share their information with various agencies; to ensure prisoners could understand and provide consent, the resettlement team used online translation tools or asked for assistance from other prisoners. One staff member informed the Inspection Team that interpreter services would be helpful in addressing any potential issues of consent; “it’s important they know what they are signing.”

#### 6.1.4 Recommendation

**Recommendation 18:** The Inspectorate recommends that qualified interpreters be made available, either in-person or through videolink, to assist prisoners and the resettlement team in Cork Prison to ensure information is conveyed accurately and effectively over the course of the resettlement preparation process.

# 7 RECOMMENDATIONS & IPS ACTION PLAN

No.	Recommendation	IPS Response	Action Required	Action Owner	Timeline
CKCT1	<p>In line with Rule 54 of the Nelson Mandela Rules, Cork Prison and the Irish Prison Service should ensure that written and oral information about the process of quarantine is provided to prisoners on an ongoing basis. 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>	<p><b>Accepted:</b></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>The Chief Officer in Cork provides a verbal briefing to new committals and prisoners going on temporary release. Governor follows this up following committal quarantine.</p>	<p>Care and Rehabilitation</p> <p>Prison Management</p>	<p>In place and will be reviewed and augmented on an ongoing basis</p>
CKCT2	<p>The Irish Prison Service should provide prisoners with a written copy of the Framework for Living with COVID-19 and/or Unwinding of Prison Restrictions (as applicable). Prisoners should be consulted, and updated on future plans relating to family visits, regimes, and sentence progression as COVID-19 restrictions unfold.</p>	<p><b>Part Accepted:</b></p> <p>The Irish Prison Service has completed significant 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 undertaken at all times to raise awareness of changes to restrictive measures.</p> <p>Cork management continue to brief prisoners on changes via Governor’s Parade and class officers are available to communicate with prisoner at all times.</p> <p>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.</p>	<p>Continue to update as required</p>	<p>Prison Management Team</p>	<p>In place and Ongoing</p>

<b>CKCT3</b>	In line with the Nelson Mandela Rules, Rule 22 and European Prison Rules, Rule 22.4, the Inspectorate recommends that the scheduling around meal times be amended to ensure meals are served at reasonable intervals and at times reflected in the community: breakfast (morning), lunch (midday) and dinner (evening).	<p><b>Accepted:</b></p> <p>In 2019, the Irish Prison Service introduced a pilot alteration to the schedule of meal times in Castlerea and Mountjoy Prison (Progression Unit).</p> <p>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	Ongoing
<b>CKCT4</b>	Taking into consideration Article 6 of the ECHR and Article 14 (3) of the ICCPR, the Irish Prison Service should continuously monitor and engage with persons in custody on the impact of remote court hearings.	<p><b>Part Accepted:</b></p> <p>The <i>Civil Law and Criminal Law (Miscellaneous Provisions) Act 2020</i> allows for certain type of court hearings to be heard by video link. This includes arraignments, returns for trial, sentencing hearings and certain hearings in relation to surrender proceedings for extradition.</p> <p>While video link is not the default, the Act gives this authority to the Courts allowing them to make certain proceeding of their choosing by default. This authority is vested firstly in the Presidents of the Courts and subsequently in the Judges themselves.</p> <p>The Irish Prison Service and the Courts Service are working to increase the capacity of video link.</p> <p>Infection control measures introduced during Covid-19 have resulted in the widespread use of video link for Court appearances. Approximately 60% of Court appearances are now taking place via video link.</p> <p>The use of video link will allow the Service to redirect vital resources into the provision of prisoner services.</p>	<p>The Irish Prison Service will continue to engage with Court Services as necessary.</p> <p>The Irish Prison Service will continue to explore the use of video link for the provision of other services such as Probation interviews, prisoner case conferences, education and remote learning.</p>	Operations	Reviewed on an ongoing basis
<b>CKCT5</b>	In line with Section 42 of the Public Sector Duty, the Irish Prison Service must ensure that Foreign National and non-English speaking prisoners have equal access to provision of information. It must also enact positive measures to ensure the protection,	<p><b>Accepted:</b></p> <p>Management will ensure that Interpreters are used for all committal interviews and for sentence planning purposes.</p>	Management to advance the purchase of hand-held interpretation devices to assist non-English speaking prisoners.	Cork Prison Management/ICT	End Q4 2021

	promotion and fulfilment of the human rights of non-English speaking and Foreign National prisoners, including the right to private and family life (ECHR Article 8, European Prison Rules, Rule 37.1).	Cork Prison Management will explore other options to support non-English language speaking prisoners to overcome language difficulties.			
<b>CKCT6</b>	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><b>Accepted:</b></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 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.</p> <p>IPS recently procured a Learning Management System and we hope to provide training to our staff in relation to our new Code of Ethics (completed and due for publication in Q4 2021) and Section 42 responsibilities through E-Learning in the near future.</p> <p>The IPS 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>E-learning modules in development.</p> <p>Publication of Code of Ethics</p> <p>Enhanced anti-racism and discrimination awareness programme to be developed locally and nationally.</p> <p>Survey to be completed on prisoner experiences and perceptions of making complaints</p>	<p>Irish Prison Service Training College</p> <p>Director General</p> <p>Equality and Diversity Lead Local Management</p> <p>Equality and Diversity Lead/ Red Cross Volunteers</p>	<p>Ongoing</p> <p>Q4 2021</p> <p>Q4 2021</p> <p>Q4 2021</p>
<b>CKCT7</b>	In line with the European Prison Rules, Rule 93.3, Cork Prison and the Irish Prison Service should undertake a robust information campaign to ensure prisoners and prison staff are informed of their right to engage with the Office of the Inspector of Prisons, and other monitoring bodies, without fear of reprisal.	<p><b>Accepted:</b></p> <p>The Irish Prison Service will roll out an awareness campaign in consultation with the Office of the Inspector of Prisons</p>	Communications Team to develop awareness materials with the Office of the Inspector of Prisons for dissemination through the Prisoner TV Channel and inclusion in Prisoner information Literature	Press Office	End Q4 2021

<p><b>CKCT8</b></p>	<p>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>	<p><b>Accepted:</b></p> <p>Cork prison has a bed capacity of 296. The daily average number in custody in 2020 was 271 or an average occupancy level of 93%. The average number in custody in Cork in 2021 (to 23/8/2021) is 259 or 88%.</p> <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>	<p>The IPS will continue to review the Prison Population Management Plan and will introduce new measures to address prison overcrowding as necessary.</p> <p>Data analysis on the impact of increased committals to be completed.</p>	<p>Operations Directorate</p> <p>Criminal Justice Efficiencies committee</p>	<p>Ongoing</p>
<p><b>CKCT9</b></p>	<p>In line with Rule 24.1 of the European Prison Rules, and following the success of the family call-in pilot project in May/June 2021, the Inspectorate recommends that all necessary steps be taken to ensure the family call-in initiative is made permanent in Cork Prison.</p>	<p><b>Accepted:</b></p> <p>A cross-Directorate Group oversaw the recent pilot 'proof of concept' initiative in Cork Prison, led by Operations and ICT.</p> <p>The Pilot is being reviewed with a view to identifying the requirements for broadening and roll out to all locations.</p> <p>This includes identification of the resource requirements including licencing and technology costs.</p>	<p>Review of Pilot project to be completed</p> <p>Additional resources have been sought through the 2022 Estimates process that, if approved, will allow for the enhancement of in-cell telephony solutions in Cork and across the prison system.</p>	<p>Prison Management/ Operations/ ICT</p> <p>ICT/Department of Justice</p>	<p>Q1 2022</p>
<p><b>CKCT10</b></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 improving social and family contact for people in order to compensate for COVID-19-related isolation.</p>	<p><b>Part accepted:</b></p> <p>Every effort continues to be made by the Irish Prison Service to allow prisoners in 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>Continue the provision of in cell technology to allow prisoners to maintain contact with family and services.</p>		<p>Ongoing</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 recommenced on Friday 3<sup>rd</sup> September 2021.</p>			
<b>CKCT11</b>	Prisoners in quarantine/isolation must have access to at least one hour in the open air each day.	<p><b>Not accepted:</b></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>			
<b>CKCT12</b>	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.	<p><b>Accepted:</b></p> <p>A Covid outbreak-specific mental health protocol has been put in place by the IPS Psychology Service. The approach incorporates a three-tiered layered care model which includes preventative, enhanced and acute mental health care interventions. This includes the use of tablets to proactively engage people on significantly restrictive measures, where required.</p>			
<b>CKCT13</b>	The Inspectorate urges Cork Prison to consider all available ways to increase out-of-cell time and maximise access to services for prisoners accommodated under Rule 63 of the Irish Prison Rules.	<p><b>Part accepted:</b></p> <p>Every effort is made by prison management to provide maximum out of cell time for prisoners on restricted regime for protection reasons.</p> <p>The Irish Prison Service has introduced new technologies to support those who are more confined to their cells and these technologies will allow greater levels of access to regimes and services post covid-19. These include in-cell telephones and the Prisoner TV/Information Channel.</p> <p>Providing enhanced regimes for restricted prisoners is being considered as part of the development of an in-cell learning plan (CKCT14 refers).</p> <p>The operation of Rule 63 is also being reviewed by the Irish Prison Service as part of the Review of the Prison Rules, 2007. The aim of the Irish Prison Service is to reduce the number of prisoners confined to their cells under Rule 63.</p>	Review of Rule 63 to be completed as part of Review of Prison Rules	Operations Directorate	Q2 2022

CKCT14	To meet the education needs of prisoners (European Prison Rule 28.1), which include facilitating more substantive engagement with education (and other services), the Irish Prison Service should make digital tablets available for prisoner use. These digital tablets could be pre-loaded with education materials.	<p><b>Recommendation is under review:</b></p> <p>The Irish Prison Service is developing an in-cell learning strategy to enhance learning from prison cells.</p> <p>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.</p> <p>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.</p>	<p>A large volume of in-cell audio-visual and printed material has now been produced by the ETBs.</p> <p>Complete engagement with the staff representative association on the introduction of blended learning.</p>	Care and Rehabilitation	<p>Q4 2021</p> <p>End September 2021</p>
CKCT15	In line with Rule 110 of the Irish Prison Rules, Cork Prison should proactively consider the re-opening of library services in the prison.	<p><b>Accepted:</b></p> <p>The library at Cork Prison has re-opened. Closures may occur where resources are reassigned in line with Cork's Regime Management Plan.</p>			
CKCT16	In line with the requirement to ensure "meaningful human contact," the Inspectorate recommends that Cork Prison develops and implements measures designed to mitigate the impact of restrictions imposed on prisoner exercise and interactions by Rule 32A of the Irish Prison Rules; this should be done in consultation with prisoners and staff working in the prison.	<p><b>Part accepted:</b></p> <p>Rule 32A is implemented, when necessary, as a measure to ensure the health and safety of all prisoners and staff working in prisons.</p> <p>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>			
CKCT17	The Inspectorate recommends that efforts be made to include green spaces in and around the yards.	<p><b>Part accepted:</b></p> <p>Consideration will be given to enhancing the aesthetics of the prison yards.</p> <p>Security considerations will be taken into account when considering any enhancement to the prison yards.</p>		Prison Management; Finance & Estates Directorate	End 2021
CKCT18	The Inspectorate recommends that qualified interpreters be made available, either in-person or through videolink, to assist prisoners and the resettlement team in Cork Prison to ensure information is conveyed accurately and effectively over the course of the resettlement preparation process.	<p><b>Accepted:</b></p> <p>The Governor has agreed with the ISM team that all non-English speaking prisoners are offered the option of an interpreter.</p> <p>Additional technological solutions will also be explored.</p>	Management to advance to purchase of hand-held interpretation devices to assist non-English speaking prisoners.	Cork Prison Management	End Q4 2021

<b>CKREQ 1</b>	The Inspector of Prisons requests to be provided with information on the direction given to Cork Prison by the Irish Prison Service to implement S.I. 250 - Prison (Amendment) Rules 2020 - Rule 36A of the Irish Prison Rules.	Restrictions on visit entitlements were introduced by the Irish Prison Service emergency Response Planning Team for infection control reasons and communicated to prison management via the Prison Liaisons Group. An amendment was made to the Prison Rules in April to give legal effect to these restrictions. All prisons have acted in accordance with the revised rules.			
<b>CKREQ 2</b>	The Inspector of Prisons requests to be provided with information on the direction given to Cork Prison by the Irish Prison Service to implement S.I. 250 - Prison (Amendment) Rules 2020 - Rule 32A of the Irish Prison Rules.	Restrictions on out of cell time and recreation entitlements were introduced by the Irish Prison Service Emergency Response Planning Team for infection control reasons and communicated to prison management via the Prison Liaisons Group.			

