



OIFIG AN CHIGIRE PRÍOSÚN
OFFICE OF THE INSPECTOR OF PRISONS

COVID-19 Thematic Inspection of Loughan House

5 August 2021

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EXECUTIVE SUMMARY

The Office of the Inspector of Prisons carried out the tenth of twelve COVID-19 Thematic Inspections in Loughan House open prison on 5 August 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, Loughan House Senior Management and members of prison staff were fully co-operative with the Inspection Team.

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

- The vast majority of prisoners were fully vaccinated for COVID-19.
- There was a common effort amongst prisoners and staff in the prison to prevent transmission of COVID-19.
- Access to mobile phones in Loughan House proved beneficial for prisoners to maintain family contact over the course of the pandemic.

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

- The pace at which the unwinding of restrictions has taken place in the prison was a source of frustration for prisoners, particularly in relation to continued restrictions in place for in-person visits (reduced time, one child allowed, no contact/screened).
- Due to the cancellation of programmes and services, prisoners were unable to participate and progress in their rehabilitation; life sentenced prisoners were unable to complete Parole Board recommendations.
- The requirement to quarantine following a period of temporary release resulted in a decreased number of prisoners availing of it. Due to COVID-19 measures in place, there was a reduction in bed capacity in Loughan House. This meant that a decreased number of prisoners in closed prison environments had an opportunity to progress their sentence and move to an open prison.

Overall, the Office of the Inspector of Prisons is concerned that COVID-19 has significantly impacted on the ability of prisoners in Loughan House to engage with rehabilitation services. Many prisoners in Loughan House felt discouraged as a result of the curtailment of engagement with services, and felt that COVID-19 had disrupted sentence progression. The Inspectorate urges Loughan House to consider, in consultation with prisoners and staff, new proactive initiatives to address the concerns raised in this report, in tandem with the unwinding of prison restrictions in a safe manner.

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

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

1 INTRODUCTION

1.1 Inspection Function of the Office of the Inspector of Prisons

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

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

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

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

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

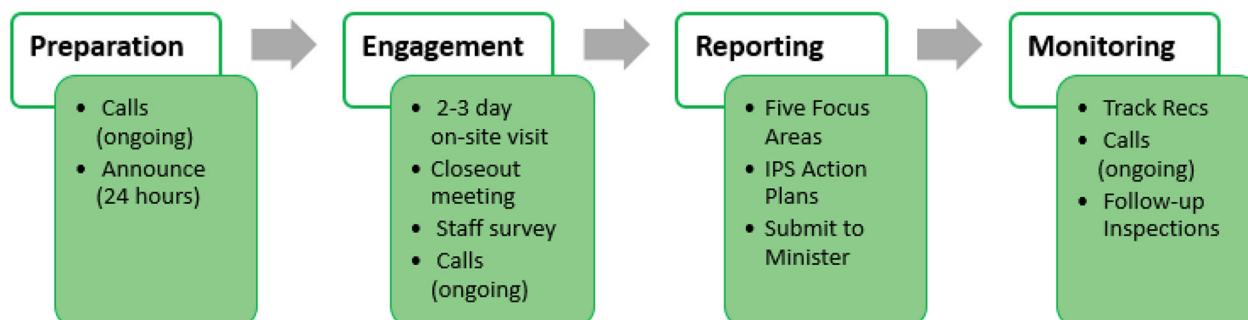
1.2 COVID-19 Thematic Inspections

The Irish Prison Service has adopted a number of practices in response to the need to prevent transmission of COVID-19 in Irish prisons, and to subsequently uphold Ireland’s commitment to the right to life under Article 40 of the Irish Constitution and the protection of life under Article 2 of the European Convention on Human Rights (ECHR). These measures include, amongst others, restrictions on family contact (Section 4.2), quarantine and isolation (Section 4.3), restrictions on access to education, 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 Ireland¹ (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.

¹ OIP. (2020) A Framework for the Inspection of Prisons in Ireland, available at: <https://www.oip.ie/launch-of-the-framework-for-the-inspection-of-prisons-in-ireland/>

Figure 1: Framework Inspection Process

COVID-19 Thematic Inspections: Process



COVID-19 Thematic Inspection visits are announced short visits, 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 inspection visits is complemented by calls to prisons,² continuous communications with the Irish Prison Service, which includes updates on the situation of COVID-19 and the dissemination of an online staff survey from 30 April 2021 to 16 May 2021.³

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.⁴ Based on internal information and information received from the Irish Prison Service, the Inspectorate determines if a visit to a prison is (i) warranted given the risk, and (ii) in line with the principle of “do-no-harm” (ensure that risk is offset by preventive action). COVID-19 Thematic Inspections are announced, with prisons provided with at least a 24-hour notice in advance of the inspection.

The 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.

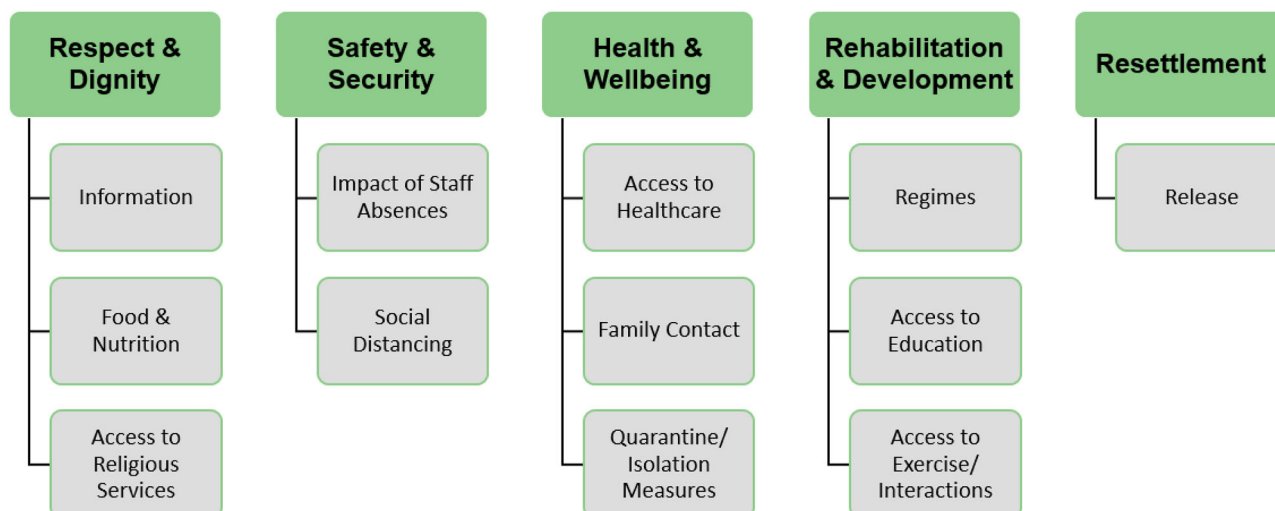
² OIP. COVID-19 Call Template, available at: <https://www.oip.ie/wp-content/uploads/2021/05/COVID-Call-Template.pdf>

³ OIP. (2021) COVID-19 Staff Survey, available at: <https://www.oip.ie/wp-content/uploads/2021/05/COVID-19-Survey-for-IPS-Staff-2021.pdf>; OIP. Staff Survey Initial Findings (June 2020), available at: <https://www.oip.ie/wp-content/uploads/2021/08/OIP-COVID-19-Staff-Survey-Initial-Findings-Updated.pdf>

⁴ OIP. (2021) COVID-19 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

Loughan House 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 Loughan House in advance of the inspection: 18 February 2021, 4 March 2021, 25 March 2021, 8 April 2021, 6 May 2021, and the 25 May 2021. Post on-site inspection calls were made to the prison on 13 August 2021, 17 August 2021 and 2 September 2021; these calls focused on access to healthcare, religious services and education.

Over the duration of the inspection process, the Inspection Team endeavours to raise awareness about the ongoing inspection and of the role of the Office of the Inspector of Prisons (OIP) more generally. To this end, the Inspectorate has developed prisoner information booklets and a video. The information booklets, which are available in Irish, English (NALA Plain English Mark), Cantonese, French, Polish, Romanian, Russian and Spanish, were distributed to prisoners by prison staff in advance of the inspection.⁵ The information booklet is available on the Inspectorate website and has been provided to the IPS for ongoing dissemination.

⁵ OIP Information Booklets, available: <https://www.oip.ie/information-booklet/>, available in Irish, English, Cantonese, French, Polish, Romanian, Russian and Spanish. The OIP has also prepared an information video for display on the in-cell TV channel in prisons, where this facility is available: <https://prezi.com/v/cggicvfvpz8/>.

This report on the inspection of Loughan House, the tenth 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 recommendations and determine recommendation Action Plans. The Irish Prison Service Action Plan in response to the COVID-19 Thematic Inspection in Loughan House is provided in Section 7. The IPS did not provide review statements in response to the draft COVID-19 Thematic Inspection Report of Loughan House.

The on-site inspection of Loughan House was carried out over one day. The degree of co-operation received in the prison during the inspection was very good. The Inspection Team had full access to all required information in a timely manner.

The Inspection Team had immediate and open access to Loughan House, and all local requests for information were answered promptly. The Inspection Team would like to express their appreciation to the designated Liaison Officer, Senior Management and prison staff for the support provided to the Inspection Team throughout the duration of the on-site inspection. The Inspection Team would also like to thank the people in custody in Loughan House for their engagement.

The Inspector of Prisons (Inspectorate) presented preliminary observations to Loughan House Senior Management staff at a virtual Closeout Meeting on 9 August 2021. The commentary received during this meeting was taken into account in the drafting of the report.

The Inspectorate looks forward to ongoing dialogue and engagement with both prisoners and staff in Loughan House.

1.3 Composition of the Inspection Team

The on-site Inspection Team for the COVID-19 Thematic Inspection in Loughan House comprised of Senior Inspector Dr. Ciara O'Connell, Senior Inspector Mr. Kevin Hyland, Inspector Mr. Mark Wolfe and Inspector Ms. Eve Farrelly. The Inspection Team was supported by office-based Administrative Staff. Thematic Inspections are generally two to three days in duration, however due to the increased number of Inspectors, this inspection was completed in one day.

1.4 Overview of Loughan House

Loughan House is a low security open prison located on 47 acres of land in County Cavan.⁶

⁶ The purpose of an open prison is to support prisoners as they transition and reintegrate back into society. The concept of an open prison is premised on the principle of trust. Prisoners typically have more freedoms and a greater connection to the

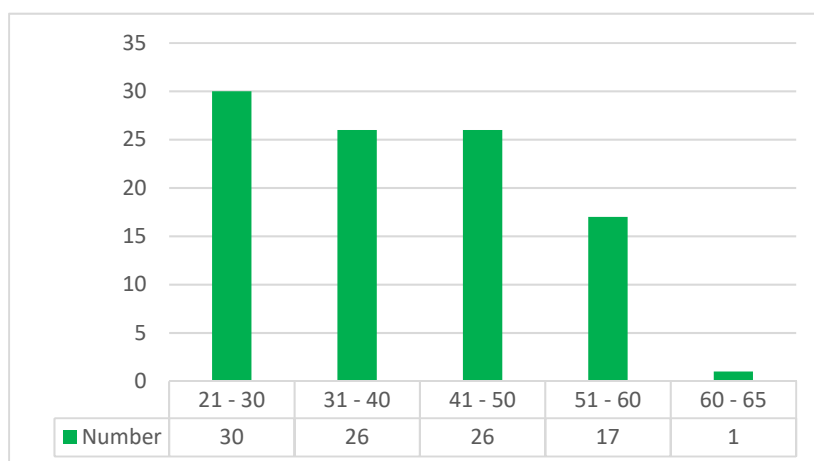
Prior to COVID-19, the bed capacity in Loughan House was 140; this was reduced to 102 during the pandemic. Bed capacity was reduced to allow for all rooms to be single occupancy and to establish a number of allocated quarantine/isolation rooms. Eight rooms were designated for quarantine/isolation, but in order to prevent potential cross-contamination in shared showers, only four of the rooms were utilised, as needed.

On 5 August 2021, the day of inspection, there were 99 prisoners in custody and one prisoner on day release receiving hospital care. Given the reduced bed capacity to 102, Loughan House was operating at 97% bed capacity on the day of inspection. This reduction in capacity is not captured in Irish Prison Service “Daily Prison Population” figures, which indicate 71% bed capacity on this day.⁷

Loughan House accommodated 16 life-sentenced prisoners on the day of inspection, comprising approximately 16% of the total prison population.

Figure 3 provides an overview of the age groups of the people in custody in Loughan House on the day of inspection.

Figure 3: Age Breakdown of the Prison Population (5 August 2021)



At the time of inspection, room accommodation was split between two buildings: Pine Lodge and Main House. All rooms had access to shared toilet and shower facilities. In the Main House, communal toilet and shower facilities were located at the end of each landing. Pine Lodge accommodated 51 prisoners on the day of inspection and Main House accommodated 48 prisoners. At the time of inspection, all prisoners had a single occupancy room.

Prior to the COVID-19 pandemic, there was a direct link between the local community and the prison. For example, members of the public could visit the grounds of Loughan House and purchase a number of goods and services such as flowers, coffee and a car wash.

On 5 August 2021 the vast majority of life sentenced prisoners in Loughan House were accommodated in Pine Lodge. A room in Pine Lodge measured 3.72m long x 2.29m wide x 2.34m high, for a total area of 8.5m² exclusive of sanitary area; this was above the minimum CPT standard for single occupancy

outside world. In 1955, the first UN Congress on the Prevention and Treatment of Crime and the treatment of Offenders placed particular emphasis on open institutions and described its benefits. See, Lopez Ray, M. (1957) First U.N. Congress on the Prevention of Crime and the Treatment of Offenders, 47, *Journal of Criminal Law and Criminology*

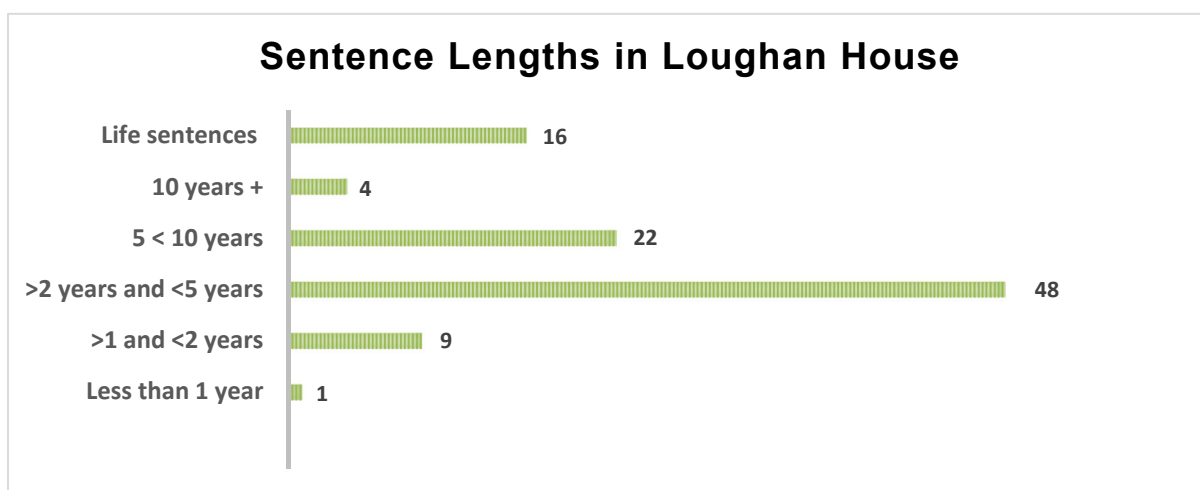
<https://scholarlycommons.law.northwestern.edu/cgi/viewcontent.cgi?article=4532&context=jclc>
⁷ Irish Prison Service Daily Population Figures (5 August 2021) https://www.irishprisons.ie/wp-content/uploads/documents_pdf/05-August-2021.pdf.

cells (6m² exclusive of sanitary area).⁸ In general, prisoners were permitted to leave their rooms from 08.00 to 23:00 daily.

As an open prison, Loughan House operates on a trust basis, and as such there is limited supervision. Prisoners in Loughan House were advanced in their sentence progression and were afforded a certain degree of autonomy. For example, they were provided with keys to their rooms and could open their doors at any time. During the day, where available, prisoners attended in-reach services, education, work and training and family visits. As Loughan House is an open prison, there were no prisoners on protection regimes.

Figure 4 provides a breakdown of prisoners' sentence lengths on the day of the on-site inspection.

Figure 4: Loughan House Prisoner Sentence Lengths, 5 August 2021



The snapshot figures provided by Senior Management illustrate that on the day of inspection, Loughan House accommodated persons with various sentence lengths and thus varying levels of need.

Approximately 20% of the population in Loughan House were Foreign National prisoners.

Table 1 provides an outline of the number of people in custody placed on COVID-19-related restricted regimes on the day of the on-site inspection, 5 August 2021.

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

Date	Quarantine	Isolation	Cocooning
Morning	1	0	0
Afternoon	2	0	0

Loughan House experienced two outbreaks of COVID-19 since March 2020; the most recent in May 2021. In total, as of 5 August 2021, there were ten COVID-19 positive cases amongst the prisoner population. There were five cases of COVID-19 amongst prison staff between March 2020 and 5 August 2021.

⁸ CPT (2015) Living Space Per Prisoner in Prison Establishments, CPT Standards <https://rm.coe.int/16806cc449>

The objective of open prisons, as stated by the Irish Prison Service is to “facilitate prisoners in the final stages of longer term sentences.”⁹

During COVID-19 the ability of the Irish Prison Service to support prisoners in the final stages of their sentences has been hindered; pathways of progression and rehabilitation opportunities were significantly impacted by COVID-19 (See Sections 5.1 – 5.3).

1.5 Immediate Action Notifications (IANs)

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

⁹ The Irish Prison Service sets out the criteria in which prisoners are assessed for transfer to an open prison. Factors taking into account when approving a prisoner to an open prison includes: nature of sentence/offence, length of sentence, length of sentence left to serve and risk to the public. See Irish Prison Service (2019) *Open Centre Policy Document* (https://www.irishprisons.ie/wp-content/uploads/documents_pdf/Open-Centre-Policy-2019.pdf)

2 RESPECT & DIGNITY

2.1 Information

Central to the Respect & Dignity Focus Area is the provision of information within the prison. As part of the inspection of Loughan House, the Inspection Team assessed how prisoners were provided with COVID-19 related information and determined if prisoners felt well-informed about the COVID-19 vaccination process.

2.1.1 Compliance

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

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

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

The United Nations Standard Minimum Rules for the Treatment of Prisoners (the Mandela Rules) (2015) provide more specificity about the contents of such an explanatory booklet, with Rule 54 providing that every prisoner shall be provided with written information about applicable prison regulations, rights (including methods of seeking information, access to legal advice and procedures for making requests or complaints), obligations related to disciplinary sanctions and all other matters necessary to adapt to life in the prison. The 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 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) Pandemic¹⁰ (Principle 4) requires that any restrictive measures taken to prevent the spread of COVID-19 should have a legal basis and be necessary, proportionate, respectful of human dignity and restricted in time. All persons deprived of liberty should receive comprehensive information, in a language they understand, about any such measures.

The 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.”¹¹

2.1.2 Environment

Upon arrival to the prison, the Inspection Team observed a television in the committal area that displayed general and COVID-19 specific information. The rotational content included the following information:

- Loughan House mission statement/aim:

“Loughan House has an ethos based on trust, dignity and respect for all and aims to promote re-socialisation and normalisation for inmates prior to release.

Our regime aims to empower inmates to manage their own sentences through engagement in the incentivised regimes programme.

Through engagement with the incentivised regime programme inmates can earn extra privileges such as pre-release programme which include weekends home.”

- Services and activities available to people in custody in Loughan House:

- access to visits seven days a week, with an outdoor play area (*accessible prior to COVID-19*)
- access to phone calls
- access to gym
- access to filtered water stations
- access to addiction services
- vending machine
- separate visiting area for families/young children (*accessible prior to COVID-19*)
- access to education facilities
- communal dining
- fridges in rooms
- ISM officer
- Chaplaincy services

- Information on mobile phones for prisoners:

- Mobile phones are available to purchase in the Tuck shop due to a ministerial order which allows prisoners in Loughan House to use mobile phones.
- The phone has no camera and has texts and calls only.
- The use of mobile phones in the visiting box by prisoners or by visitors was prohibited.

¹⁰ 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>.

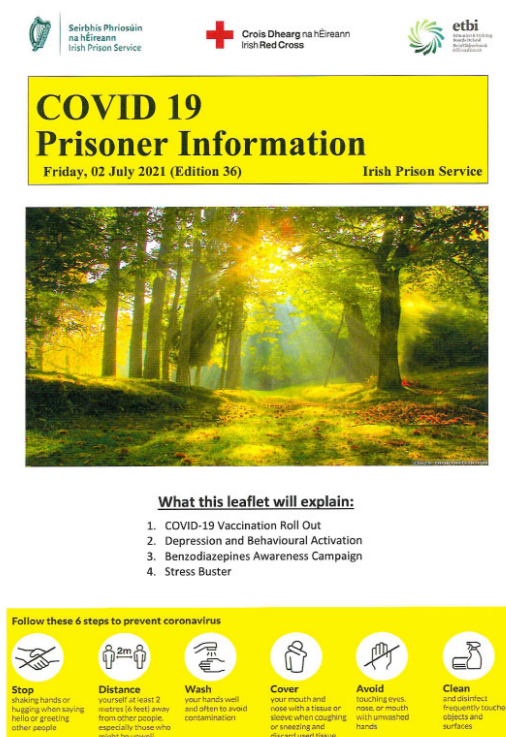
¹¹ Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, Follow Up Advice of the Sub-Committee to State parties and national preventive mechanisms relating to the coronavirus disease (COVID-19) pandemic, <https://www.ohchr.org/EN/HRBodies/OPCAT/Pages/AdvicesToNPMS.aspx>

- Mobile phones may only be used in your room. Using the phone outside your room will result in you losing phone privileges for 1 week. Further offences will result in the loss of this privilege.
- Phone must be kept on silent/vibrate mode at all times.
- *Possession of a smart phone is deemed a serious breach of discipline.*

Since the emergence of COVID-19, the Irish Prison Service has recognised the need for regular information to be shared with prisoners and staff. The Inspection Team observed posters placed throughout the prison that provided information to prisoners on COVID-19 safety and social distancing measures. Room capacity signs were visible throughout the prison. Loughan House had an intercom system that could reach prisoners across the buildings, which included the school and accommodation blocks.

Prior to the on-site inspection, the Inspectorate was provided with Edition 36 of the COVID-19 Prisoner Information Newsletter, dated 2 July 2021 (Figure 5).

Figure 5: COVID-19 Prisoner Information Newsletter (2 July 2021), Edition 36



The 36th edition provided information on the second dose vaccination rollout and the COVID-19 Delta variant; and provided a reminder to prisoners that upon release they should request their vaccination records from the healthcare team. In addition, the Chaplaincy Service issued a message of encouragement for prisoners to get vaccinated. This edition also contained a section on identifying depression and advice on coping with depression.

Across Loughan House, the Inspection Team observed complaint submission boxes accompanied by complaint forms. It was evident, due to the presence of dust on the forms and fading of ink, that many of these forms had been untouched for a period of time. The Inspection Team also viewed the information board. This contained information on free external financial advice from the Money Advice and Budgeting Service (MABS).

It is the view of the Inspectorate that prisoners should have ease of access to OIP materials, including previously published reports. In the computer room located in Pine House, the Inspection Team observed prisoners viewing previously published OIP reports; this access to OIP materials is very welcome.

2.1.3 Outcomes

A large number of prisoners reported feeling well-informed about COVID-19, and commended efforts made by prison authorities to provide them with up-to-date COVID-19 information, such as leaflets on the COVID-19 vaccination programme.

Prisoners in Loughan House had free movement across the prison estate which afforded them with more opportunities to engage with prison staff. The size and relatively small population of prisoners in Loughan House was of benefit when it came to information sharing. Due to the availability of mobile phones for prisoners, many prisoners stated that increased phone contact with their family members allowed them to learn more about the pandemic in the general community. Senior Management reported that prisoners often made phone calls to the general office at Loughan House and could make direct contact with the Governor using the mobile phones as well. Prisoners also reported that they received information about COVID-19 directly from national television.

While prisoners reported a level of satisfaction with the availability of information on COVID-19 related restrictions during the initial periods of the pandemic, many reported growing levels of frustration with the information they were provided with in relation to the unwinding of restrictions. The vast majority of prisoners the Inspection Team spoke with questioned the rationale behind certain COVID-19 related restrictive measures. At the time of inspection, prisoners had not received information about the Irish Prison Service plan to unwind from COVID-19 restrictions.

As the majority of prisoners were fully vaccinated at the time of inspection (Section 4.1), they expressed dissatisfaction with the unwinding of restrictions; namely that in-person visits had not fully returned and remained restricted in line with what was permitted over the 2020 Christmas period, despite prisoners not having been vaccinated at that time (Section 4.2). One prisoner stated he felt misled to take the vaccine because he was under the impression that once vaccinated, programmes and visits would return.

The pace at which the unwinding of COVID-19 restrictions has taken place, combined with limited information provided to prisoners and staff about the plan to unwind from COVID-19 restrictions, has allowed for rumours to circulate, such as prisoners who were not vaccinated may be returned to closed prisons. At the closeout meeting on 9 August 2021, Senior Management stated that information on the unwinding of COVID-19 restrictions was forthcoming from the Irish Prison Service.

2.1.4 Recommendation

Recommendation 1: The Irish Prison Service should provide prisoners with a written copy of the Framework for Unwinding of Prison Restrictions.¹² Prisoners should be consulted, and updated on future plans relating to family visits, regimes, and sentence progression as COVID-19 restrictions unfold.

OIP Comment: The Inspectorate has recommended in the Limerick Prison, Portlaoise Prison and Shelton Abbey COVID-19 Thematic Inspection reports that prisoners should receive a copy of the Framework for Living with COVID-19; the Irish Prison Service partly accepted this recommendation,

¹² See Irish Prison Service, COVID-19 in Irish Prisons (14 September 2021) <https://www.irishprisons.ie/recommendation-physical-visits/>.

and in response indicated the development of the “Unwinding of Prison Restrictions” Framework. The Irish Prison Service noted, with respect to the COVID-19 Thematic Inspection of Arbour Hill Prison (20 August 2021), that the “unwinding of prison restrictions (had commenced) in line with the roll out of the covid-19 vaccination programme in all prisons.” In the Action Plan developed in response to the COVID-19 Thematic Inspection of Cork Prison (2 September 2021), the Irish Prison Service indicated it had “completed significant unwinding of prison restrictions in line with the roll out of the covid-19 vaccination programme in all prisons.” The Inspectorate is of the view that the “Unwinding of Prison Restrictions” Framework should be provided to all persons in custody.

2.2 Food & Nutrition

One of the measures implemented by the Irish Prison Service to prevent transmission of COVID-19 in prisons has been to change how food is delivered in the prison. At the outset of the pandemic, beginning in March 2020, the Irish Prison Service provided food to people in custody who were cocooning by distributing boxed meals to cells. The Inspectorate noted in the July 2020 report, “Ameliorating the Impact of Cocooning on People in Custody – A Briefing,” that it is “important that people (...) are brought meals (and) informed about what is on offer and asked which portions they do and do not want.”¹³ Further, the Inspectorate urged the Irish Prison Service to commit to better consultation with people subjected to public health measures or restricted regimes about their food and to consider models used in hospitals for food selection. Given the recommendations made by the Inspectorate in regards to food provision for prisoners who are cocooning, the Inspection Team considered as part of the COVID-19 Thematic Inspection how food is provided in Loughan House.

2.2.1 Compliance

The Irish 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 Irish Prison Rules also allow for sufficient clean drinking water to be available to each prisoner each day (Rule 23.4). The Prisons Act Section 35 (1) (2) (c) legislates for regulation and good governance of the treatment of prisoners including but not limited to, their diets.

The 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 Mandela Rules, prisoners should receive food that is healthy and at usual times (Rule 22.1). Prisoners should have drinking water whenever they need (Rule 22.2). Food should also be regularly inspected by a physician or competent public health body (Rule 35).

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

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

¹³ 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>, p. 2.

of nutritional value.¹⁴ Failure to meet this Minimum Decency Threshold can lead to situations in which prisoners are exposed to inhuman or degrading treatment.

One of the basic principles of the revised European Prison Rules (2020) states that “Life in prison shall approximate as closely as possible the positive aspects of life in the community.”¹⁵ Further, the Council of Europe 2003(23) recommends in relation to life sentenced prisoners and long term sentenced prisoners that “prison life should be arranged so as to approximate as closely as possible to the realities of life in the community (normalisation principle)” and that “prisoners should be given opportunities to exercise personal responsibility in daily prison life (responsibility principle).¹⁶

2.2.2 Environment

Loughan House had one main kitchen. A communal dining area for prisoners adjoined the main kitchen. Social distancing measures were in place in the communal dining area. This resulted in a 50% reduction of people permitted to dine in the hall together. Prisoners had also the choice to collect their meals from the servery and return to their rooms to eat their meals.

During the on-site inspection, the kitchen was clean. The Inspection Team viewed COVID-19 and social distancing signage in the kitchen and dining area. Kitchen staff wore PPE masks and kitchen worker uniforms. The kitchen operated using a 28-day rotational menu, which was in place across the entire prison estate. Table 2 provides the menu on the day of inspection.

Table 2: Thursday, 5 August 2021, Day 11 of 28 Day Prison Menu Cycle

Meal	Menu
Breakfast	Porridge
Dinner	Sausages, Mashed Potato, Carrots, Gravy
Dessert	Yogurt
Tea	Turkey Burger, Potato Wedges

Meals were served to prisoners at very close intervals early in the day (Table 3).

Table 3: Loughan House Meal Times

Time	Meal
08:00	Breakfast
12:15	Dinner & Dessert
16:15	Tea (a smaller lunch type serving)

Prisoners were not provided with a meal after the evening meal was served at 16:15. This meant the next meal served to prisoners was the following morning, i.e., breakfast at 08:00; approximately a 16-hour gap between served meals.

In addition to the main kitchen, Pine Lodge and Main House accommodation buildings each contained a small kitchenette. The kitchenettes were equipped with a limited number of appliances such as toasters, countertop plug in grills, a kettle, and a microwave. There was no seating in the kitchenette

¹⁴ See European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (2021) 30th General Report of the CPT, (see from p.35 onwards) <https://rm.coe.int/1680a25e6b>

¹⁵ Recommendation Rec(2006)2-rev of the Committee of Ministers to member States on the European Prison Rules https://search.coe.int/cm/Pages/result_details.aspx?ObjectId=09000016809ee581

¹⁶ Council of Europe Recommendation Rec (2003)23 of the Committee of Ministers to Member States on the Management by Prison Administrations of Life Sentence and Other Long-Term Prisoners. Principles 4 and 5.

areas, and no access to an oven or stove top. The Inspection Team was informed by Senior Management that prisoners could prepare food using the produce available in the on-site vegetable patch in Loughan House.

Prison staff reported that Kraft boxes (a cardboard box similar to a takeaway container) were used for delivery of food for a total of six weeks during an outbreak period. Prisoners in quarantine had their meals delivered to them in Kraft boxes at all times.

Prior to COVID-19, the kitchen had a roster of up to 20 people working in the prison. At the time of inspection, the kitchen rota had 12 prisoners rostered; four prisoners and two prison officers were working in the kitchen. All kitchen staff were required to wear FFP2 masks. Prisoners worked in groups on a rotational basis, one day on and then one day off, which was intended to mitigate risk of a COVID-19 outbreak in the kitchen. The Inspection Team observed a list of special dietary requirements displayed on the kitchen wall, which included vegetarian options. Prison staff working in the kitchen advised that meals prepared for vegetarian diets were similar to the scheduled meal, with a plant-based protein substituted for meat. One kitchen worker was tasked with the preparation of these meals.

The Tuck Shop was closed on the day of the inspection. The Inspection Team was informed that when open, prisoners could physically attend the Tuck Shop to purchase items. The pricelist was based on cost price +5% mark up, with the exception being tobacco-related products that were sold at the recommended retail price. Senior Management provided the full price list to the Inspection Team and also reported that the Tuck Shop would be open to tender in the near future. The Inspection Team was informed by Senior Management that the profits generated by the Tuck Shop were reinvested into prisoner care and rehabilitation programmes (75%), the prisoner initiative fund, and also the prisoner hardship fund. The Tuck Shop was open three days each week: Monday, Wednesday and Friday. Prisoner mobile phones, which were limited to a talk and text function, were available to purchase at a cost of €54, inclusive of €15 credit. Prisoners could also receive additional phone credit from family members.

2.2.3 Outcomes

A large number of prisoners expressed satisfaction in relation to the meals served in Loughan House. Prisoners had access to a vegetable patch located on a small allotment. Prisoners spoke positively about this prisoner-led initiative, especially because it afforded prisoners with the opportunity to cook and eat fresh produce in the kitchenette areas.

Several prisoners criticised the quality of the kitchenette areas, and suggested they should be improved by including additional cooking appliances that better mirrored those available in domestic kitchens. Prisoners stated provision of these utensils in the kitchenettes would assist in their preparation for release. At the time of inspection, Pine Lodge accommodated 16 life sentenced prisoners, many of whom had little to no experience in individual meal preparation.

At the Closeout Meeting on 9 August 2021, Senior Management informed the Inspectorate that prisoners can receive training in food preparation as part of the Home Economics class available in the school during the curriculum year. Senior Management also indicated future plans to develop new accommodation similar to studio apartments, which would include improved cooking facilities. The Inspectorate welcomes these efforts, especially because they would enable improvement of independent living skills, which is a central component for rehabilitation, as recommended by the Council of Europe principles of “normalisation” and “responsibility.”

As noted above, prisoners in quarantine had their meals delivered to their rooms in Kraft boxes. At the time of the inspection, one person was in quarantine, and thus the kitchen prepared and delivered

meals to this person throughout the day. A prisoner who had previously experienced a period in quarantine stated, “you get enough food in quarantine.”

In line with the Council of Europe Principle of Normalisation, the Inspectorate commends the continued use of communal dining in Loughan House, which was in place with regard to COVID-19 public health guidelines. However, the Inspectorate noted that general set meal times in Loughan House did not align with the times at which people in the general community eat their meals, and thus did not reflect the Council of Europe “normalisation” principle outlined in the Revised European Prison Rules 2020, (Rule 5) which states, “life in prison shall approximate as closely as possible the positive aspects of life in the community.”

A large number of prisoners reported infrequent and inconsistent Tuck Shop opening hours. Furthermore, the selection of items for purchase in the Tuck shop was poor and lacked healthy food options. One prisoner reported that the Tuck Shop had not been open at one stage for a period of 11 days, and another prisoner stated, “the Tuck Shop opens whenever they want.” In relation to the availability of options in the Tuck Shop, a prisoner stated there was a “lack of fruit, you can buy all the chocolate you want but I don’t eat that, I’d love to try to be vegan but no choice here.”

As mentioned previously (Section 2.1), a large number of prisoners queried the rationale for imposition of certain COVID-19 restrictions within the prison. Since the onset of the pandemic, incoming parcels were required to undergo a quarantine period of seven days before they would be delivered to the prisoner. Parcels could not contain perishable items. A number of prisoners reported inconsistencies in this practice in that food deliveries made to the prison from external private companies were immediately handled and used without undergoing a quarantine period. In the wider community, households did not receive public health advice to quarantine food items or postal packages.

2.2.4 Recommendation

Recommendation 2: In line with the Nelson Mandela Rules (Rule 22.1), and European Prison Rules, (Rule 22.4), the Inspectorate recommends that the scheduling around meal times be amended to ensure meals are served at reasonable intervals and at usual times reflected in the community: breakfast (morning), lunch (midday) and dinner (evening).

OIP Comment: The Inspectorate has recommended in the Mountjoy Men’s Prison, Cloverhill Prison, Wheatfield Prison, Limerick Prison, Portlaoise Prison, Shelton Abbey, Arbour Hill Prison and Cork Prison COVID-19 Thematic Inspection reports that the scheduling around meal times be amended. This recommendation has been accepted by the Irish Prison Service on all occasions. The Inspectorate welcomes the Irish Prison Service’s intention to roll out an amended meal schedule, following a successful pilot scheme in Castlerea and Mountjoy Prison Progression Unit, and acknowledges that this initiative was curtailed due to industrial relations issues. The Irish Prison Service advised in response to this recommendation being issued with respect to Arbour Hill Prison and Cork Prison, that “the review of prisoner mealtimes (has been identified as a) priority action in the Public Service Agreement 2021/2022,” and that engagement with the staff representative association is ongoing. The Inspectorate encourages an early resolution to these issues, keeping in mind that such issues should not undermine adherence to human rights standards, as outlined in Rule 22.1 of the Nelson Mandela Rules and Rule 22.4 of the European Prison Rules.

2.3 Access to Religious Services

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

2.3.1 Compliance

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

The European Prison Rules, Rule 29.2, expand on the provisions provided in the Irish Prison Rules to place a duty on the Irish 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, in-person religious services had not recommenced in Loughan House. In contrast, in-person religious services had returned in the community (with 50% of venue capacity and regardless of immunity status of attendees) on 10 May 2021.¹⁷ Senior Management reported that Loughan House was awaiting direction from the Irish Prison Service on the re-introduction of in-person religious services.

One Chaplain was assigned to Loughan House on a part-time basis approximately twenty hours each week. The Chaplaincy Service reported that full-time Chaplaincy services would be of benefit to both general population and life sentenced prisoners.

The Inspection Team observed signage on the Chaplaincy Service office door. A call back service was offered for any prisoner who wished to speak with the Chaplain if they were not in the office at the time. The Inspection Team was informed that as the Chaplain was physically on-site throughout the COVID-19 pandemic, there was no reduction in access to the Chaplaincy Service.

In a follow-up call made to the prison on 17 August 2021, with a focus on Chaplaincy Services, the Inspection Team was informed that in-person religious services had returned to Loughan House on 14 and 15 August 2021. The services were held with social distancing measures in place, and had a capacity of 15 people. Services were set to continue every Saturday and Sunday. The Inspectorate welcomes the decision to return to in-person religious services in Loughan House, which is in line with COVID-19 related public health measures in the general community.

The Chaplaincy Service office was located next to the Chapel. The Inspection Team visited the Chapel and observed social distancing signage throughout. The Chapel had a high ceiling and was large and spacious (Figure 6).

¹⁷ Gov.ie Public Health Measures in Place Right Now, (published 29 June 2021) <https://www.gov.ie/en/press-release/7894b-post-cabinet-statement-resilience-and-recovery-the-path-ahead/#measures-that-came-into-place-in-may-and-june>

Figure 6: Loughan House Chapel



It was reported to the Inspection Team by prison staff that prisoners of all faiths were accommodated in Loughan House. The Inspection Team was informed that prior to COVID-19 other religious leaders had visited and made use of a room near the Chaplain's Office. The Islamic Centre located in Dublin provided the Chaplaincy Service with prayer rugs and Qurans. The Chaplain informed the Inspection Team that prisoners of all faiths regularly visited the Chapel throughout the pandemic as it was considered a quiet place for reflection.

2.3.3 Outcomes

The Inspectorate commends the work of the Chaplaincy Service in Loughan House. Prisoners reported the Chaplaincy Service was consistently present throughout the COVID-19 pandemic, and was a great support to prisoners. Prisoners could move freely throughout the estate and visit the Chaplaincy Service office. The Inspection Team was informed that the Chaplaincy Service regularly visited the accommodation areas and utilised the vast prison estate for engagement with prisoners. During COVID-19 lockdown periods, the Chaplain was available to prisoners via direct phone call.

The Chaplaincy Service was greatly appreciated by prisoners, particularly in given the limited mental health supports in the prison and the impact of COVID-19 restrictions on the emotional well-being of prisoners.

2.3.4 Recommendation

Recommendation 3: In line with the UN Mandela Rules (Rule 65 (1)), consideration should be given to a full-time Chaplain, or the additional provision of Chaplaincy hours in Loughan House.

2.4 Other Issues

Prisoners with Physical Disabilities

Ireland ratified the UN Convention on the Rights of Persons with Disabilities (CRPD) in 2018. Article 14 (2) of the UN CRPD highlights the States obligation to provide reasonable accommodations for persons with disabilities who are deprived of their liberty:

States Parties shall ensure that if persons with disabilities are deprived of their liberty through any process, they are, on an equal basis with others, entitled to guarantees in accordance with international human rights law and shall be treated in compliance with the objectives and principles of the present Convention, including by provision of reasonable accommodation.

Section 42 of the Irish Human Rights and Equality Commission Act also provides that public bodies have a duty to eliminate discrimination, promote equality and protect human rights. Rule 16 of the UN Mandela Rules states that “adequate bathing and shower installations shall be provided so that every prisoner can, and may be required to, have a bath or shower, at a temperature suitable to the climate.”

Loughan House had one room designed to accommodate a prisoner with physical disabilities. This room, located in Pine Lodge, had a wheelchair accessible shower area that was connected to the room and was for the sole use of the room occupant. Upon observation, the Inspection Team noted the shower area lacked facilities to ensure accessibility for prisoners with physical disabilities. Namely, the shower area did not have sufficient handrails and the seat inside of the shower was not stable and was akin to a plastic garden chair (Figure 7). While there were handrails available near the sink in the room, these were not located in an area that was of benefit to prisoners with mobility issues. It was reported to the Inspectorate that the installation of handrails near shower entrances in rooms that accommodated prisoners with physical disabilities would be of benefit.

Figure 7: Wheelchair Accessible Shower Area, Pine Lodge



Prison Conditions

The UN Mandela Rules, Rule 17, and European Prison Rule (2020), Rule 19.1, require that all parts of a prison be properly maintained and kept clean at all times.

The Inspection Team observed damage to the external wall of Pine Lodge on the ground floor. The damage measured 0.5 metres (20 inches) in length x 0.43 metres (17 inches) in width.

Also located at the external area of Pine Lodge was a fire door exit that opened towards a visible trip hazard (Figures 8-9). A “caution” sign and a piece of wood blocked the pathway. Once the wooden panel was moved, it exposed a hole in the plastic covering. On examination, it was clear that this piece of wood has been in situ for a prolonged period of time due to the presence of discolouration surrounding the wooden panel.

Figure 8: Fire Exit Doorway, Pine Lodge



Figure 9: Fire Exit Doorway, Pine Lodge



The Main House gutters were in poor condition with foliage growing from within. Over a prolonged period this may cause risk of damage to the building and potential risk to both the health and safety of prisoners and staff should the gutter detach from the building. On 13 August 2021, Senior Management at Loughan House informed the Inspectorate that cleaning of the gutters at the Main House had commenced that week.

Over the course of inspection, the Inspection Team observed numerous lighting fixtures that required replacement of light bulbs. By way of example, only one of four ceiling lights was operational in the small computer room in Pine Lodge. Also observed in the computer room were loose electrical wires visible from a drilled hole in the wall (Figure 10). The door frame at the entrance of the building was also damaged and not adequately repaired (Figure 11).

Figure 10: Computer Room, Pine Lodge



Figure 11: Computer Room, Pine Lodge



2.4.1 Recommendations

Recommendation 4: In line with Article 14(2) of the UNCRC, Section 42 of the Public Sector Duty and Rule 16 of the Mandela Rules, Loughan House must ensure reasonable accommodations are provided for prisoners with disabilities.

Recommendation 5: In line with the UN Mandela Rules, Rule 17 and the 2020 Revised European Rules, Rule 19.1, Loughan House should ensure that all areas of the prison estate are properly maintained and kept clean at all times.

3 SAFETY & SECURITY

3.1 Impact of Staff Absences

In January 2021, Loughan House experienced an outbreak of COVID-19. At this time, nine prisoners and four staff members tested positive for COVID-19. In May 2021, following mass testing of prisoners and staff, one prisoner and one staff member tested positive for COVID-19. Since March 2020, Loughan House experienced ten positive prisoner cases, and five staff member positive cases. Senior Management reported that staff absences due to COVID-19 were consistently minimal throughout the COVID-19 pandemic.

3.1.1 Compliance

The Revised European Prison Rules 2020, 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 is “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.¹⁸

The SPT 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.¹⁹

3.1.2 Environment

The Regime Management Plan (RMP) in any prison is directly impacted by staff absences. The RMP, which is unique to each prison and agreed upon by the Irish 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,

¹⁸ 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

¹⁹ Subcommittee Follow-up Advice (n 11) Section 15 (c.).

safety of the staff and the safe custody of prisoners. The RMP outlines the priority of posts and services, and determines how and when prison officers need to be redeployed to provide escorts and cover other posts. As Loughan House is an open prison its regime differed significantly from the regime of a closed prison. In a closed prison there is a greater need for and focus on ensuring provision of staff for security postings.

Senior Management reported that the first posts to be cut on the RMP due to staff absences were prisoner escort posts. This was then followed by prisoner training, the gym and workshops.

The Inspection Team was informed over the course of the inspection that staff shortages were at a minimum and had no great impact on the regime in Loughan House. In total, only five staff members tested positive for COVID-19 throughout the pandemic, with a further small number being absent due to being identified as COVID-19 close contacts.

Whilst there were no official cuts to the RMP on the day of inspection (5 August 2021), the Inspection Team observed minimal in-person services available for prisoners. The Team was unable to engage in-person with a number of services including: the Chaplaincy service, teaching staff who were on summer recess, resettlement staff, or permanent healthcare staff (this post was covered by a short-term temporary nurse on secondment from another prison). The Inspection Team was concerned with the lack of service engagement for prisoners on the day of inspection.

3.1.3 Outcomes

Over the course of the inspection, the Inspection Team took account of how staff absences impacted on the prison. The Inspection Team observed that staff absences did not adversely impact on operations in Loughan House. In the event that staff were needed to cover posts in the prison, this would be made available by closing “non-essential” workshops, in line with the RMP.

Senior Management praised the commitment of staff and prisoners in maintaining the day-to-day operations of Loughan House. Senior Management reported, “There were no significant staff absences. Those that did occur, some due to close contacts and some positive cases.” It was further explained to the Inspection Team that due to the nature of Loughan House, staff absenteeism did not have a major impact on the prison as the prisoners could be relied upon to continue essential services. Senior Management stated “Prisoners have a personal responsibility in Loughan House, many run the services themselves.”

A large number of prisoners commented on the efforts made by prison staff to manage the prison throughout the pandemic. Prisoners recognised the efforts of staff, and stated:

“Staff are brilliant and are eager to do things.”

“Staff here are 100%-easy to deal with.”

“Staff worked hard here to keep everyone safe.”

Both prisoners and staff alike benefitted from Loughan House being an open prison.

3.2 Social Distancing

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

- Avoid the canteen if you cannot sit two meters apart from others

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

Despite efforts by the Irish Prison Service to implement social distancing in prisons, prisons are a difficult environment to physically maintain distance. Prisons are often overcrowded, poorly ventilated, and with limited space and resources, prisoners must share phones, showers and common areas.²⁰ Similarly, staff may share small offices and locker rooms, and eat in common areas. While social distancing is recognised as the most effective way to prevent transmission of COVID-19, it is not practicable at all times in the prison context; additional measures such as proper use of PPE, improved sanitation and good hygiene practices are needed.

3.2.1 Compliance

Given that it is not always possible to social distance in prison settings, the World Health Organization (WHO) recommends continuous use of medical masks for prison staff when making contact with prisoners at distances of less than one metre, during security and health checks, and during transfer of COVID-19 cases to other prisons or hospitals. WHO guidance on management of masks²¹ 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 Prevention²² recommends the following etiquette 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.

²⁰ 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.

²¹ World Health Organization, "Preparedness, Prevention and Control of COVID-19 in Prisons and Other Places of Detention Interim Guidance" (8 February 2021) 25-27.

²² Center for Disease Control and Prevention, "Show Me the Science - How to Wash Your Hands" (9 December 2020) and can be accessed here (<https://www.cdc.gov/handwashing/show-me-the-science-handwashing.html>)

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

The United Nations (2020) highlighted the difficulties in achieving physical distancing in prisons and recommended that options for release and alternatives to detention should be available to mitigate risk of COVID-19 for the elderly, particularly those with underlying health conditions.²³

Furthermore, the SPT (2021) urged States to consider the needs of particular groups:

Strengthen the efforts to consider the particular needs of women, juveniles, persons with disabilities, and LGBTIQ+ persons deprived of liberty, and since the pandemic exacerbates their vulnerability, assess the possibility of alternatives to detention.

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

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

SPT Follow-up Advice of the Subcommittee to State parties and National Preventive Mechanisms relating to the Coronavirus Disease (COVID-19) pandemic (2021) advised States to: “Continue efforts to reduce the prison population by pursuing policies such as early release, parole and non-custodial measures.”

3.2.2 Environment

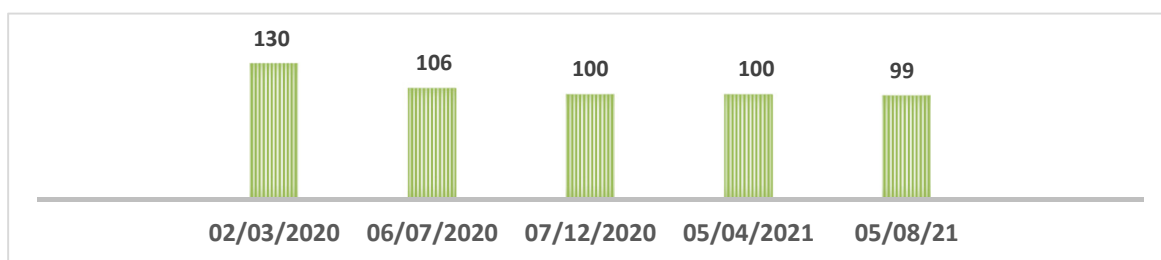
Upon entrance to the prison grounds, the Inspection Team was asked a series of COVID-19 screening questions. All members of the Inspection Team were requested to undergo temperature checks in the main building of the prison, prior to commencing the inspection.

Since the onset of the pandemic in March 2020, the population of prisoners in Loughan House has decreased, with a total reduction of 24% between 2 March 2020 and the date of the on-site inspection, 5 August 2021 (Figure 12).²⁴ On the day of inspection, Loughan House was operating at 71% of its pre-COVID-19 capacity (99/140) and 97% of the capacity during COVID-19 (99/102) (Section 1.4).

²³ United Nations (2020) Policy Brief: The Impact of COVID-19 on Older Persons, p. 7
<https://www.un.org/development/desa/ageing/wp-content/uploads/sites/24/2020/05/COVID-Older-persons.pdf>

²⁴ Irish Prison Service Daily Population Figures <https://www.irishprisons.ie/information-centre/statistics-information/2015-daily-prisoner-population/2021-prison-population/>

Figure 12: Prisoner Numbers in Loughan House, 2020-2021



Loughan House is situated on a vast 47-acre estate with adequate outdoor spacing for prisoners and staff. This outdoor space creates numerous possibilities to continue activities in a socially distanced setting. Due to the design of prisoner accommodation in both Pine Lodge and Main House buildings, social distancing could not be practiced or enforced. The Inspection Team observed COVID-19 signage and social distancing markings throughout the prison. The majority of prisoners who engaged with the Inspection Team did not wear PPE, with the exception being prisoners who worked in the coffee shop and kitchen.

Staff were required to social distance and wear PPE, and on observation this was being adhered to. Hand sanitiser dispensers were visible throughout the majority of areas in Loughan House. However, the Inspection Team noted that hallway in Pine Lodge, through which prisoners constantly moved and held discussions, were not equipped with hand sanitiser dispensers. The Inspection Team viewed the cleaning store rooms on the landings which were adequately stocked with cleaning products.

In relation to sanitation and prevention of COVID-19 transmission, posters reinforcing the importance of social distancing, hand hygiene, and COVID-19 related personal etiquette were displayed throughout the prison. All rooms in Loughan House were single occupancy at the time of inspection. Prisoners accommodated in Pine Lodge shared one bathroom between two rooms. Prisoners accommodated in the Main House shared four bathrooms, with each bathroom containing three showers and three toilets. The Inspection Team was informed that the shower area had recently undergone renovation. Prisoners had no restrictions on the use of showers.

Loughan House had an industrial cleaning team, which included 42 prisoners in 2020 and 37 prisoners in 2021 who received Clean Pass industrial cleaning accreditation.

At the time of inspection, family visits were limited to 15 minutes and were facilitated using partitioned screens (Section 4.2). The Inspection Team was informed that a number of workshops and educational classes continued in an outdoor setting, for example, woodwork. COVID-19 signage was generally very good and in the school area included capacity limits for teachers and students on the classroom doors. Frequency of cleaning in the prison had increased as a result of the pandemic.

3.2.3 Outcomes

With the onset of the COVID-19 pandemic, the capacity in Loughan House was reduced from 140 to 102. This was to facilitate single room occupancy and to allocate rooms for quarantine/isolation use (Table 4).

Table 4: Prisoner Population for Loughan House, February - August 2021

Prisoner Population					
Date	Number in Custody	Bed Capacity	% of Bed Capacity	Reduced Bed Capacity	Effective % of Bed Capacity
24 Feb 2021	97	140	69%	102	89%
1 March 2021	100	140	71%	102	98%
1 April 2021	97	140	69%	102	89%
3 May 2021	102	140	73%	102	100%
3 June 2021	96	140	69%	102	94%
29 June 2021	94	140	68%	102	92%
30 July 2021	99	140	71%	102	97%
5 August 2021	99	140	71%	102	97%

Note: These figures have been obtained from the statistical reporting tool on the Irish Prison Service website.²⁵

The objective of reducing the number of prisoners in Loughan House was to minimise the risk of COVID-19 transmission. While the Office of the Inspector of Prisons advocates for a reduction in the prison population overall,²⁶ reducing the capacity in an open prison has the impact of decreasing the number of prisoners transferred from closed to open prisons (Table 5). Given that open prisons are intended to provide support to prisoners as they transition and reintegrate back into society, the Inspectorate is concerned with the reduction in the number of prisoners who were transferred to Loughan House over the course of the pandemic.

Table 5: Number of Transfers to Loughan House, 1 January 2019 – 5 August 2021

Date Range	Number of Transfers
1 January 2019 to 5 August 2019	131
1 January to 5 August 2020	117
1 January to 5 August 2021	89

²⁵ Irish Prison Service Daily Population Figures (n 24).

²⁶ OIP. COVID-19 Thematic Inspection of Mountjoy Men's Prison 1-3 March 2021 (3 August 2021) <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 (3 August 2021) <https://www.oip.ie/wp-content/uploads/2021/08/Cloverhill-Prison-COVID19-Thematic-Inspection-Report-2021.pdf>; OIP. COVID-19 Thematic Inspection of Wheatfield Prison, 6-7 April 2021 (3 August 2021) <https://www.oip.ie/wp-content/uploads/2021/08/Wheatfield-Prison-COVID-19-Thematic-Inspection-Report-2021.pdf>; OIP. COVID-19 Thematic Inspection of Portlaoise Prison, 22-23 April 2021; OIP. COVID-19 Thematic Inspection of Arbour Hill Prison, 12-13 May 2021; OIP. COVID-19 Thematic Inspection of Cork Prison, 31 May - 1 June 2021; and OIP. COVID-19 Thematic Inspection of Midlands Prison, 16-18 June 2021.

4 HEALTH & WELLBEING

4.1 Access to Healthcare

In assessing access to healthcare in Loughan House, the Inspection Team examined the impact of COVID-19 on services provided to prisoners, particularly mental health support.

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.”²⁷ 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.

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 by the CPT (2020) in its Statement of Principles relating to the Treatment of Persons Deprived of their Liberty (Principle 6) in the Context of the Coronavirus Disease (COVID-19) Pandemic: “detained persons should receive additional psychological supports from staff at this time.”²⁸

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).²⁹

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 of the national preventive mechanism.”

Further, the 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

²⁷ European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (2010) CPT Standards <https://www.refworld.org/pdfid/4d7882092.pdf>

²⁸ CPT Statement of Principles (n 10).

²⁹ 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>

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. ”

A key observation made by the UNODC in relation to post COVID-19 recovery was the need for States to address challenges associated with imprisonment including that coordination between justice and health sectors, should be key to “build back better.”³⁰

4.1.2 Environment

General Healthcare

Loughan House had a total of two on-site nurses. The nursing roster operated “back to back,” covering 08:00 to 20:00. There was no overnight nursing cover; the prison relied upon the national ambulance service for emergencies. At the time of the inspection, one of the permanent nurses was on annual leave and temporary nursing cover was being provided in Loughan House by reassigned prison nurses from other prisons.

Loughan House had one locum GP attending the prison three days per week. In a follow-up call with a member of the healthcare team, the Inspection Team was informed that recently the GP had taken up a permanent role in Loughan House. Table 6 provides the medical services available in the prison, as well as their frequency and waitlists, if any, on 5 August 2021.

Table 6: Loughan House Medical Services Frequency and Waitlists, 5 August 2021

Medical Service	Frequency/Waiting List
GP	Monday, Tuesday and Thursday / No waiting list
Dentist	Once per month / Six persons on waiting list, to be cleared by 18 August 2021
Physiotherapy	As Required / No waiting list
Optician	As required / Mobile optician to clear waiting list by early September 2021
Psychology	Once per month / List cleared monthly
Addiction Counselling	Two part time counsellors/No waiting list

At the time of inspection, there was no patient waiting list for the GP. The Inspection Team was informed that the dentist was attached to Castlerea Prison but attended Loughan House one day per month. Loughan House had a dental surgery room for treatment and assessment.

At the time of inspection, there was no waiting list for physiotherapy. Prior to COVID-19, prisoners physically attended physiotherapy appointments in a hospital. During the pandemic, nursing staff arranged virtual physiotherapy appointments with the hospital. This enabled prisoners to follow exercises and stretches.

Access to an optician was limited throughout the course of the pandemic. Prior to COVID-19, prisoners attended external optician appointments, whereby they were escorted to and from the appointment. At times during the pandemic, depending on restrictive measures in place at the time, it was not always possible to facilitate escorts to optician appointments. The healthcare team reported that prisoners did not always want to attend external optician appointments because of the potential requirement to quarantine on return to the prison. In response to this, the healthcare team and Senior Management prepared and submitted a business case to bring a mobile optician to the prison; the Inspection Team

³⁰ United Nations Common Position on Incarceration (n 18) p.7.

was informed that this service would allow for the clearing of the optician waitlist by early September 2021. The Inspectorate welcomes the initiative taken by nursing staff and Senior Management to provide optician services for prisoners in Loughan House.

A senior psychologist from Castlerea Prison visited Loughan House once per month. In the interim, prisoners had access to psychological support via video call. Prisoners had remote contact during COVID-19 lockdown periods.

Loughan House employed two addiction counsellors who worked on a part-time basis, each covering two days a week. During the pandemic, access to the counsellors was provided remotely. Senior Management reported that on average there were 20 to 30 prisoners who had addiction issues in the prison.

Senior Management and healthcare staff reported to the Inspection Team that prison staff were of great assistance throughout the pandemic.

COVID-19 Healthcare

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

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

In the event that a prisoner received a positive COVID-19 test result they were required to isolate in a cell for a minimum of ten days. According to the risk assessment algorithm, in the last five days the individual should be free from any symptoms of COVID-19. If a prisoner received a negative result, isolation was stopped once a prisoner had been asymptomatic for 48 hours.

Prisoners transferred to Loughan House were previously accommodated in closed prisons. All new arrivals were screened on departure from the previous prison, and screened again upon arrival to Loughan House. A member of the healthcare unit explained that on arrival a member of the nursing staff would meet the prisoner while they were in the Irish Prison Service transfer vehicle. The prisoner was asked a series of COVID-19 related questions and had their temperature checked as part of the

screening process. The prisoner was also asked more general medical questions and an appointment was made for the doctor to conduct a medical assessment. The Inspection Team was informed that because Loughan House did not receive committal prisoners, quarantine did not take place for prisoners newly admitted to Loughan House. However, prisoners returning from temporary release did undergo a quarantine period; COVID-19 tests were administered on the seventh day of quarantine.

Loughan House experienced the first COVID-19 positive test result amongst the prisoner population on 31 December 2020. This led to a lockdown period and mass testing in early January 2021. A member of the healthcare team described the first positive case as a “shock,” particularly as the prisoner had not been on temporary release, which was considered to be one of the primary ways in which a prisoner may contract COVID-19. A member of the healthcare team reported that at the time of the first positive test, prisoners and staff understood the need for restrictive measures and that “everyone came together and chipped in.” Prisoners remained in their rooms in both Pine Lodge and Main House (single-cell accommodation; shared sanitation facilities) and two rounds of mass testing took place. A second outbreak occurred on 18 May 2021 in which mass testing was rolled out across the prison and resulted in one positive test (Section 4.3). A member of the healthcare team stated that the second mass testing experience was less stressful due to learning from the first outbreak. Senior Management stated that the healthcare team were “ahead of the game.” Loughan House outbreak control team was stood down on 28 May 2021. Prisoners continued to wear FFP2 masks until 4 June 2021 as a precautionary measure.

Prisoners received the first dose of the COVID-19 vaccine on 15 June 2021. A total of 87 prisoners (98.6%) of prisoners received the first vaccination, while one prisoner declined. The second dose was administered on 13 July 2021; a total of 92 prisoners (94.8%) received the vaccination and five declined, four of whom had previously received the first dose but declined the second dose. The healthcare team reported that the four prisoners who declined the second dose of the vaccine did so because they had experienced negative side effects from the first dose of the vaccination. The roll-out of the vaccination programme was undertaken by the HSE National Ambulance Service with the support of prison service nursing staff.

4.1.3 Outcomes

General Healthcare

Prisoners in Loughan House spoke positively of the healthcare service provided by the permanent healthcare team. Prisoners reported that members of the healthcare team provided good communication throughout the pandemic. One prisoner stated; “(they) talk to you and allow questions, it’s a good procedure.” A small number of prisoners raised concerns regarding access to dental treatment. One prisoner claimed to be waiting three months for treatment. Prisoners spoke highly of the addiction counsellors and made comments such as, “the addiction counsellor is amazing.”

The Inspectorate notes that Loughan House had no overnight healthcare cover between the hours of 20:00 to 08:00. The Inspection Team was also informed by a member of the healthcare unit that on occasion, prisoners who suffered ill-health were transferred to a closed prison in order to have adequate 24-hour healthcare cover. At the Closeout Meeting on 9 August 2021 a member of Senior Management informed the Inspection Team that 14 members of staff were trained in pre-hospital educational care, which included CPR training.

A small number of prisoners reported that their mental health had deteriorated during COVID-19. Prisoners made comments such as: “It’s impacting on our mental health,” and “I’m worried about my mental health.”

The challenges for prisoners in an open prison were previously highlighted in a (2015) report commissioned by the Irish Prison Service:

What is typically ignored, however, is that even in those less challenging environments [open centres], offenders face concerns, worries, frustrations, and even at times, intolerable levels of pre-release anxiety and doubt.³¹

Graduating from a closed to an open prison is an adjustment and a vital stage for any prisoner who is likely to have been institutionalised in the closed prison regime.

Prisoners, by virtue of place in which they are held in custody, can experience increased mental health distress, particularly in the absence of protective factors such as family visits and a full and varied regime.³²

Limited mental health support was available in Loughan House, which is of serious concern to the Inspectorate. In addition to the limited psychology services, there was no occupational therapist available in Loughan House. Access to occupational therapy would be a beneficial resource to support the development of life skills for prisoners, particularly those serving long sentences. It is the Inspectorate's view that prisoners must be provided with substantive and regular psychological support, especially given the impact of COVID-19 and the need to ensure people in custody in open prisons are prepared to transition back into the community upon release.

COVID-19 Healthcare

The Inspectorate has recommended in previous COVID-19 Thematic Inspection reports that the Irish Prison Service continue ongoing efforts to advocate for the prioritisation of COVID-19 vaccinations for people living and working in prisons. The Inspectorate welcomes the rollout of the vaccination programme, 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.

COVID-19 test results were provided to prisoners verbally, but a member of the healthcare team reported that prisoners could be provided with their COVID-19 test results in writing upon request.

Situations could arise where a prisoner was transferred to Loughan House after receiving the first dose of the COVID-19 vaccine in another prison. The healthcare team reported that in events such as this the prisoner would be facilitated to complete the vaccination programme in Loughan House. Similarly, prisoners who received the first dose of the vaccine while in Loughan House could receive the second dose following release. Prisoner information was provided to the HSE, with consent, which would enable administration of the second dose. The Irish Prison Service provided the HSE with a list of impending releases on the day of vaccination; this enabled follow-up upon release.

A small number of prisoners raised concerns about receipt of their COVID-19 vaccination certificate following completion of the COVID-19 vaccination programme. Some prisoners reported their families had received their vaccine certificate through postal correspondence from the Health Service Executive (HSE). Other prisoners indicated they could ask the nursing staff for their vaccine certificate, and some prisoners were not sure where their certificate was located. This matter was raised with a member of

³¹ JF Porporino, "New Connections" Embedding Psychology Services and Practice in the Irish Prison Service. (Dublin: Irish Prison Service, 2015) https://www.irishprisons.ie/wp-content/uploads/documents_pdf/New-Connections-Report-2015.pdf

³² World Health Organization and the International Committee of the Red Cross, Information Sheet, Mental health and prisons, https://www.who.int/mental_health/policy/mh_in_prison.pdf

healthcare staff who reported that the prison was in direct communication with the HSE and that prisoners would be provided with information on how to access the certificate upon release.

The Inspection Team discussed the vaccination process with a large number of prisoners; all of whom reported the process was well-managed. Prisoners made a number of positive comments in regards to the roll-out of the vaccination programme in Loughan House:

“(I was) Impressed by the organisation.”

““They gave lots of information about the vaccine.”

“Vaccination was fine.”

“Vaccine was good, (I) felt well informed.”

“Vaccination process was smooth.”

A large number of prisoners reported to the Inspection Team that their motivation for accepting the COVID-19 vaccine was based on information provided by prison staff, prison management and fellow prisoners that COVID-19 related restrictions would unwind in the prison if prisoners were vaccinated. In addition, a small number of prisoners reported consenting to receive the COVID-19 vaccine because of concerns they had about being transferred to a closed prison should they decline the vaccine.

Slow unwinding of restrictions, particularly access to in-person visits (reduced time, without a screen, and with a one-child limitation), had caused increased frustration amongst prisoners. In relation to this, prisoners stated:

“I wouldn’t have taken it if I knew.”

“I feel coerced into the vaccine”

“If I’m treated the same as if I’m not vaccinated, why did they give me the vaccine”.

During the Closeout Meeting on 9 August 2021, Senior Management confirmed that prisoners would not be transferred to a closed prison should they elect not to receive the COVID-19 vaccine. Senior Management acknowledged that an increase in access to both dental treatment and psychology would be of benefit to prisoners in Loughan House.

4.1.4 Recommendation

Recommendation 6: In line with Article 12 of the ICESCR, the CoE principles of preventive health care, and cognisant of Principle 4 of the Revised European Prison Rules, the Inspectorate recommends that the Irish Prison Service provide a referral pathway to psychology services for prisoners in Loughan House, and consider access to an occupational therapist to support the development of life skills for prisoners as they prepare to reintegrate back into society.

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 COVID-19 Thematic Inspection of Loughan House, the Inspection Team assessed the impact of restrictions on family contact, in particular the recent return to 15-minute screened in-person visits.

4.2.1 Compliance

In response to the need to prevent transmission of COVID-19 in prisons, the Irish Prison Rules 2007-2017 were amended in 2020 to include Rule 36A. Rule 36A places a restriction on implementation of Rules 35 and 36 as a means to prevent the transmission of infectious disease in prisons. Rule 35 includes provisions for ordinary visits whereby convicted adult prisoners are entitled to receive not less than one visit from relatives or friends each week of not less than 30 minutes duration. Rule 36 provides for the regulation of visits, including provisions on the designation and searching of visitors, visits from legal representatives and visits for foreign nationals. The 2020 Amendment to the Rules, under 36A, permit the Director General (36A(1)) or the Governor subject to any direction made by the Minister or Director General (36A(2)) to suspend the entitlement to visits or restrict or modify the entitlement to visits under Rule 35, as regards frequency, duration and arrangements, particularly in relation to the number and age of visitors permitted to make visits, for a specified period or periods. The lack of a sunset clause for the newly added Rule 36A is of concern to the Inspectorate.

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

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

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

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

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

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

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

In May 2021, the CPT published its “Minimum Decency Threshold.” This threshold provides for “regular possibilities to remain in contact with the outside world” for prisoners.³³ 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.”

³³ CPT Minimum Decency Threshold (n 14).

4.2.2 Environment

At the time of the COVID-19 Thematic Inspection in Loughan House, unwinding of restrictions had begun, with 15 minute in-person visits being permitted for all prisoners. In-person visits returned to the prison on 20 July 2021, one week after the second dose of the COVID-19 vaccination was administered in Loughan House. The Irish Prison Service announced the return of in-person visits, with the following measures in place:

“All visitors will continue to be subject to the Covid-19 screening procedures which have been in place since March 2020. Visitors are requested not to attend a prison in the following circumstances:

- If you have any Covid-19 symptoms;
- If you have been in contact with a person who requires a Covid-19 test;
- If you have tested positive for Covid-19 and have yet to be cleared from isolating by your doctor;
- If you have been abroad in the preceding fortnight to the scheduled visit.

Return of Physical Visits

- All prisoners will be entitled to receive one physical family visit per fortnight, of not more than 15 minutes duration.
- Prisoners may opt for two 20 minutes video visits if preferred.
- Prisoners who avail of a physical visit, will be also be entitled to one video visit of not more than 20 minutes duration per fortnight.
- Physical visits will be limited to two visitors - one adult and one child (under 18 years of age).
- No property or cash will be accepted during prison visits.
- In order to prevent the potential spread of infection all visitors will be behind Perspex screens and visitors will be required to wear a face covering at all times.
- No physical contact between prisoners and family members will be permitted.
- All visitors who are clean shaven will be issued with a prison issue surgical mask prior to entry to the prison.
- If any visitor is not clean shaven a higher specification of PPE is mandatory – an FFP2 mask must be worn and covered with a surgical mask, a visor must also be worn.
- If any visitor refuses to comply with the wearing of prison issue PPE they will not be allowed entry to the prison.”³⁴

Prior to the COVID-19 pandemic, prisoners in Loughan House had visitor access 365 days of the year between the hours of 09:00 to 18:00. Following the on-site inspection, the Inspectorate was informed by Senior Management that in-person visits at Loughan House had increased to one hour in duration on 16 August 2021. Outdoor visitor areas were utilised as weather permitted.

The Irish Prison Service introduced video calls as a substitute for the loss of face-to-face visits during the pandemic. Upon return of in-person visits in July 2021, prisoners were not permitted to attend a physical visit and a video call on the same week. In-person visits were held Monday through Friday at 09:30, 10:30 and 11:30. The Inspection Team observed the family in-person screened visits area

³⁴ IPS. Announcement on Resumption of Physical Visits to Mountjoy, Dochas, Castlerea, and Midlands Prisons, (27 July 2021) <https://www.irishprisons.ie/announcement-resumption-physical-visits-mountjoy-dochas-castlerea-midlands-prisons/>

(Figure 13), which was partitioned and had clear COVID-19 signage posted throughout and was also adequately equipped with hand sanitiser.

Figure 13: Screened Visits Area



4.2.3 Outcomes

Visits

The most prominent concern raised by prisoners over the course of the inspection was the return to 15-minute in-person screened visits, which were considered to be insufficient by all prisoners who raised the issue with the Inspection Team. The location of the prison was a far distance from the families of many of the people in custody in Loughan House. For example, transit time from Dublin City Centre to Loughan House is approximately two and a half hours each way. Prisoners explained to the Inspection Team that the transit time was too great a burden in many instances to justify a 15-minute screened visit. Prisoners stated:

“13 hour round trip, not worth it, can’t do it to them.”

“Not for 15 minutes, I wouldn’t make her travel here for 15 minutes, no contact and we’re fully vaccinated and so is family.”

“Everyone is vaccinated and still a screened visit; it’s like we have done something wrong.”

“I’m not asking my wife to drive up from Dublin for a 15 minute visit.”

“Too much stress on the family.”

In relation to the restriction on the number of children who could attend an in-person visit, which was limited to one child under the age of 18 at the time of inspection, prisoners expressed frustration at the idea that they would have to choose which of their children would attend the visit; some prisoners were concerned that the children who were not chosen might feel rejected. One prisoner stated: “Making someone chose between kids is a bit of a bad situation.” Further, some parents in the prison worried about the impact the prohibition on physical contact during visits might have on their children. They raised concerns about having to deny their children a physical embrace.

Prisoners also reported difficulty with the mid-week visiting times because it was a challenge for families, especially for those with children in school, to travel long distances Monday through Friday. Prisoners queried why there was no accommodation for in-person visits on weekends:

“Visits are only Monday to Friday, therefore it’s difficult for families as no weekends when people are off work.”

Video Calls

In relation to video calls, a small number of prisoners stated that initial technical issues with the video calls had led to frustration, but that this had improved over time. Prisoners in Loughan House had access to mobile phones, which proved to be of great benefit over the course of the pandemic.

Post/ Parcels

On the date of inspection, Senior Management informed the Inspection Team that since June 2020 the prison had been operating under a direction issued by the Irish Prison Service Emergency Response Planning Team to quarantine all incoming packages from family for a period of seven days.

Upon observation of the package quarantine room, which was located in a storage-type facility, there were approximately ten packages awaiting distribution to prisoners. The shelves were each labelled with a day of the week. A member of prison staff explained that a package was placed on the corresponding shelf on the day it arrived at the prison, and then the next week (seven days later) it would be removed from the shelf and distributed to the prisoner. Any perishable items, such as meats, fruit and dairy products were disposed of prior to distribution to the prisoner. There were no physical records kept of the dates a package was placed into and removed from quarantine, and there was no record kept of the items disposed of, nor confirmation of receipt of the package by the relevant prisoner.

Given that prisoners rely on postal communications to maintain contact with their families, more consideration should be made to ensure accurate record-keeping of incoming packages.

Further, the Inspectorate has identified across the COVID-19 Thematic Inspections a discrepancy in the quarantine period for incoming packages across prisons. For example, the quarantine period for packages arriving in Arbour Hill Prison was four days (May 2021), and in Midlands Prison (June 2021) it was five days.³⁵

Prisoners were highly critical of parcel quarantine measures. Prisoners stated the delivery of parcels was far beyond the seven day quarantine period, with one prisoner stating, “sometimes one week but often it could be one month.” The parcel quarantine period was greater than that of other prisons. Prisoners were frustrated and questioned the logic surrounding the seven day quarantine period as it was not in place in the general community. Prisoners reported that parcels sent by family often contained healthy foods that were destroyed; however, similar food delivered by a private company had no quarantine period and was used immediately in the prison kitchen.

Section 39 Escorts

The Inspection Team was informed by prisoners and prison staff that a small number of prisoners were unable to secure Section 39 (Prison Act 2007, Absence from prison on compassionate grounds) escorts to attend a funeral or the gravesite of an immediate family member over the course of the pandemic. A member of staff stated that one prisoner in particular was refused an escort to attend a funeral at the beginning of the COVID-19 pandemic in March 2020; this was at a time when remote funeral webcams

³⁵ OIP. COVID-19 Thematic Inspection of Arbour Hill Prison Report, 12-13 May 2021, p. 32; OIP. COVID-19 Thematic Inspection of Midlands Prison, 16-18 June 2021, p. 40.

were not in operation. However, this person was granted a Section 39 escort in August 2021. Another prisoner informed the Inspection Team that an immediate family member was terminally ill and that he had recently been rejected for a Section 39 escort. A small number of prisoners reported they received late notice information that they had not been granted a Section 39 absence from prison grounds, with insufficient rationale for the decision provided.

4.2.4 Recommendations

Recommendation 7: The Irish Prison Service should review the quarantine procedure for incoming packages to ensure it is continuously reviewed on a regular basis, consistent across the prison estate and warranted given public health guidelines; accurate records of incoming packages should also be made and kept.

Recommendation 8: In line with Article 8 of the ECHR, Article 9(3) of the UNCRC and in accordance with the CPT principles of necessity and proportionality, the Irish Prison Service should ensure the full return of visits in accordance with Rule 35 of the Prison Rules, 2007 as a matter of priority following the mass vaccination of prisoners, in accordance with public health guidelines in congregated settings.

Request for Information 1: The Inspector of Prisons requests to be provided with information on the direction given to Loughan House 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 included: prisoners who tested positive for the COVID-19 virus; those showing symptoms of the COVID-19 virus, while awaiting test results; prisoners returning from temporary release; and those who were identified as close contacts of a person with COVID-19, while awaiting test results.

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.³⁶

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).³⁷

³⁶ CPT Statement of Principles (n 10) Principles 7 and 8.

³⁷ CPT Minimum Decency Threshold (n 14).

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

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 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.”

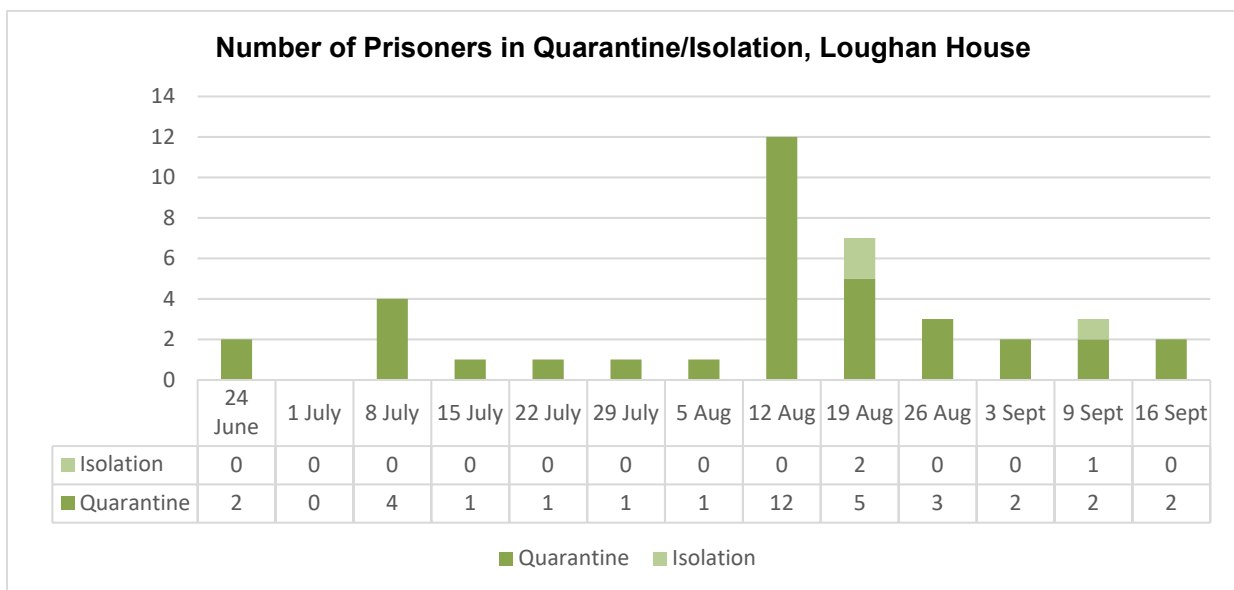
4.3.2 Environment

On the morning of 5 August 2021, there was one person in COVID-19 related quarantine. A second prisoner entered quarantine in the afternoon upon return from temporary release. There were no prisoners in isolation on the day of the inspection. There was no requirement for prisoners transferred from other prisons to undergo quarantine upon entering the prison.

The Inspection Team focused on the experience of being in quarantine during COVID-19. Since the start of the pandemic in March 2020, a total of ten prisoners tested positive for COVID-19 in Loughan House. Loughan House experienced two lockdown periods between March 2020 and the day of the inspection. Senior Management provided the Inspection Team with information on the number of prisoners who entered quarantine over the previous two months (June and July 2021). The average duration of time spent in quarantine was eight days.

Figure 14 provides the numbers of people in quarantine/isolation in Loughan House in the six IPS updates provided before and after the on-site inspection; there was an average of three prisoners on COVID-19 restricted regimes across the dates noted in Figure 14.

Figure 14: Number of Prisoners in Quarantine/Isolation, Prior to and After On-Site Inspection (2021)



The Inspectorate has repeatedly recommended that people accommodated in prison under COVID-19 restricted regimes (quarantine/isolation) be afforded the opportunity to regularly shower throughout

COVID-19, in line with the CPT Minimum Decency Threshold and European Prison Rules, Rule 19.4.³⁸ Thus, the Inspectorate welcomes that provision of showers for people in quarantine/isolation has been facilitated in Loughan House.

Given there were a limited number of rooms allocated for quarantine (four rooms) in Loughan House, the number of prisoners permitted to leave the prison on temporary release was reduced (Section 6), as these prisoners were required to enter a quarantine period upon return to the prison. To minimise the frequency with which prisoners returning from temporary release were required to undergo quarantine, Senior Management amended the temporary release scheduling from two-three night periods, to one-six night period. Senior Management explained the rationale for this change: “It’s unfair to let people out for three nights and then in quarantine for seven or eight.”

Upon return from temporary release, prisoners were tested for COVID-19 on day seven of quarantine. If the test returned negative the prisoner was free to exit quarantine. Members of Senior Management praised prisoners for their level of compliance with quarantine rules.

Prisoners were able to purchase personal mobile phones, limited to talk and text functions, in the Tuck Shop; mobile phones were available to purchase prior to the pandemic. This was a great benefit in supporting access to human contact while in quarantine/isolation. Upon entering quarantine, prisoners were permitted to gather some personal items from their rooms, such as bedding and clothing. While in quarantine, food was delivered to prisoners in Kraft boxes by kitchen staff. During quarantine, prisoners were permitted to one hour of exercise on the on-site astro turf pitch each day, provided they wore a FFP2 mask.

4.3.3 Outcomes

Prisoners spoke to the Inspection Team about their experiences during quarantine and isolation. Overall, prisoners were understanding of the need for initial quarantine and isolation measures. Prisoners had access to regular human contact (use of mobile phones) and showers during quarantine. Prisoners informed the Inspection Team that they received an adequate quantity and quality of food throughout. It was also stated that officers and nursing staff regularly checked on the welfare of prisoners in quarantine two to three times daily. However, a small number of prisoners reported negative effects on their mental health during periods of quarantine/isolation.

Prisoners queried the quarantine requirement for people returning from temporary release, particularly given that they were fully vaccinated. Prisoners made comments such as “quarantine should be limited, as most in the prison are vaccinated,” and “one guy doing two weeks quarantine and is fully vaccinated.”

Given the requirement to quarantine upon return from temporary release, and the limited bed capacity to accommodate people in quarantine, access to temporary release was available to only 4% of the prison population at the time of inspection.

³⁸ OIP. COVID-19 Thematic Inspection of Mountjoy Men’s Prison, 1-3 March 2021 (26); OIP. COVID-19 Thematic Inspection of Cloverhill Prison, 18-19 March 2021 (n 26); OIP. COVID-19 Thematic Inspection of Wheatfield Prison, 6-7 April 2021 (n 26); OIP. COVID-19 Thematic Inspection of Limerick Prison, 6-7 April 2021 (3 August 2021) <https://www.oip.ie/wp-content/uploads/2021/08/Limerick-Prison-COVID-19-Thematic-Inspection-Report-2021.pdf>; OIP. COVID-19 Thematic Inspection of Portlaoise Prison, 22-23 April 2021; OIP. COVID-19 Thematic Inspection of Arbour Hill Prison, 12-13 May 2021; and OIP. COVID-19 Thematic Inspection of Midlands Prison, 16-18 June 2021.

4.3.4 Recommendations

Recommendation 9: 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 in coping with the impact of COVID-19 and subsequently imposed restrictive measures.

Recommendation 10: Considering the unwinding of COVID-19 restrictions in the community, the Principle of Equivalence, and other relevant factors, such as the high vaccination uptake in prisons, the OIP urges the Irish Prison Service to seek further guidance from the Health Service Executive to ease mandatory quarantine periods for prisoners, and consider alternative protective measures, such as use of FFP2 masks and restriction on movements while awaiting a test result.

5 REHABILITATION & DEVELOPMENT

5.1 Regimes

In June 2021, the Irish Prison Service was in the process of developing a Framework to follow on from the Irish Prison Service Framework for Restrictive Measures, entitled the *Unwinding of Prison Restrictions*. The Framework was expected to be published by the end of June 2021.³⁹ As of mid-September 2021, the *Unwinding of Prison Restrictions* Framework had not been published.

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.⁴⁰

Further to this, in its Follow-up Statement⁴¹ 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) stated: "A satisfactory programme of purposeful activities (work, education, sport, training, etc.) is of crucial importance for the well-being of prisoners."

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

In line with the Nelson Mandela Rules, the United Nations System will promote a rehabilitative approach to prison management that fosters the willingness and ability of prisoners to lead law-abiding and self-supporting lives upon release, and that is

³⁹ Houses of the Oireachtas, Prison Service, Tuesday 15 June 2021, <https://www.oireachtas.ie/en/debates/question/2021-06-15/1097/>

⁴⁰ CPT Statement of Principles (n 10) Principle 7.

⁴¹ 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).

embedded in a decent, safe and healthy prison environment and the positive engagement of officers with prisoners.⁴²

5.1.2 Environment

Throughout the COVID-19 pandemic Loughan House maintained access to a number of services, including psychology and addiction services. This was facilitated through communications using prisoners' mobile phones and by moving "in-person" services to an online video link format. However, certain programmes and activities were cancelled or reduced due to the COVID-19 pandemic. This included no community involvement in Loughan House open prison since March 2020. Prior to COVID-19 restrictions, the main gate to the prison was open, and members of the public could enter the prison to purchase flowers and car washes, as well as visit the coffee shop.

During the pandemic, there was no external employment. There were also limited resources for prisoners to learn and apply independent living skills, such as grocery purchases, financial budgeting and preparation of meals (Section 2.2). The Inspection Team was informed by Senior Management that the Bikes 4 Africa⁴³ charity operated by delivering second-hand push bikes to Loughan House which were serviced and refurbished by prisoners at the on-site workshop. Once repaired the bikes were collected and shipped to Western Africa where they were donated to schools. A member of staff informed the Inspection Team that as long as bikes were delivered to Loughan House that the workshop would continue. The Inspection Team observed a large number of bikes at the workshop.

Table 7 provides the general daily regime in Loughan House.

Table 7: Loughan House General Daily Regime*

Time	Regime
07:00 – 12:00	Breakfast & welfare checks
	Prisoners attend work and training activities
	Prisoners commence structured activities
12:00	Dinner, once finished prisoners re-engage with activities
16:00	Tea, once finished prisoners re-engage with structured activities or avail of recreational time
22:00	Prisoners are expected to be in their rooms (some flexibility)

* Number checks are performed at intervals throughout the course of the day. Prisoners are not securely locked in their rooms at any point. This daily regime schedule was provided by Senior Management.

Incentivised Regimes

At the time of inspection, all prisoners in Loughan House were on an Enhanced Regime level. According to the Irish Prison Service's published *Incentivised Regimes* policy, prisoners on an Enhanced Regime are afforded greater incentives including: levels of gratuity higher than standard, higher levels of access to private cash and Tuck Shop expenditure, priority access to better quality accommodation, enhanced daily regime, enhanced facilities, and increased contact with the outside world.⁴⁴ However, many of these benefits, such as external work opportunities, were curtailed as a result of the pandemic.

⁴² UN Common Position on Incarceration (n 18).

⁴³ Bikes 4 Africa: <https://www.rotary-ribi.org/clubs/page.php?PgID=638004&ClubID=971>

⁴⁴ See, Irish Prison Service (2012) *Incentivised Regimes*, <http://www.irishprisons.ie/images/pdf/incentivisedregimespolicy.pdf>

5.1.3 Outcomes

At the time of inspection, prisoners in Loughan House were permitted to move freely around the estate, aside from the men who were in quarantine. With the exception of the two COVID-19 outbreak lockdown periods (January 2021 and May 2021), prisoners had continuous open access to the prison grounds. However, since the pandemic, prisoners reported that the internal gate was closed earlier in the early evening, which meant they had less access to the grounds in the evening. A member of staff at Loughan House stated the gate is open “all day” and closes nearer to 22:00, at which point prisoners must be in their respective houses.

Prisoners could interact with one another in the accommodation buildings. However, given the period of time that activities and programmes such as community engagement and temporary release were suspended or reduced in the prison, many prisoners reported feeling disheartened and bored. Prisoners reported spending large portions of the day watching television.

Many prisoners stated that the benefits of being accommodated in an open prison had been lost due to COVID-19. For example, one prisoner said, “all the benefits we kind of lost,” and another prisoner raised the question, “how can I better myself when there’s nothing.”

A small number of prisoners reported to the Inspection Team that drug use had increased in the weeks leading up to the inspection, and that this was related to the lack of activities available in the prison. One prisoner stated, “lads are trying drugs because nothing to do.”

COVID-19 restrictions resulted in a long period of stagnation in Loughan House, and negatively impacted on service provision for prisoners in an open prison. Similar to the situation in Shelton Abbey open prison, “the lack of purposeful activities available for prisoners undermined the primary aim of an open prison; more than a year on, this needs to be addressed.”⁴⁵ As highlighted by the CPT as an indicator of its “Minimum Decency Threshold” for effective access to work and other activities: “A satisfactory programme of purposeful activities (work, education, sport, training, etc.) is of crucial importance for the well-being of prisoners.”⁴⁶

5.2 Access to Education

At the time of inspection, the school term had ended and classes were not taking place. During the course of inspection, the Inspection Team visited the school building and engaged with prisoners to assess access to education in the prison. A follow-up call was made to the prison on 2 September 2021, with a particular focus on the impact of COVID-19 on education services. Throughout the inspection, the Inspectorate learned of initiatives and ideas that have great capacity to improve access to education, irrespective of COVID-19 and restrictive measures.

5.2.1 Compliance

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

⁴⁵ OIP. COVID-19 Thematic Inspection of Shelton Abbey, 22-23 April 2022, p. 44.

⁴⁶ CPT Minimum Decency Threshold (n 14).

programmes should meet the needs of prisoners, be designed to encourage participation, and that special attention should be given to prisoners with literacy and numeracy needs.

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

With regards to library access, the Irish Prison Rules require the establishment of a library in each prison (Rule 110.6), to which prisoners should be entitled to avail of at least once a week (Rule 110.7). The Mandela Rules (Rule 64) state “Every prison shall have a library for the use of all categories of prisoners, adequately stocked with both recreational and instructional books, and prisoners shall be encouraged to make full use of it.” Rule 28.5 of the European Prison Rules aligns with these provisions by recommending that “every institution shall have a library for the use of all prisoners, adequately stocked with a wide range of both recreational and educational resources, books and other media.” The European Prison Rules also include a provision that, wherever possible, the prison library should be organised in co-operation with community library services (Rule 28.6).

5.2.2 Environment

At the time of inspection, the school was not in session as it was the summer recess period. The Inspection Team visited the school and observed adequate COVID-19 signage with social distancing requirements in place. Due to social distancing measures, classroom sizes were reduced. Prior to COVID-19, the capacity of the school was 71 students on any given day. When the school returned in September 2020, the capacity was reduced to 45 students to facilitate social distancing. The Inspection Team was informed that from April 2021 and for the upcoming 2021-2022 school year the daily capacity in the school increased to 53. Loughan House was allocated a total of ten teachers; eight full-time and two part-time teachers.

The Inspection Team was informed that, due to COVID-19, the school closed on 12 March 2020 and reopened on 24 August 2020, this was in line with restrictions imposed on school attendance in the general community. As the lockdown period continued across 2020, teachers liaised outside of the physical premises, with one nominated teacher permitted to enter Loughan House to provide education material to prisoners via Senior Management. Teachers provided education support by way of mobile phone contact with prisoners and by liaising with Senior Management to deliver study materials and relay information to prisoners. Teachers initially focused on students enrolled in imminent Open University and leaving certificate examinations.

In April 2020, teachers contributed to the creation of five activity workbooks that were provided to students across the IPS prison estate throughout the summer months. Teaching staff reported that the provision of the activity workbook benefitted prisoners in non-accredited education and encouraged future engagement with education services.

The Inspection Team was informed that many teachers continued to provide educational support to prisoners during the summer recess of 2020. In December 2020, a total of 112 Quality and Qualifications Ireland (QQI) modules were submitted. This accounted for a time period of 18 months as

no submissions were made in May 2020. In July 2021, a QQI submission of 42 assignments was submitted. (QQI) students continued studies from April 2020 through “correspondence learning.” To facilitate this, a member of teaching staff collected educational materials from fellow teachers and brought them to Loughan House. Students could briefly meet the teacher and at that point were provided with educational materials and could submit educational work for correction. This meeting was conducted in a socially distanced environment, outdoors if weather permitted and lasted for a matter of minutes. Uptake of classes was relatively low during this period, which teaching staff attributed to the significant reduction in the prisoner population (Section 3.2.2) and the loss of committed students.

Staff reported a transition period for new arrivals to Loughan House, whereby prisoners coming from closed prisons needed time to acclimate to a more open regime, particularly after experiencing COVID-19 restrictions in a closed prison; this resulted in delayed engagement with education services.

In May 2021, one prisoner tested positive for COVID-19. Teaching staff did not enter Loughan House during this time period. Prisoners who were in isolation or unable to meet teaching staff were supported via personal mobile phone. Teaching staff reported that prisoners who entered quarantine following temporary release were also provided with educational materials.

There were two large polytunnels on the prison grounds, and a third smaller one as part of the school (Figure 15). A member of Senior Management stated that on average four to twelve workers were employed in the polytunnels on a rotational basis. A member of Senior Management informed the Inspection Team that there were future plans in place to improve the polytunnel capabilities and extend their use throughout the winter.

Figure 15: School Horticulture Polyunnel



The Inspection Team was informed that two new classes had been introduced for the upcoming 2021 semester: a parenting skills class which generally focused on parents who had children aged two to five but was inclusive of all, and a “lifers class” which focused on the specific needs of life sentenced prisoners and included skills such as cooking, financial budgeting and personal shopping skills.

5.2.3 Outcomes

The Inspection Team visited the educational unit and observed a number of classrooms, including the building skills workshop and the music, woodworking, home economics, art and computer classrooms.

One of the computer rooms was re-assigned for use as a COVID-19 isolation room, should it be required. Prisoners spoke positively of the school in Loughan House:

"Always get a place in school."

"School is very good."

"School is great here."

"School is much better here."

"The education has been great."

The library remained open and was prisoner-run throughout the pandemic. Prior to COVID-19, the library had a part-time on-site county council librarian, however this had ceased during COVID-19.

A member of teaching staff reported that the prison television channel became available in April 2021, however by this time the school had reopened.

In relation to the use of a television channel or personal computer tablet to enable provision of education in Loughan House, teaching staff reported that while in-cell learning by way of TV channel learning and digital tablets is of value, it would not be a beneficial substitute for the structure provided by in-person learning. While recognising the rehabilitative benefits of in-person attendance to the school, the Inspectorate is of the view that blended learning (in-cell digital learning coupled with in-person school attendance) affords greater opportunities for more students to attend school, especially given class-size restrictions. In addition, as noted with respect to the COVID-19 Thematic Inspection of Shelton Abbey open prison:

Digital technology and learning should be a core feature of any open prison. Digital literacy is an important skill for future employment prospects and to reduce re-offending. While digital education should not be seen as an alternative to in-person learning, the Inspectorate encourages the Irish Prison Service to use the pandemic as an opportunity to develop digital technology particularly, in open prisons.⁴⁷

5.2.4 Recommendation

Recommendation 11: 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, Shelton Abbey, Arbour Hill Prison and Cork 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.

⁴⁷ OIP. COVID-19 Thematic Inspection of Shelton Abbey, 22-23 April 2021, p. 46.

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 Loughan House.

5.3.1 Compliance

Rule 32 (1) of the Irish Prison Rules mandate that all prisoners not employed in outdoor work or activities are entitled to not less than one hour of exercise in the open air each day, weather permitting. In addition to this, the Rule states that “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 of 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. Further, international prison oversight bodies, such as the CPT, have determined that outdoor exercise facilities “should be reasonably spacious and whenever possible offer shelter from inclement weather.”⁴⁸

With regard to meaningful human interactions, the Irish Prison Rules, Rule 27, provide 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 state that prisons shall have a library that is adequately stocked (Rule 64) and that prisoners should have access to exercise (Rule 23) and be able to practice their religion (Rule 65). Rule 88 of the Mandela Rules also states that:

The treatment of prisoners should emphasize not their exclusion from the community but their continuing part in it. Community agencies should therefore be enlisted wherever possible to assist the prison staff in the task of social rehabilitation of prisoners.

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

⁴⁸ CPT Standards (n 27) 16.

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*⁴⁹ provides further substance to the definition of meaningful human contact:

- Provided by prison or external staff, individual prisoners, family, friends or others – or by a combination of these;
- Human contact that is face to face and direct (without physical barriers) and more than fleeting or incidental, enabling empathetic interpersonal communication;
- Contact that must not be limited to those interactions determined by prison routines, the course of (criminal) investigations or medical necessity; and
- Direct rather than mediated and continuous rather than abrupt contact that is an empathetic, sustained and social interaction.

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

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

5.3.2 Environment

The Inspection Team observed Loughan House open prison grounds, which comprised of ample green areas, a lakeside area, a polytunnel area used for growing flowers, school and facilities such as a car wash area, a coffee shop, basketball court, handball / racquetball alley, bike repair and farm. Prisoners were able to move freely throughout the grounds throughout the day.

Prisoners had gym access throughout the COVID-19 pandemic. Prisoners were free to attend the gym throughout the day at a time of their choosing once social distancing restrictions were adhered to. Senior Management informed the Inspection Team that the prison was considered to a “bubble” which allowed them to keep the gym open over the pandemic. COVID-19 impacted on the availability of a number of activities previously accessible to the public, such as the car wash, coffee shop and poly tunnels; these had all been closed to the public over the duration of the pandemic and were closed to the public on the day of inspection. Table 8 provides an overview of the availability status of activities and services in the prison on the day of inspection.

Table 8: Status of Activities/Services, 5 August 2021

Activities/Interactions	Status during COVID-19 Pandemic
Gym	Available (open to prisoners)
Alcohol Anonymous/Narcotics Anonymous	Available (no in-person service facilitated)
Addiction Counselling	Available (no in-person service)
Psychology	Available (once per Month)
Chaplaincy	Available in person (part-time)
Library	Available (accessible to prisoners)

⁴⁹ Essex Paper 3 Initial Guidance on the Interpretation and Implementation of the UN Nelson Mandela Rules (2017) <https://cdn.penalreform.org/wp-content/uploads/2016/10/Essex-3-paper.pdf>

5.3.3 Outcomes

During the course of the COVID-19 Thematic Inspection of Loughan House the Inspection Team observed prisoners were able to move freely across the prison and had many opportunities to exercise and interact with one another. Prisoners were provided with keys to their rooms, and could come and go from their rooms as they wished; an officer escort was not required to attend the different areas of the prison.

The Inspection Team spoke to numerous prisoners who reported a high level of satisfaction with the gym. Prisoners made positive comments such as:

“The gym is excellent.”

“The gym is deadly (very good).”

“The instructor is class.”

“Gym officers are fantastic.”

“Facilities are excellent.”

The Inspection Team observed the on-site astro turf football pitch which was accessible to prisoners and was also used by those in quarantine and during the two lockdown periods in January 2021 and May 2021. A member of prison staff reported that prior to COVID-19 external community sports teams could schedule use of the astro pitch. Prisoners utilised the vast estate and some had taken part in a ten kilometre run on the day of inspection. The recreational room was open throughout the pandemic and was equipped with a pool table and dart board.

Management reported that the poly tunnels were awaiting stock and planting materials at the time of inspection. At the outset of the pandemic, in March/April 2020, the prison repurposed a previously ordered supply of 80,000 plants, which had been ordered to be grown and sold to the public. Given that the public was not able to enter the prison, Senior Management coordinated and partnered with An Garda Síochána, the Defence Forces, local authorities and local charities to supply flowers to a hospice and several nursing homes in surrounding counties of Cavan, Leitrim, Roscommon and Sligo. The Inspection Team was informed that prior to COVID-19 daffodils were sold door to door in the general community to raise money for charity.

A prisoner informed the Inspection Team of a prisoner-led initiative to facilitate Narcotics Anonymous (NA) sessions with the participation of community members via phone. This initiative commenced in January 2021 and operated three days per week. Attendance was reported as varying between four and ten participants in each session. The Inspectorate commends this initiative and the efforts made by prisoners during COVID-19 to ensure continued engagement with drug misuse support services; particularly because in-person services were not permitted at points during the pandemic. This was reported to have a valuable and meaningful impact on prisoners.

5.4.1 Recommendation

Recommendation 12: The loss of community engagement has had a significant impact on Loughan House. The Inspectorate urges Loughan House to consider reintroducing community engagement activities, while adhering to social distancing guidelines.

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

6 RESETTLEMENT

6.1 Release

As part of the COVID-19 Thematic Inspection of Loughan House, 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.”⁵⁰ 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.”⁵¹

Alongside this, the Irish Prison Service and the Probation Service have developed a multi-agency approach to manage and rehabilitate “offenders” from pre- to post-imprisonment. This 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.”⁵²

The Irish Prison Rules include provisions which place responsibility on the Governor to “assist and encourage prisoners in (...) preparing for reintegration into society after release” (Rule 75(1)(3)(ii)(d), and on the Prison Officer “to contribute to the rehabilitation and reintegration into the community (...) [of prisoners]” (Rule 85(3)(c)(iv).

An Inter-Agency Group was established to implement key recommendations made by the Penal Policy Review Group⁵³ to support the rehabilitation of offenders and crime prevention. ⁵⁴ However the Group’s last published report was in 2019. Despite this absence in the national legislation, international human rights law and standards place great emphasis on preparation for release.

The Mandela Rules (Rule 87) state:

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

⁵⁰ Irish Prison Service, Resettlement and Reintegration, <https://www.irishprisons.ie/prisoner-services/reintegration/>

⁵¹ IPS, “Irish Prison Service Strategic Plan 2019-2022” https://www.irishprisons.ie/wp-content/uploads/documents_pdf/Irish-Prison-Services-Strategy-2019-2022.pdf.

⁵² IPS, Resettlement and Reintegration (n 51).

⁵³ For more about the Penal Policy Review Group, see Penal Policy Review, http://www.justice.ie/en/JELR/Pages/Penal_Policy_Review

⁵⁴ Annual Report of the Interagency Group for a Fairer and Safer Ireland, http://www.inis.gov.ie/en/JELR/Annual_Report_of_the_Interagency_Group_for_a_Fairer_and_Safer_Ireland_2019.pdf/Files/Annual_Report_of_the_Interagency_Group_for_a_Fairer_and_Safer_Ireland_2019.pdf

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

- All prisoners shall have the benefit of arrangements designed to assist them in returning to free society after release (Rule 33.3);
- As soon as possible after such admission, reports shall be drawn up for sentenced prisoners about their personal situations, the proposed sentence plans for each of them and the strategy for preparation for their release (Rule 103.2);
- Sentenced prisoners shall be encouraged to participate in drawing up their individual sentence plans (Rule 103.3);
- Such plans shall as far as is practicable include: (a) work; (b) education; (c) other activities; and (d) preparation for release (Rule 103.4);
- Sentenced prisoners shall be assisted in good time prior to release by procedures and special programmes enabling them to make the transition from life in prison to a law-abiding life in the community (Rule 107.1);
- Prison authorities shall work closely with services and agencies that supervise and assist released prisoners to enable all sentenced prisoners to re-establish themselves in the community, in particular with regard to family life and employment (Rule 107.4); and
- Representatives of such social services or agencies shall be afforded all necessary access to the prison and to prisoners to allow them to assist with preparations for release and the planning of after-care programmes (Rule 107.5).

The Council of Europe Recommendation on Management by Prison Administrations of Life Sentence and Other Long-Term Prisoners (2003) states:

Individual planning for the management of the prisoner's life or long-term sentence should aim at securing progressive movement through the prison system (progression principle).⁵⁵

Further, the Council of Europe Recommendation on Conditional Release (Parole) (2003) states:

In order to reduce the harmful effects of imprisonment and to promote the resettlement of prisoners under conditions that seek to guarantee safety of the outside community, the law should make conditional release available to all sentenced prisoners, including life-sentence prisoners.⁵⁶

The SPT (2021) Follow-up Guidance urges States to “continue efforts to reduce the prison population by pursuing policies such as early release, parole and non-custodial measures.”⁵⁷

6.1.2 Environment

Integrated Sentence Management

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

⁵⁵ Council of Europe Recommendation Rec(2003)23, Management by Prison Administrations of Life Sentence and Other Long-Term Prisoners (n 16).

⁵⁶ Council of Europe, Committee of Ministers, Recommendation Rec(2003)22, Conditional Release (Parole) <https://pjp-eu.coe.int/documents/41781569/42171329/CMRec+%282003%29+22+on+conditional+release.pdf/f8708832-8086-4374-8537-63034a45cb67>

⁵⁷ 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).

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

Prisoners in Loughan House could attend the ISM office without an escort. Loughan House was allocated one full-time ISM officer, who was on-site throughout the COVID-19 pandemic. The Inspection Team was provided with an overview of the ISM interview process, which as of July 2021, is carried out using the Prisoner Information Management System (PIMS). The role of the ISM officer in Loughan House was to ensure that upon release prisoners had accommodation, social welfare entitlements, financial supports and medical supports.

Temporary Release

The Irish Prison Service *Open Centre Policy* (2019) provides a framework for how a prisoner may apply for temporary release (Table 9).

Table 9: OIP Open Centre Policy, Temporary Release Framework

Sentence Remaining (months)	Proposed Programme
24 +	(i) Initially 2 periods of AM-PM TR (escorted) (ii) Periods of AM-PM TR (unescorted) will be dependent on the length of the sentence (up to max of 3 per year)
19 - 24	1 weekend period of TR every two months
13 - 18	1 weekend period of TR every month
6 - 12	2 weekend periods of TR every month
Less than 6 months	$\frac{3}{4}$ weekend periods of TR every month

Some prisoners transferred to open prisons (centres) are not deemed suitable or eligible for periods of temporary release, and the Policy requires that they be informed of this prior to transfer.

Over the duration of COVID-19, the graduated approach to temporary release outlined above was not being adhered to in Loughan House; this was a significant loss to prisoners in that they were not able to participate in a “sentence management programme (that is) structured to meet the needs of the prisoner and is reflective of sentence time remaining.”⁵⁸

Senior Management reported that COVID-19 had greatly impacted on the number of prisoners on temporary release in the prison. At the time of inspection, only four prisoners had access to the temporary release programme. Senior Management noted that it was difficult to ascertain the number of cancelled temporary releases since the onset of the pandemic in March 2020. Senior Management provided the number of temporary releases in 2019 and 2020 as an indicator of the decrease in temporary releases over the pandemic (Table 10).

Table 10: Number of Temporary Releases (2019/2020)

Complete Year	Number of Temporary Releases
2019	2,969
2020	600

⁵⁸ IPS. Open Centre Policy (n 9).

Probation Service

Loughan House was allocated one full-time probation officer. This appointment took place in February 2020, shortly before the start of the COVID-19 pandemic. The senior probation officer reported that probation services were on-site regularly throughout the pandemic, and that prisoners also communicated with the probation service using their mobile phones.

The Inspection Team was informed that the workload for processing community returns dramatically increased during the pandemic. In 2019 the total number of prisoners released as part of the community return scheme was 45, this increased to 90 in 2020. The Inspectorate welcomes the increased use of the community return scheme in Loughan House in 2020.

Life sentenced prisoners were negatively impacted by the pandemic, particularly due to delays in accessing graduated temporary release and in completing Parole Board recommendations (Section 6.2).

6.1.3 Outcomes

As required by the European Prison Rules, the Mandela Rules and the Irish Prison Rules (Section 6.1.1), the Irish Prison Service and Loughan House should ensure prisoners are prepared to re-integrate into society upon their release.

The Inspection Team spoke with a small number of prisoners who reported feeling prepared for their release and were able to provide a detailed description of their release plan. However, many prisoners expressed dissatisfaction with the manner in which opportunities were provided to prisoners, particularly transparency around the criteria for securing temporary release.

Prisoners stated that there appeared to be a two-tier system in place as regards selection for temporary release, and that opportunities were given to a small select group of prisoners. The curtailment of opportunities for graduated access to temporary release had a significant negative impact on prisoners in Loughan House.

Temporary release plays an important function in the preparation and assessment of prisoner reintegration as outlined under the Criminal Justice (Temporary Release of Prisoners) Act 2003. Considering the high uptake in vaccinations by prisoners in Loughan House, and other protective factors in place (i.e., single cell occupancy), the Inspectorate is of the view that the prison, as part of the unwinding of COVID-19 restrictions, should increase opportunities for prisoners to access temporary release.

Prisoners expressed frustration about accessing ISM services. It was reported to the Inspection Team that ISM access was not consistent. One prisoner stated, "(I) came here (in) December 2020 and seen ISM only then, haven't seen (the ISM officer) since." A small number of staff members shared the sentiment that ISM access was inconsistent and that a select group of prisoners had increased access to ISM services, while many other prisoners did not have similar access.

6.1.4 Recommendations

Recommendation 13: In line with the Mandela Rules and the European Prison Rules, the Irish Prison Service should strengthen, operationalise and apply the Integrated Sentence Management process so that all prisoners are actively engaged and contributing to their sentence and re-integration plan and have regular meetings with the ISM officer per year. Prisoners should be provided with a written copy of their sentence plan.

Recommendation 14: In line with Rule 6 of the European Prison Rules, which states that all detention shall be managed so as to facilitate the reintegration into free society of persons who have been deprived of their liberty, the Inspectorate recommends that the Irish Prison Service and Loughan House maximise all opportunities for prisoners to access temporary release.

6.2 Other Issues - Life Sentenced Prisoners

At the time of inspection, 5 August 2021 a new Parole Board was soon to be established on a statutory basis. It was unclear to life-sentenced prisoners how the new Parole Board would impact on their sentence progression. Life sentenced prisoners in Loughan House reported feeling uncertain about the status of completed recommendations issued by the previous Parole Board. One prisoner stated, “I’ve done every rec before COVID. Everything Parole Board wanted, but now delayed. New parole board and now I will be caught again.”

The new Parole Board and the commencement of the Parole Act was announced by the Minister for Justice on 11 August 2021.⁵⁹ One of the new changes to the Parole Board was that life sentenced prisoners were now required to serve 12 years of their sentence before applying for parole; this was increased from a seven year period. The former Parole Board’s 2019 Annual Report stated that the average time spent in prison for a life-sentenced prisoner released in 2019 was “about 20 years.”⁶⁰

The Inspection Team spoke with several staff members who raised concerns that life sentenced prisoners often experienced periods of stagnation where they might not engage with services until a period close to applying for parole. One staff member stated, “the big issue with life prisoners are drugs in the early years, (they) realise they don’t have to fall in line to later years of sentence.” These concerns were recognised in the 2017 Irish Prison Service report that stated;

There appears to an unwritten narrative within current prison culture, particularly amongst those serving life sentences, that behaviours and engagement with rehabilitative services in the first seven years of a life sentence are of little consequence and therefore of little point. Only in the year leading up to the first parole board hearing do people serving life sentences appear to become animated about the need to engage with the services.⁶¹

Life sentenced prisoners are a unique group within the Irish prison system. Life sentenced prisoners do not have a release date and must complete a sentence plan before a release date is granted. Before a life-sentenced prisoner is transferred from a closed prison to an open prison facility they must first engage with rehabilitation services and actively work with their progression plan. However, this engagement is contingent on the availability of rehabilitative services in the prison.

A common issue raised by prisoners, prison staff and the probation service was that life-sentenced prisoners were unable to progress given the curtailment of rehabilitative services and activities due to COVID-19. Prisoners experienced more time in custody over the duration of the pandemic than they would have prior to the onset of COVID-19. One member of staff stated “they have lost a year and will probably lose next year.”

⁵⁹ Gov.ie, Minister Humphreys Establishes new Parole Board and Increases Time Life Prisoners Must Serve before Being Considered for Parole, 11 August 2021: <https://www.gov.ie/en/press-release/d8f3f-minister-humphreys-establishes-new-parole-board-and-increases-time-life-prisoners-must-serve-before-being-considered-for-parole/>

⁶⁰ Parole Board Annual Report 2019:

http://www.justice.ie/en/JELR/Parole_Board_Annual_Report_2019.pdf/Files/Parole_Board_Annual_Report_2019.pdf

⁶¹ Irish Prison Service (2017) Examination of the Sentence Management of People Serving Life Sentences:

https://www.irishprisons.ie/wp-content/uploads/documents_pdf/Life-Sentenced-Prisoner-Report-Final-April-2017.pdf.

At the time of inspection, 16 life-sentenced prisoners were accommodated in Loughan House. The Inspection Team was informed that due to COVID-19 related restrictions, prisoners would not be able to complete certain Parole Board recommendations. One life-sentenced prisoner showed the Inspection Team documentation provided by the Probation Service that stated he was in the lowest risk category for reoffending and that no possible further steps could be taken to reduce the level of risk.

A member of staff informed the Inspection Team that prior to COVID-19, life sentenced prisoners spent an average of 18 months in Loughan House, but that due to COVID-19 this increased to over three years. This delay in progression, through no fault of the prisoner, created anxiety and stress for life-sentenced prisoners in Loughan House.

One life-sentenced prisoner reported that he had been in Loughan House since the early stages of the pandemic and had not received any information on his progression path. Another prisoner stated he was due to see the Parole Board for a six-month release plan in December 2020 but that the meeting had not yet happened.

Senior Management reported that three life-sentenced prisoners were released over the duration of the COVID-19 pandemic; all three prisoners had completed the majority of their progression plan and fulfilled their Parole Board recommendations prior to the impact of COVID-19. Senior Management informed the Inspection Team that progression plans had been delayed due to COVID-19, which had the following impact:

“Five life-sentenced prisoners had their progression plans interrupted by COVID-19.

Four life-sentenced prisoners had been delayed by one year.

One Parole Board life sentenced prisoner had been delayed by one year.

One Parole Board life-sentenced prisoner since December 2020 had been delayed by five months.

Eight life-sentenced prisoners were committed to Loughan House since May 2020. None of which had progressed their plan.”

The Inspection Team encountered one life-sentenced prisoner who had been in Loughan House for over six years and had spent over 30 years in prison. He stated that COVID-19 had contributed to the delay in his sentence progression and that he felt “pushed aside.”

In mid-August 2021, the new Parole Board issued an information booklet to life sentenced prisoners in prisons in Ireland. Prisoners had not been provided with this booklet at the time of inspection. The booklet included information about the process for parole applications going forward and indicated that recommendations issued by the previous Parole Board still applied.

6.3.1 Recommendation

Recommendation 15: The Irish Prison Service must ensure that prisoners are able to engage with services required in order to fulfil Parole Board requirements in an open prison.

OIP Comment: The Inspectorate recommended in the COVID-19 Thematic Inspection report with respect to Shelton Abbey that the Irish Prison Service ensure prisoners are able to engage with services required in order to fulfil Parole Board requirements. The Irish Prison Service indicated “This recommendation is under review pending the commencement of the statutory Parole Board.”

7 RECOMMENDATIONS & IPS ACTION PLAN

No.	Recommendation	IPS Response	Action Required	Action Owner	Timeline
LHCT1	The Irish Prison Service should provide prisoners with a written copy of the Framework for Unwinding of Prison Restrictions. Prisoners should be consulted, and updated on future plans relating to family visits, regimes, and sentence progression as COVID-19 restrictions unfold.	<p>Part Accepted: 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>Loughan House 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 Red Cross volunteer prisoners 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>Newsletter Edition 39 completed with comprehensive information on latest easing of restrictions.</p> <p>Specific Prisoner Information Leaflet on the Physical visits issued to all prisoners</p>	Communications Group	Completed
LHCT2	In line with the Nelson Mandela Rules (Rule 22.1), and European Prison Rules, (Rule 22.4), the Inspectorate recommends that the scheduling around meal times be amended to ensure meals are served at reasonable intervals and at usual times reflected in the community: breakfast (morning), lunch (midday) and dinner (evening).	<p>Accepted: 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 full prison unlock across all prisons as part of the unwinding of restrictions.</p>	Care and Rehabilitation	Ongoing
LHCT3	In line with the UN Mandela Rules (Rule 65 (1)), consideration should be given to a full-time Chaplain, or the additional provision of Chaplaincy hours in Loughan House.	<p>Accepted: The Director General of the Irish Prison Service has approved the undertaking of an independent review of the IPS Chaplaincy Service.</p> <p>The outcome of the review will provide the framework for the future development of the Chaplaincy Service.</p> <p>A draft request for tender has been prepared and we are awaiting relaxation of restrictions so that face to face consultations and prison visits will be permitted.</p>	Complete Review of Chaplaincy Service provision.	Care and Rehabilitation	

		The outcome of the Review will determine changes if any to current Chaplaincy resourcing across the system including the resource requirements for Loughan House, subject to the provision of necessary resources.			
LHCT4	In line with Article 14(2) of the UNCRPD, Section 42 of the Public Sector Duty and Rule 16 of the Mandela Rules, Loughan House must ensure reasonable accommodations are provided for prisoners with disabilities.	Accepted: A programme of small improvements works is ongoing including works to the disabled access shower, consisting of the installation of handrails and a more appropriate shower seat.		Building Services Division	Complete
LHCT5	In line with the UN Mandela Rules, Rule 17 and the 2020 Revised European Rules, Rule 19.1, Loughan House should ensure that all areas of the prison estate are properly maintained and kept clean at all times.	Accepted: Maintenance works are carried out on a continuous basis at Loughan House. Work is ongoing to complete the highlighted repairs. Work to the wheelchair accessible shower, Fire-door (Pine Lodge), Lighting replacement, Computer room cables and door frame have all been completed	Complete repairs to external wall of Pine Lodge Cleaning and maintenance of gutters on main house	Building Services Division	Ongoing
LHCT6	In line with Article 12 of the ICESCR, the CoE principles of preventive health care, and cognisant of Principle 4 of the Revised European Prison Rules, the Inspectorate recommends that the Irish Prison Service provide a referral pathway to psychology services for prisoners in Loughan House, and consider access to an occupational therapist to support the development of life skills for prisoners as they prepare to reintegrate back into society.	Recommendation under review: The IPS acknowledges the importance psychological support (mental health) for people in Open Centres. The Irish Prison Service has received additional resources for the provision of Psychology Services in the 2022 Estimates and proposals for the utilisation of these additional resources, including the provision of enhanced Psychology Services for the two Open Centres, are currently being considered.	Plan for the allocation of resources to be agreed	Care and Rehabilitation; Psychology Services/ Human Resource Directorate	End of Q4 2022
LHCT7	The Irish Prison Service should review the quarantine procedure for incoming packages to ensure it is continuously reviewed on a regular basis, consistent across the prison estate and warranted given public health guidelines; accurate records of incoming packages should also be made and kept.	Accepted: The period of quarantine for incoming packages has been standardised across the prison estate to 72 hours with effect from 11 October 2021		Irish Prison Service National Infection Control Team / Covid Liaison Group	Completed

LHCT8	In line with Article 8 of the ECHR, Article 9(3) of the UNCRC and in accordance with the CPT principles of necessity and proportionality, the Irish Prison Service should ensure the full return of visits in accordance with Rule 35 of the Prison Rules, 2007 as a matter of priority following the mass vaccination of prisoners, in accordance with public health guidelines in congregated settings.	<p>Part accepted: The Irish Prison Service has announced the further easing of restrictions on physical prison visits with effect from 1 November 2021 with physical visits returning to 30 minutes in all closed prison and to 1 hour in Open centres from that date.</p> <p>All prisoners will be entitled to receive 1 physical visit per fortnight.</p> <p>Up to 3 visitors will be permitted, of which 1 may be a child (U18 years of age).</p> <p>Prisoners will continue to be entitled to receive a video visit per fortnight.</p>	Revised visiting arrangements introduced with effect from 1 November 2021.		Completed
LHCT9	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 in coping with the impact of COVID-19 and subsequently imposed restrictive measures.	<p>Accepted: 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>		Care and Rehabilitation; Psychology Services	Complete
LHCT10	Considering the unwinding of COVID-19 restrictions in the community, the Principle of Equivalence, and other relevant factors, such as the high vaccination uptake in prisons, the OIP urges the Irish Prison Service to seek further guidance from the Health Service Executive to ease mandatory quarantine periods for prisoners, and consider alternative protective measures, such as use of FFP2 masks and restriction on movements while awaiting a test result.	<p>Not accepted: The use of quarantine is an essential infection control measure which prevents the outbreak of Covid-19 in the general population.</p> <p>Since the beginning of this pandemic 100 prisoners in quarantine have tested positive for Covid-19.</p> <p>All prisoners are tested on day 7 and if they return a negative test and remaining symptom free they are cleared to join the general population.</p>	The need for quarantining of new committals will continue to be reviewed on an ongoing basis.	Irish Prison Service National Infection Control Team	
LHCT11	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>Recommendation is under review: The Irish Prison Service is developing an in-cell learning strategy to enhance learning from prison cells.</p> <p>Laptops are provided to prisoners engaging on Open University course.</p> <p>A new prisoner TV Channel has been developed and has been rolled out across the estate. This allows for the broadcasting of local and national information and for the provision of educational material.</p>	<p>A large volume of in-cell audio-visual and printed material has now been produced by the ETBs.</p> <p>The Director of Care and Rehabilitation continues to engage with the staff representative association on the introduction of blended learning and</p>	Care and Rehabilitation	Q4 2021 Q4 2021

		<p>A review of the TV channel is to be carried out in 2022.</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>progress is anticipated in the immediate future.</p>		
LHCT12	<p>The loss of community engagement has had a significant impact on Loughan House. The Inspectorate urges Loughan House to consider reintroducing community engagement activities, while adhering to social distancing guidelines.</p>	<p>Not accepted:</p> <p>Due to the current high levels of covid-19 in the community, public access to community projects in Loughan House such as the operation of the Coffee Shop, the Car Wash the polytunnels remains suspended for infection control reasons.</p> <p>This restriction remains under constant review.</p>		<p>Irish Prison Service National Infection Control Team / Covid Liaison Group</p>	
LHCT13	<p>In line with the Mandela Rules and the European Prison Rules, the Irish Prison Service should strengthen, operationalise and apply the Integrated Sentence Management process so that all prisoners are actively engaged and contributing to their sentence and re-integration plan and have regular meetings with the ISM officer per year. Prisoners should be provided with a written copy of their sentence plan.</p>	<p>Accepted:</p> <p>The Work Training Officer-Integrated Sentence Management Coordinator is available Monday to Friday at Loughan House and operates an open door policy where the prisoner can engage at any time.</p> <p>The WTO-ISM Coordinator is required to conduct an interview with a prisoner on transfer to establish the need for referrals to services.</p> <p>The ISM creates the referrals to the services and invites the services to make recommendations for a sentence plan. The sentence plan is required to be reviewed annually or at intervals determined by the needs of the prisoner.</p> <p>Within 12 months of the remission date the ISM is required to conduct a Community Integration Interview with the prisoner. The Community Integration Interview is then discussed with the prison-based multi-disciplinary team and a plan for preparing for release should be prepared and discussed with the prisoner.</p> <p>A new system has been built and introduced in Summer 2021 to help guide and record activity across this process. This new system provides the ability to print and provide the prisoner with a copy of their plan. This was in its introductory and training phase at the time of the visit by the Inspection Team and the priority was given to interviewing prisoners as step one of the process prior to the planning phase.</p> <p>All prisons are now (October 2021) moving into the plan recording phase of the roll-out of the new system.</p>	<p>The roll-out and training of staff on the use of the new PIMS ISM system continues.</p> <p>The WTO-ISM Coordinator resource moved to a rostered post across closed prisons in 2021.</p>	<p>Care & Rehabilitation</p>	

LHCT14	In line with Rule 6 of the European Prison Rules, which states that all detention shall be managed so as to facilitate the reintegration into free society of persons who have been deprived of their liberty, the Inspectorate recommends that the Irish Prison Service and Loughan House maximise all opportunities for prisoners to access temporary release.	<p>Accepted: The Irish Prison Service has announced the full resumption of all Temporary Release programs with effect from 26 October 2021.</p> <p>A number of factors have impacted the ability to grant Temporary Release during the pandemic, including intercountry travel restrictions, limited quarantine facilities in prisons, public transport restrictions, and access to vaccination for prisoners and prison staff.</p> <p>When previous restrictions were eased the first category of prisoner prioritised was life sentence prisoners where there was a Ministerial approval in place.</p>		Operations	Ongoing
LHCT15	The Irish Prison Service must ensure that prisoners are able to engage with services required in order to fulfil Parole Board requirements in an open prison.	<p>Accepted: The Irish Prison Service has announced a significant easing of Covid-19 restrictions with effect from 1 November 2021 and this will facilitate greater access prisoner services including return to group and one to one methods of prisoner service delivery.</p> <p>Education and Work and Training activities have returned to full capacity, subject to available resources.</p> <p>Temporary Release programmes and escorted visits for resocialisation purposes have recommenced.</p>			Complete
LHREQ1	The Inspector of Prisons requests to be provided with information on the direction given to Loughan House by the Irish Prison Service to implement S.I. 250 - Prison (Amendment) Rules 2020 - Rule 36A of the Irish Prison Rules.	<p>Restrictions on visit entitlements were introduced by the Irish Prison Service for infection control reasons and communicated to prison management via the Prison Liaisons Group.</p> <p>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.</p>			
LHREQ2	The Inspector of Prisons requests to be provided with information on the direction given to Loughan House 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 for infection control reasons and communicated to prison management via the Prison Liaisons Group.			