



**Oifig An Chigire Príosún**  
**Office of the Inspector of Prisons**

# **COVID-19 Thematic Inspection of Mountjoy Women's Prison - Dóchas Centre**

14 - 15 September 2021

IPS Review: 29 November - 22 December 2021

Submitted to Minister: 23 December 2021

# Contents

<b>EXECUTIVE SUMMARY</b>	<b>3</b>
<b>1 INTRODUCTION</b>	<b>4</b>
1.1 Inspection Function of the Office of the Inspector of Prisons	4
1.2 COVID-19 Thematic Inspections	4
1.3 Composition of the Inspection Team	7
1.4 Overview of the Dóchas Centre	8
1.5 Immediate Action Notifications (IANs)	11
<b>2 RESPECT &amp; DIGNITY</b>	<b>12</b>
2.1 Information	12
2.2 Food & Nutrition	14
2.3 Access to Religious Services	18
2.4 Access to Court and Legal Representation	20
2.5 Other Issues	25
<b>3 SAFETY &amp; SECURITY</b>	<b>29</b>
3.1 Impact of Staff Absences	29
3.2 Social Distancing	32
3.3 Other Issues	35
<b>4 HEALTH &amp; WELLBEING</b>	<b>42</b>
4.1 Access to Healthcare	42
4.2 Family Contact	46
4.3 Quarantine/Isolation Measures	50
<b>5 REHABILITATION &amp; DEVELOPMENT</b>	<b>54</b>
5.1 Regimes	54
5.2 Access to Education	56
5.3 Access to Exercise/Interactions	60
<b>6 RESETTLEMENT</b>	<b>67</b>
6.1 Release	67
<b>7 RECOMMENDATIONS &amp; IPS ACTION PLAN</b>	<b>70</b>

# EXECUTIVE SUMMARY

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The Office of the Inspector of Prisons carried out the twelfth and final COVID-19 Thematic Inspection in Mountjoy Women's Prison - Dóchas Centre on 14 to 15 September 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, Senior Management and the vast majority of prison staff in the Dóchas Centre were fully co-operative with the Inspection Team.

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

- The Dóchas Centre has been successful in preventing the widespread transmission of COVID-19 since the beginning of the pandemic.
- The Dóchas Centre had the highest prisoner take-up rate of the COVID-19 vaccine (at 94.7% (first dose) and 94.5% (second dose)) across the closed prison estate.
- The Dóchas Centre was the second closed prison during the course of COVID-19 Thematic Inspections in which prisoners had their meals served in line with the usual times in the community, which is in accordance with the European Prison Rules (Rule 22.4) and the UN Mandela Rules (Rule 22.1). The Inspectorate welcomes this practice, and recommends it be rolled out across the prison estate.

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

- Restrictions on in-person visits (not longer than 15 minutes duration at time of inspection), "no-contact," screened visits with all parties wearing masks, and the imposition of a 'one-child only' visitor restriction, negatively impacted on women in custody and, in particular, on their relationships with their children and families.
- There was a lack of structured activities available to women. Boredom was a common theme reported to, and observed by the Inspection Team. In the absence of structured activity, prisoners and staff reported issues with prisoner bullying and intimidation.
- Senior Management staffing at the time of inspection was insufficient and resulted in issues with daily operations in the prison.

All COVID-19 restrictive measures implemented since March 2020 should be regularly reviewed to assess that they have a legal basis, are proportionate and necessary.

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

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

# 1 INTRODUCTION

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## 1.1 Inspection Function of the Office of the Inspector of Prisons

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

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

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

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

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

## 1.2 COVID-19 Thematic Inspections

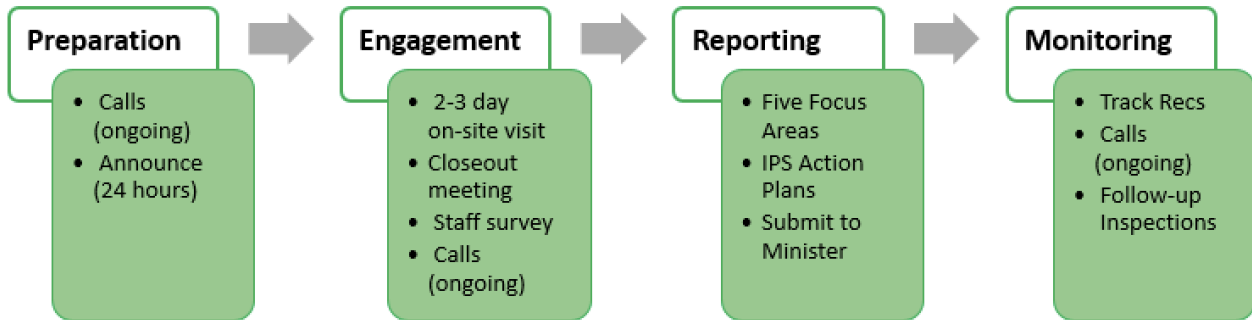
The Irish Prison Service has adopted a number of practices in response to the need to prevent transmission of COVID-19 in Irish prisons, and to subsequently uphold Ireland’s commitment to the right to life under Article 40 of the Irish Constitution and the protection of life under Article 2 of the European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

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<sup>1</sup> OIP. 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 of between two and three days in duration, whereby the focus of the visit is on how people in prison experience and are impacted by COVID-19 related restrictions in the prison. The information obtained through inspections visits is complemented by calls to prisons,<sup>2</sup> continuous communications with the Irish Prison Service (IPS), which includes daily or weekly updates on the situation of COVID-19 and the dissemination of an online staff survey in April/May 2021.<sup>3</sup>

COVID-19 Thematic Inspections are carried out in a systematic and risk-informed basis, in line with the Office of the Inspector of Prisons Infection Control Protocol.<sup>4</sup> Based on internal information and information received from the IPS, the Inspectorate determines if a visit to a prison is (i) warranted given the risk, and (ii) in line with the principle of “do-no-harm” (ensure that risk is offset by preventive action). COVID-19 Thematic Inspections are announced, with prisons provided with at least a 24-hour notice in advance of the inspection.

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

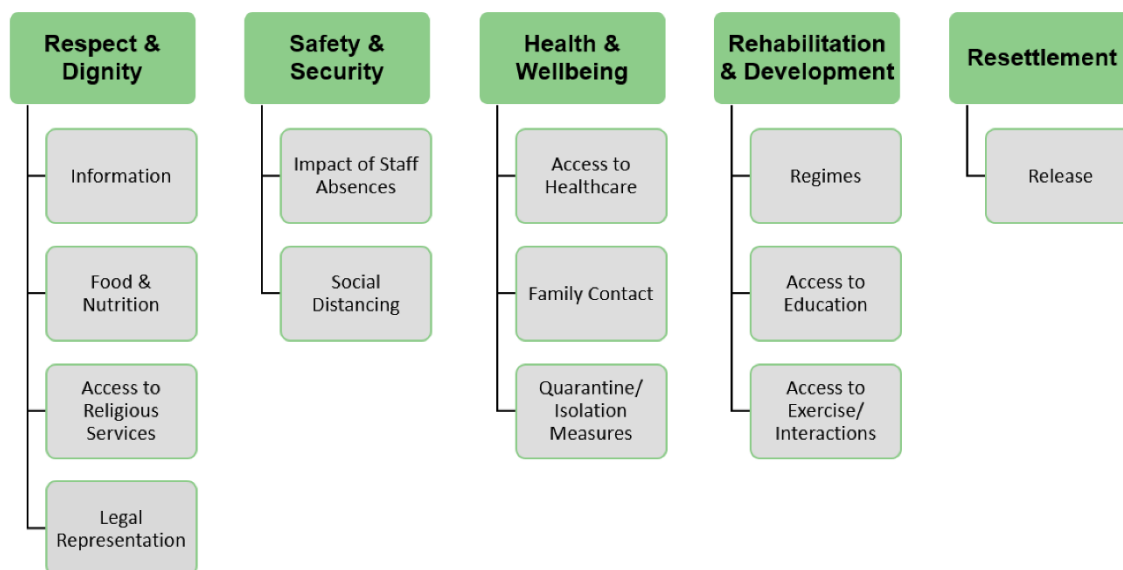
<sup>2</sup> OIP. COVID-19 Call Template, available at: <https://www.oip.ie/wp-content/uploads/2021/05/COVID-Call-Template.pdf>

<sup>3</sup> The findings of the survey were published by the Minister for Justice on 20 December 2021. OIP, COVID-19 Prison Staff Survey 30 April-16 May 2021, <https://www.oip.ie/wp-content/uploads/2021/12/COVID-19-Prison-Staff-Survey-30-April-to-6-May-2021.pdf>

<sup>4</sup> OIP. Infection Control Protocol, available at: <https://www.oip.ie/wp-content/uploads/2021/05/OIP-Infection-Control-Protocol.pdf>

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

## Mountjoy Women's Prison - Dóchas Centre 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. Four calls were made to Mountjoy Women's Prison - Dóchas Centre (hereafter "the Dóchas Centre") in advance of the inspection on 24 February 2021, 12 March 2021, 7 May 2021 and 25 May 2021. Post-inspection calls were made on 1 November 2021, 2 November 2021 and 10 November 2021. These phone calls focused on access to mental health, psychology and addiction services.

Over the duration of the inspection process, the Inspectorate endeavours to raise awareness about the ongoing inspection and of the role of the Office of the Inspector of Prisons more generally. To this end, the Inspectorate has developed prisoner information booklets and a video. The information booklets, available in Irish, English (NALA Plain English Mark), Cantonese, French, Polish, Romanian, Russian and Spanish, were distributed on the first day of the Inspection.<sup>5</sup> The information booklet is available on the Inspectorate's website and has been provided to the Irish Prison Service for ongoing dissemination.

<sup>5</sup> OIP. Information Booklet, available: <https://www.oip.ie/information-booklet/>. 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/>

At the outset of the on-site inspection, the Inspection Team provided the Dóchas Centre with OIP information booklets and requested that they be distributed to all prisoners on the morning of the first day of the inspection; on observation, the majority of the booklets had not been distributed by the end of day one of the inspection. This was despite a direction given to prison staff by a member of Senior Management. On day two of the inspection, the OIP booklets were distributed to the women. The OIP issues a recommendation in relation to the dissemination of OIP information materials under Section 2.1.4.

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

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

The Office of the Inspector of Prisons may provide recommendations to assist the Irish Prison Service in bringing its procedures and practices in line with international human rights standards and best practice. As part of the Inspectorate's inspection and reporting processes, the Inspectorate engages the prison and the Irish Prison Service to review the report and recommendations, and determine recommendation Action Plans. The Irish Prison Service Action Plan in response to the COVID-19 Thematic Inspection of Mountjoy Women's Prison - Dóchas Centre is provided in Section 7.

The on-site inspection of the Dóchas Centre was carried out over two days. The Inspection Team experienced no delays in accessing the Prisoner Information Management System (PIMS) database. The degree of co-operation received from prison management during the on-site inspection was good. The Inspection Team had open access to the Dóchas Centre. However, there were delays in responding to the Inspection Team's local information requests. Information was supplied in a fragmented manner, and some of these information requests were received subsequent to the inspection. The issues with insufficient Senior Management staffing levels in the prison (Section 3.1.2) appeared to have a knock-on effect on the capacity of the staff to facilitate and respond to information requests.

The Inspection Team would like to express appreciation to Senior Management, the designated Liaison Officer and prison staff for the support provided to the Inspection Team during the inspection. The Inspection Team would also like to thank the women in custody in the Dóchas Centre for their engagement.

The Chief Inspector (Inspectorate) and the Inspection Team presented preliminary observations to the Dóchas Centre Senior Management staff in a virtual call at the Closeout Meeting on 20 September 2021. The commentary received during this meeting was taken into account in the drafting of this report. The Inspectorate looks forward to ongoing dialogue and engagement with both prisoners and staff in Mountjoy Women's Prison - Dóchas Centre.

### 1.3 Composition of the Inspection Team

The on-site Inspection Team for the COVID-19 Thematic Inspection in Mountjoy Women's Prison – Dóchas Centre comprised of Senior Inspector Dr. Ciara O'Connell and Inspector Ms. Michelle Martyn. The Inspection Team was supported by office-based Inspectorate Administrative Staff.

## 1.4 Overview of the Dóchas Centre

Mountjoy Women's Prison - Dóchas Centre is a closed, medium security prison for adult women. It is the committal prison for women on remand or sentenced from all courts in the Republic of Ireland, with the exception of Munster counties.

### *Capacity*

On the first day of the inspection, 108 women were in custody in the Dóchas Centre. This number comprised 74% of the Irish Prison Service (IPS) bed capacity.

On day two of the inspection, 106 women were held in custody at the Dóchas Centre, which comprised 73% of IPS bed capacity. The Dóchas Centre provided information to the Inspection Team, which showed that 60 prisoners were in single occupancy rooms and 48 prisoners were in double occupancy rooms.

At the time of inspection, there was one baby accommodated with their mother in the Dóchas Centre.

### *Accommodation*

There were eight houses in the Dóchas Centre: Rowan, Maple, Hazel, Laurel, Elm, Cedar, Phoenix and Willows. Due to COVID-19 restrictions, access to the yards was split between the houses. Rowan and Maple Houses accommodated mainly newly committed prisoners who shared access to the "small" yard. Senior Management informed the Inspection Team that women in these houses could progress to the other houses located off the "big yard". These houses were used as an incentive for women's progression. Hazel, Laurel, Elm, Cedar, Phoenix and Willows houses shared access to the "big yard." These houses accommodated different types of prisoners and different privilege levels.

The Dóchas Centre also had a Healthcare/Committal Unit, which was comprised of eight cells. The Unit had a Close Supervision Cell and a Safety Observation Cell, which were in very close proximity to each other. One woman who was accommodated in a High Support Unit (HSU), which was a cell similar in appearance to a Close Supervision Cell. According to Senior Management, the HSU was for prisoners with either medical or behavioural issues who could not live in a normal prison environment. The HSU provided intensive supervision or monitoring of persons in need of mental health/behavioural intervention. Laurel House, which was connected to the Healthcare/Committal Unit, accommodated prisoners on protection (Rule 63) and prisoners in quarantine/isolation (Rule 103) (See Table 1).

The number of women accommodated in various houses and units of the Dóchas Centre is outlined in Table 1.



**Table 1: Accommodation of Prisoners in the Dóchas Centre (14 and 15 September 2021)**

14 September 2021		15 September 2021	
Area/Unit	Daily Total	Area/Unit	Daily Total
HSU (High Support Unit)	1 (Rule 62)	HSU (High Support Unit)	1 (Rule 62)
CSC (Close Supervision Cell)	0	CSC (Close Supervision Cell)	1 (also Quarantine)
SOC (Safety Observation Cell)	1 (also Quarantine)	SOC (Safety Observation Cell)	1 (also Quarantine)
<b>Healthcare Unit Total</b>	<b>2</b>	<b>Healthcare Unit Total</b>	<b>3</b>
Committal Unit	5	Committal Unit	2 (also on 14/9/2021)
<b>Total Committal Unit</b>	<b>5</b>	<b>Total Committal Unit</b>	<b>2</b>
Rowan	13	Rowan	13
Maple	14	Maple	13
<b>“Small Yard” Total</b>	<b>27</b>	<b>“Small Yard” Total</b>	<b>26</b>
Laurel	6 1 (no designation) 2 - Rule 63 3 - Quarantine)	Laurel	6 (2 - Rule 63) (3 - Quarantine) (1 - Isolation)
Hazel	15	Hazel	17
Elm	10	Elm	10
Cedar	22	Cedar	22
Phoenix	11	Phoenix	10
Willows	10	Willows	10
<b>“Big Yard” Total</b>	<b>74 (+ 1 baby)</b>	<b>“Big Yard” Total</b>	<b>75 (+ 1 baby)</b>
<b>Total</b>	<b>108 (+1 baby)</b>	<b>Total</b>	<b>106 (+1 baby)</b>

Prisoners identified by the prison as having “Special Features” on the first day of inspection are provided in Table 2.

**Table 2: Prisoners “Special Features” (14 September 2021)**

Rule (“Special Feature”)	Number of Prisoners	Detail
<b>Rule 103 (Quarantine)</b>	5	1 Committal Unit; 1 Special Observation Cell, 3 Laurel House
<b>Rule 63 (Protection of Vulnerable Prisoners)</b>	2	
<b>Rule 62 (Removal on grounds of order)</b>	1	High Support Unit, “remain on rule 62 as approved by DGs Office”

### COVID-19 Restricted Regimes

Table 3 provides the number of women in custody placed on COVID-19-related restricted regimes on 14 September 2021.

**Table 3: Women in Custody, COVID-19 Restricted Regimes**

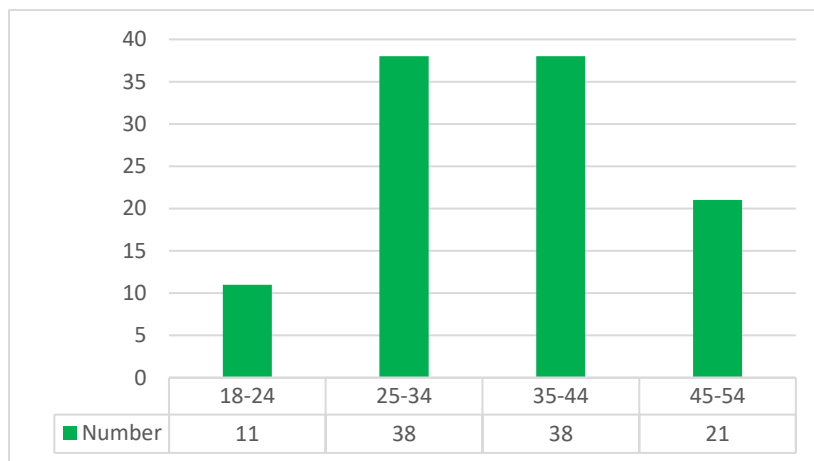
Date	Quarantine	Isolation	Cocooning
14 September 2021	5	0	0
15 September 2021	5	1	0

On the first day of inspection, there were five women in quarantine (Rule 103). Over the course of the two-day on-site inspection, the Inspection Team spoke with women in quarantine and a number of women who had previously experienced quarantine (see Section 4.3).

### Age

Figure 3 outlines the age breakdown of the women accommodated in Mountjoy Women's Prison - Dochas Centre on 14 September 2021.

**Figure 3: Age Breakdown of Women in Custody in the Dóchas Centre, 14 September 2021**



### Nationality

At the time of inspection, 82% of the prisoner population was Irish. Foreign Nationals comprised 18% of the prisoner population in the Dóchas Centre, including Brazilian, Nigerian, Lithuanian, Polish and Romanian prisoners.

Traveller women continue to be over-represented (estimated between 20-30% of the population) in the Dóchas Centre<sup>6</sup>; this is despite a recommendation made in 2017 by UN CEDAW to Ireland to address the over-representation of Traveller women in places they have been deprived of their liberty.<sup>7</sup>

### Sentence Length

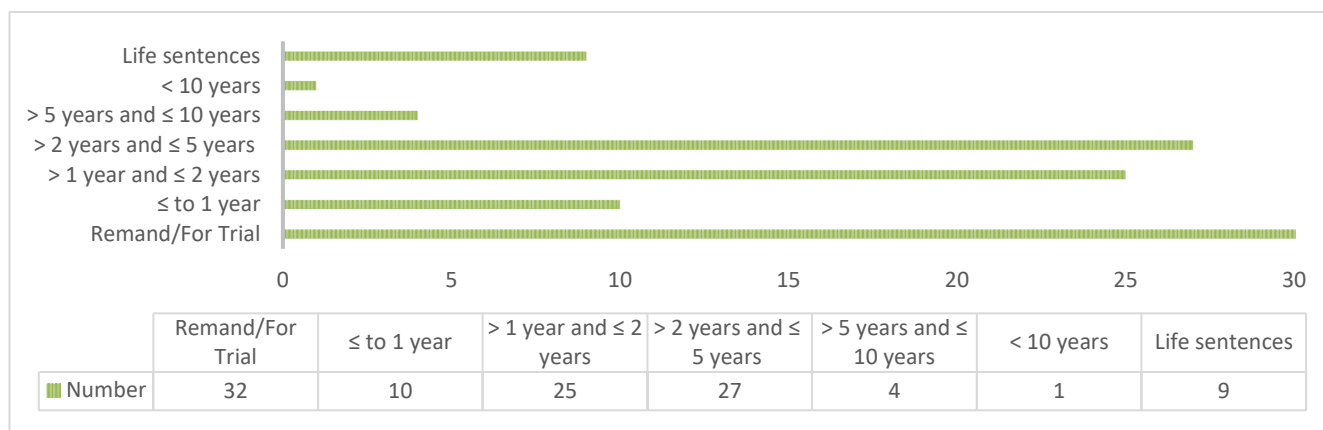
The sentence lengths for women in custody on the first day of inspection is outlined in Figure 4.

<sup>6</sup> Mental Health Commission (2021), Access to Mental Health Services for People in the Criminal Justice System.

<sup>7</sup> UN CEDAW (2017) Concluding Observations to Ireland,

[https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolNo=CEDAW%2fC%2fIRL%2fCO%2f6-7&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolNo=CEDAW%2fC%2fIRL%2fCO%2f6-7&Lang=en)

**Figure 4: Dóchas Centre Prisoner Sentence Lengths, 14 September 2021**



The graph demonstrates that one third of women in the Dóchas Centre were on remand on the first day of inspection.

#### *Governance Structure of the Dóchas Centre*

At the time of inspection, there were visible gaps in the Senior Management governance structure of the Dóchas Centre.

The Mountjoy Campus Governor was responsible for all areas of Mountjoy Prison Campus, which included the Dóchas Centre and also Mountjoy Men’s Prison and the Progression Unit. The Inspection Team was informed that a Grade 2 Governor in Mountjoy Prison Campus was a position removed by the Irish Prison Service and that there was no Governor III grade attending the Dóchas Centre during the time of inspection due to long-term sick leave. The Campus Governor and an Assistant Governor were fulfilling the duties of these roles. The Assistant Governor (appointed to the Dóchas Centre in summer 2021), was in charge of the daily operations of the prison, with the assistance of Chief Officers, which proved a significant workload.

On 1 November 2021, the Inspectorate was informed that a new Governor III had been appointed to the Dóchas Centre.

### 1.5 Immediate Action Notifications (IANs)

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

## 2 RESPECT & DIGNITY

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### 2.1 Information

Central to the Respect & Dignity Focus Area is the provision of information within the prison. As part of the inspection of the Dóchas Centre, the Inspection Team examined how people in prison were provided with COVID-19 related information.

#### 2.1.1 Compliance

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

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

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

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

Alongside, the 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 focus on the right to information for women in prison, the United Nations Rules for the Treatment of Women Prisoners and Non-Custodial Measures for Women Offenders (UN Bangkok Rules) Rule 2, requires that newly committed prisoners be provided with information about prison rules and regulations, including information about the prison regime and where to seek help when needed, in a language they can understand. Further, Rule 17 requires that women be provided with education

and information about preventive healthcare measures, including information on gender-specific health conditions.

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

The United Nations Subcommittee for the Prevention of Torture (2021), in its Follow-up advice to State parties and National Preventive Mechanisms relating to the Coronavirus Disease (COVID-19) Pandemic, urged all States to “inform all persons deprived of liberty and their relatives, regularly and comprehensively, about the vaccination programme, including its benefits and possible side effects, and ensure that vaccination is voluntary and based on informed consent.”<sup>8</sup>

### 2.1.2 Environment

The Inspection Team was provided with a two-page information leaflet (in English) offered to women in the Dóchas Centre, entitled “Information to help you on your first night in Dóchas Centre.” This leaflet contained information about the process upon arrival to the Dóchas Centre (e.g., prison staff should confirm the woman’s identity, check documents, and record personal details). The leaflet encouraged women on committal to provide information to a member of prison staff to ensure the provision of appropriate care. Practical arrangements such as accommodation, access to toiletries, and information about the Visiting Committee were also included in the leaflet.

The Inspection Team was also provided with a leaflet entitled “Welcome to the Dóchas Centre.” The Inspection Team noted that the names of prison staff including: Governors, Chiefs, school staff and the Head Nurse were not up-to-date on this leaflet. These information leaflets were provided to the Inspectorate in English only.

The Inspection Team was provided with information disseminated to women in custody at an earlier point in the pandemic (23 June 2020). This information related to the recommencement of in-person visits on 20 July 2020. It set out the details of restrictions on visits and infection control measures. It also provided information on how families could electronically transfer money into prisoners’ accounts.

At the opening meeting, Senior Management informed the Inspection Team that they provided women with regular COVID-19 information updates. Following inspection, (information received by the OIP, 5 October 2021), the Inspection Team was informed that the 36<sup>th</sup> edition of the “COVID-19 Prisoner Information” newsletter, dated 2 July 2021 (Figure 3) had been the most recent leaflet distributed to the women in Dóchas Centre. The contents of this newsletter focused on the roll-out of the COVID-19 vaccination. Senior Management informed the Inspection Team that information was also provided to women on the local TV channel. Information from various service providers was included in the television channel.

### 2.1.3 Outcomes

The Inspection Team observed COVID-19 posters on display in the Dóchas Centre. Some posters were written in languages other than English. For example, the Inspection Team observed a COVID-19

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<sup>8</sup> Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (SPT), Follow-Up Advice of the Sub-Committee to State parties and National Preventive Mechanisms relating to the Coronavirus Disease (COVID-19) Pandemic, <https://www.ohchr.org/EN/HRBodies/OPCAT/Pages/AdvicesToNPMS.aspx>

poster in Polish at the school. This is welcome and important, as for example, one Foreign National prisoner described how she had come to prison not knowing English, and had relied upon another prisoner to help her with translation during and after quarantine; she highlighted how a fellow prisoner made a translation booklet to help her understand information about the prison.

The Inspection Team was provided with a leaflet that outlined telephone services available to prisoners in quarantine (See Section 4.3.2). One prisoner spoke of the lack of information provided to those in quarantine; when a member of the Inspection Team asked one prisoner where she received information, she replied, “it’s usually the girls that tell ya.”

Some prisoners reported receiving regular COVID-19 information updates; one prisoner felt that there was “loads of it” [information]. However, the Inspection Team noted that the COVID-19 information booklet (published 6 August 2021) produced by the Irish Prison Service, Red Cross and Education and Training Board appeared to have not been disseminated to women in the Dóchas Centre at the time of inspection.

One woman in custody said there was limited information available on the unwinding of prison restrictions, stating: “We were told things would change if we were vaccinated.”

#### 2.1.4 Recommendations

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

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

**Recommendation 2:** The Inspectorate recommends that the Irish Prison Service and the Dóchas Centre make all Office of the Inspector of Prisons’ materials and reports readily available and accessible to all prisoners.

**Recommendation 3:** The Dóchas Centre should update its general information leaflets provided to women in custody and in line with Section 42 of the Public Sector Duty, these leaflets should be made available in other languages and in accessible formats.

## 2.2 Food & Nutrition

One of the measures implemented by the Irish Prison Service to prevent the transmission of COVID-19 in prisons has been to change how food is delivered in the prison. At the outset of the pandemic, beginning in March 2020, the Prison Service provided food to people in custody who were cocooning by distributing boxed meals to cells. The Inspectorate noted in the July 2020 report, “Ameliorating the Impact of Cocooning on People in Custody – A Briefing”, that it is “important that people (...) are brought

meals (and) informed about what is on offer and asked which portions they do and do not want.”<sup>9</sup> Further, the Inspectorate urged the Prison Service to commit to better consultation with people subjected to public health measures or restricted regimes about their food and to consider models used in hospitals for food selection. Given the recommendations made by the Inspectorate in regards to food provision for individuals who were cocooning, the Inspection Team considered as part of the COVID-19 Thematic Inspection how food was provided in the Dóchas Centre.

### 2.2.1 Compliance

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

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

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

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

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

The UN Rules for the Treatment of Women Prisoners and Non-Custodial Measures for Women Offenders (UN Bangkok Rules), Rule 48, outlines food provision requirements for women in prison, with a specific focus on women who are pregnant or breastfeeding. These include provision of adequate and timely food and assurance that the nutritional needs of women who recently gave birth are met.

### 2.2.2 Environment

#### *Kitchen*

The Inspection Team visited the kitchen on the first day of inspection. The kitchen food preparation area was clean and organised. At the time of inspection, meals were delivered in trollies to all women in their houses. Food was delivered via plates; this practice replaced the use of Kraft Boxes which had been used during the COVID-19 pandemic up until February 2021. Specific dietary requirements (e.g., Halal, gluten free, lactose intolerant, diabetic) were outlined on a white board in the kitchen; these meals

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<sup>9</sup> Office of the Inspector of Prisons and Maynooth University, “Ameliorating the Impact of Cocooning on People in Custody – A Briefing” (July 2020) <https://www.oip.ie/wp-content/uploads/2020/07/Ameliorating-the-impact-of-cocooning-on-people-in-custody-a-briefing.pdf>.

were clearly labelled for delivery to the houses. The dining hall (previously used for communal dining) was used as an area to accommodate family visits.

The kitchen operated based on a 28-day rotational menu, which was consistent across the prison estate. Mealtimes differed from the majority of other prisons in that the smaller lunch meal was served as the second meal of the day; in all other prisons aside from Castlerea Prison, the smaller lunch meal is served as the third meal of the day. The Inspection Team was informed that the changing of mealtimes was implemented a number of years ago, in consultation with the women in custody. Table 4 provides the daily meal schedule for prisoners.

**Table 4: Meal Times in Dóchas Centre**

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

At the time of inspection, all prisoner kitchen workers wore FFP2 masks. The approximately 20 workers were divided into three pods to facilitate social distancing and prevent an outbreak of COVID-19 across all kitchen workers. Kitchen workers worked from 9.30 to 13:30 and 15:30 to 17:30 and operated on a “on for one day, off for two day” system. There were four kitchen prison staff; the three staff working at the time of inspection were all men.

### *Food*

Table 5 sets out the general menu on the first day of the on-site inspection.

**Table 5: Food Menu on Day 1 of Inspection, 14 September 2021**

Date	Lunch	Dinner
Tuesday, 14 September 2021	Hot chicken and cheese with mayonnaise bagel	Bacon chop

Chicken featured heavily on the menu appearing in total nine times for lunch and nine times for dinner across the 28 days.

The Inspection Team was informed by prison staff working in the kitchen that tea could be provided to the women in custody whenever they wanted.

### *Tuck Shop*

Tuck Shop access for prisoners was set according to the Incentivised Regime level.

At the time of inspection, the Inspection Team observed that Tuck Shop order forms did not have a pricelist; the result being that prisoners ordered items without knowing the costs of the item, or if item prices had changed. The Inspection Team was provided with Tuck Shop item pricing by prisoners who used their receipts to develop a makeshift price list.

The Inspection Team observed a pricelist for a small number of items in Laurel house (where prisoners in quarantine/isolation were detained). Items available in the Tuck Shop were popular brands with pricing such as: raspberry and custard biscuits €0.89, porridge oat (500g) €1.30, milk chocolate rice



cakes €1.89, yoghurt flavoured rice cakes €2.13, smooth peanut butter €3.21, cereal (375g) €3.70, toothpaste €1.45 and cleansing wipes (25 wipes) €3.57.

In the Closeout Meeting, Senior Management stated that staffing the Tuck Shop was an issue. Senior Management noted that daily staffing levels in the Dóchas Centre could be reduced by the increased number of beds, as well as the prison authorities' obligation to transport women prisoners to court.

### 2.2.3 Outcomes

#### *Kitchen*

The Inspection Team was informed by prison staff that prisoners working in the kitchen could obtain certificates in the following areas: Salad Preparation, Clean Pass, and Manual Pass. Prison staff highlighted the benefits of the skills prisoners learned in the kitchen. For example, prisoners knew how to "potwash"; this was a skill that would transfer to entry-level employment in a commercial kitchen. The Inspection Team was informed that because of staff deployments from the kitchen, the kitchen had not really been a training kitchen for four years.

#### *Food*

In the Dóchas Centre, a large number of women in custody reported dissatisfaction with the quality and quantity of food provided to them:

*"Food is unbelievably disgusting."*

*"The chicken baguette was lovely because ye're here - food is awful."*

*"This food here is just not for me."*

*"Food is terrible, compared to Limerick [prison] you'd starve."*

*"Chicken, chicken, chicken."*

*"Not enough food."*

*"Will you try and do something about the food here?"*

Prisoners reported that it was difficult to acquire sugar and butter. One woman reported that due to shortages in food, women may result to stealing. Another prisoner reported that they received one cup of tea in the morning and one cup of tea at lunchtime.

This issues raised by women related to food were brought to the attention of Senior Management during the Closeout Meeting on 20 September 2021; Senior Management committed to check and consider changes to the menu.

Prisoners also raised the issue of access to bottled water with the Inspection Team, and reported that it used to be possible to purchase bottled water in the Tuck Shop but that water was no longer available to purchase.

The Inspection Team noted that communal dining in the dining halls had not resumed for women in the Dóchas Centre. In some of the houses, prisoners were not locked in their rooms for meals. Prison staff reported that the delivery of meals to houses, rather than serving them in the dining hall had resulted in a reduction of violent incidents and intimidation among women in prison.

#### *Tuck Shop*

In line with Rule 31.5 of the revised European Prison Rules, "prisoners should be entitled to purchase or otherwise obtain goods at prices that are not abnormally higher than those in free society."

The Inspectorate identified the lack of transparency with Tuck Shop pricing as an issue in the Dóchas Centre, which has also been the case in previous COVID-19 Thematic inspection Reports.<sup>10</sup> The Irish Prison Service indicated in its review of the Cork Prison COVID-19 Thematic Inspection Report (dated 2 September 2021), that “a communication will issue shortly from the Finance Directorate reminding all prison management teams to ensure that tuck shop prices (are) clearly visible in all Prison Tuck Shops.” The Inspectorate welcomes this but notes that the direction had either not been made or was not being implemented at the time of the inspection of the Dóchas Centre.

The most frequent issue raised by women in custody with the Inspection Team was the availability and high prices of certain products in the Tuck Shop. Given the daily gratuity rates for the women in custody, the prices of items in the Tuck Shop were expensive and did not seem to be subsidised or discounted. Daily gratuity rates received by women, amounted to €0.95 cent for prisoners on the “basic” Incentivised Regime, €1.70 for prisoners on a “standard” Incentivised Regime and a daily gratuity of €2.20 for those on the “enhanced” Incentivised Regime. All prisoners were subject to a weekly limit of €18.90 (daily gratuity and approved work combined).<sup>11</sup> On day one of the inspection, 13% of women were on the basic gratuity, 39% of women were on a standard gratuity and 48% were on an enhanced gratuity.

Receipts provided by prisoners to the Inspection Team showed the following prices for popular brand products: shower gel - €2.25, conditioner - €3.79, coffee Sachets 30 for €4.50 and a packet of crisps was €0.77. These prices should be considered in the context of the daily gratuity rates noted above.

Prisoners reported that the Tuck Shop had multiple varieties of chocolates and biscuits available, but that there was a lack of access to healthy food options, such as fresh fruit.

#### 2.2.4 Recommendations

**Recommendation 4:** In line with Rule 23 (1) of the Prison Rules, 2007 and Rule 22 of the UN Mandela Rules, the Dóchas Centre should consider feedback provided by women in custody and review in consultation with the women key aspects of food provision such as quality, portion size, and choice.

**Recommendation 5:** The Irish Prison Service should ensure that procured Tuck Shop items are marked at a price that is affordable to prisoners, and should consider assessing the daily gratuity rates received by prisoners to ensure they are able to purchase items in the Tuck Shop at a reasonable price.

### 2.3 Access to Religious Services

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

#### 2.3.1 Compliance

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

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<sup>10</sup> OIP. Shelton Abbey COVID-19 Thematic Inspection Report, pp. 16-17; and OIP. Cork Prison COVID-19 Thematic Inspection Report, pp. 17-18; OIP. Castlerea Prison COVID-19 Thematic Inspection Report, p. 20.

<sup>11</sup> Irish Prison Service, *Prisoner Gratuities and Private Cash*, [Irish Prison Service Policy and Strategy Documents - Irish Prison Service](#)

denomination (including a Chaplain of a religious denomination of which the prisoner is not a member) (Rule 34(6)).

The Irish Prison Rules (Rule 114 a-d) define the role of the Chaplaincy service.

A Chaplain shall,

- a) visit prisoners who are recorded as belonging to his or her religious denomination and who are willing to be visited or who request a visit,
- b) minister to prisoners of his or her religious denomination,
- c) conduct religious services for prisoners of his or her religious denomination at such times as may be arranged.
- d) Subject to Rule 117 (Time and place of Chaplain visits), visit any prisoner who is under restraint or confined to a cell unless the prisoner is unwilling to receive such a visit

This provision demonstrates the need for a Chaplaincy Service that is multi-denominational in order to ensure that persons from any religious denomination are able to avail of the Chaplaincy Service.

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

In relation to women in prison, Rule 54 of the Bangkok Rules provides that prison authorities shall recognise that women prisoners from different religious and cultural backgrounds have distinctive needs and may face multiple forms of discrimination in their access to gender and culture-relevant programmes and services. Accordingly, prison authorities shall provide comprehensive programmes and services that address these needs, in consultation with women prisoners themselves and the relevant groups.

### 2.3.2 Environment

A new Chaplain had been appointed and commenced work in the Dóchas Centre in December 2020. The role of the Chaplaincy Service was described as going “beyond the walls of the prison” to families. As a result of the COVID-19 pandemic, Chaplains provided tele-chaplaincy services to prisons if they were unable to attend the prison in-person.

The Chaplain reported visiting each of the houses in the mornings and afternoons throughout the week. The Chaplain visited the women in quarantine and in the Healthcare/Committal Unit on a daily basis.

It was reported by the Chaplaincy Service that the majority of women in custody were Catholic and that a small number of women identified as Muslim. At the time of inspection, the Chaplain was linking in with an Imam in the community to plan for a visit to the prison as COVID-19 restrictions eased.

There was an oratory in the Dóchas Centre. While there were no in-person religious services at the time of inspection, prisoners could visit the oratory to light a candle; the Inspection Team was informed that approximately 14-15 prisoners regularly visited the oratory to pray.

### 2.3.3 Outcomes

Prisoners highlighted to the Inspection Team that mass was not being held in-person, but that they could watch mass on the local television channel.

The Inspection Team received positive reports on the Chaplaincy Service from some of the prisoners:

*“(The) only person you kind of see (is) the Chaplain.”*

*“The Chaplain visits a few times a week, that’s helpful.”*

However, access to the Chaplaincy Service was an issue for a small number of women. For example, one prisoner stated, “I start to speak to a Samaritan” [as an alternative]. Another prisoner said that she had not seen the Chaplain and that she had no access to the oratory.

The Chaplaincy Service assisted in facilitating online streaming of funerals, which allowed women in custody to watch the funeral of a close relative. This practice was implemented as a substitute to Compassionate Temporary Release, which had been suspended as a result of the COVID-19 pandemic. As COVID-19 restrictions eased, Compassionate Temporary Release (CTR) returned. However, it was reported that situations arose in which family members did not always want their loved one in prison to avail of Compassionate Temporary Release, as they were aware of the 14-day quarantine requirement upon their family member’s return to prison.

On 22 October 2021, the Inspectorate was informed by the Irish Prison Service that in-person religious services would return to the Dóchas Centre from 1 November 2021.

## 2.4 Access to Court and Legal Representation

The Dóchas Centre is the committal prison for women from all counties (with the exception of Munster counties). On the first day of inspection, the Inspection Team was informed that there were 32 women in the Dóchas Centre on remand, which comprised 30% of the prisoner population.<sup>12</sup> The Inspectorate notes that as far back as 2014, the Penal Policy Review Group recommended that a review of remand female offenders be conducted to determine the reasons associated.<sup>13</sup>

### 2.4.1 Compliance

#### *Access to Court*

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

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

- (a.) To be informed promptly and in detail in a language which he understands of the nature and cause of charge against him;
- (b.) To have adequate time and facilities for the preparation of his defence and to communicate with the counsel of his choosing;
- (c.) To be tried without undue delay;
- (d.) To be tried in his presence, and to defend himself in person or through legal assistance of his own choosing; to be informed, if he does not have legal assistance, of this right; and to have

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<sup>12</sup> On 2 November 2021, the prison confirmed the number of women on remand was 32, however this figure is published as 35 in the daily prisoner population figures on the Irish Prison Service’s website, <https://www.irishprisons.ie/information-centre/statistics-information/2015-daily-prisoner-population/2021-prison-population/>

<sup>13</sup> See Strategic Review of Penal Policy, Final Report, July 2014, Rec 22, [Strategic Review of Penal Policy.pdf \(justice.ie\)](#)

legal assistance assigned to him, in any case where the interests of justice so require, and without payment by him in any such case if he does not have sufficient means to pay for it;

- (e.) To examine, or have examined, the witnesses against him and to obtain the attendance and examination of witnesses on his behalf under the same conditions as witnesses against him;
- (f.) To have the free assistance of an interpreter if he cannot understand or speak the language used in court;
- (g.) Not to be compelled to testify against himself or to confess guilt.

The Human Rights Committee, in General Comment No. 32, states that that the fundamental principles of a fair trial should be respected during times of an emergency.<sup>14</sup>

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

The right of any person to be physically present for his or her trial on criminal charges [and on his initial appearance before the judicial authority following his arrest or detention on criminal charges] should be fully respected, including in situations of crisis or emergency such as the COVID-19 pandemic. In particular, national laws and rules should not permit, and in practice courts and other authorities should not proceed, with criminal trials in which an accused is denied the right to be physically present for the trial and is instead forced to participate by means of a video link or similar technology without his freely given and fully informed consent.<sup>15</sup>

The *Civil Law and Criminal Law (Miscellaneous Provisions) Act 2020*, states that relevant hearings can be conducted remotely by the Court of its own motion, or on application to the court once it is satisfied that:<sup>16</sup>

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

### *Legal Representation*

The United Nations Standard Minimum Rules for the Treatment of Prisoners (the Mandela Rules) outline a number of standards regarding access to legal representation. On admission, prisoners should receive written information on their rights to access legal advice including information on legal aid

<sup>14</sup> UN Human Rights Committee (2007) General Comment 32, see paragraph 6, <https://undocs.org/CCPR/C/GC/32>

<sup>15</sup> International Commission of Jurists (2020) Videoconferencing, Courts and COVID-19 Recommendations based on International Standards, [https://www.unodc.org/res/ji/import/guide/ici\\_videoconferencing/ici\\_videoconferencing.pdf](https://www.unodc.org/res/ji/import/guide/ici_videoconferencing/ici_videoconferencing.pdf)

<sup>16</sup> See Section 23(4) of the *Civil Law and Criminal Law (Miscellaneous Provisions) Act 2020*.  
<http://www.irishstatutebook.ie/eli/2020/act/13/enacted/en/print#sec22>

schemes (Rule 54). Prisoners should have adequate opportunity to communicate and consult with a legal adviser (Rule 61.1). Should they need interpretation during this process, the prison should allow them access to an independent competent interpreter (Rule 61.2). A prisoner should be able to access legal aid (Rule 61.3), which also applies to remand prisoners who should not be charged for this (119.2). Furthermore, remand prisoners should be provided with writing material for any defence preparation (Rule 120).

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

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

The United Nations Rules for the Treatment of Women Prisoners and Non-Custodial Measures for Women Offenders (UN Bangkok Rules) make specific reference to access to legal advice and access to consular representative (Rule 2).

## 2.4.2 Environment

### *Access to Court*

In 2020, 13,326 remote court appearances were facilitated from prison locations.<sup>17</sup> Since the onset of the COVID-19 pandemic in March 2020, the use of remote courts hearings expanded from 30 to 58 courts in Ireland, with more than double the number of cases heard via video link compared to 2019.<sup>18</sup>

At the time of inspection, prisoners in the Dóchas Centre participated in professional legal visits in-person and through video calls. Table 6 outlines the numbers of professional visits, both in-person and via video call, in the two weeks leading up to the on-site inspection.

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<sup>17</sup> Courts Service, Courts Service Annual Report 2020, [https://www.courts.ie/acc/alfresco/b47652ff-7a00-4d1f-b36d-73857505f860/Courts\\_Service\\_Annual\\_Report\\_2020.pdf/pdf#view=fitH](https://www.courts.ie/acc/alfresco/b47652ff-7a00-4d1f-b36d-73857505f860/Courts_Service_Annual_Report_2020.pdf/pdf#view=fitH)

<sup>18</sup> EuroPris, Videolink-Maximising Resources for Service Delivery, M O' Mahoney, Europris, 11 November 2020, cited in Penal Reform International (2021) *Global Prison Trends 2021*, <https://cdn.penalreform.org/wp-content/uploads/2021/05/Global-prison-trends-2021.pdf>

**Table 6: Professional Legal Visits and Video Calls**

Date	In-Person Legal Visit	Video Call
31/08/21	0	0
01/09/21	0	2
02/09/21	1	0
03/09/21	0	1
04/09/21	0	0
05/09/21	0	0
06/09/21	2	1
07/09/21	0	0
08/09/21	1	2
09/09/21	6	2
10/09/21	4	4
11/09/21	0	0
12/09/21	0	0
13/09/21	2	3
14/09/21	0	0
15/09/21	0	3
<b>Total</b>	<b>16</b>	<b>18</b>

The Irish Prison Service *Escort and PPE Guidance* document outlines the procedures for attending court appearances for people on COVID-19 restricted regimes (Table 7).

**Table 7: Procedures for Attending Court Appearances, COVID-19 Restricted Regimes**

### Isolated Prisoner (Confirmed / Suspected)

- Prisoners should be Sick Noted for Court Appearances
- Video link should be explored if prisoners must be produced
- If there is a requirement to produce these prisoners in court FULL PPE MUST BE WORN

### Precautionary Isolation

- Prisoners should be Sick Noted for Court Appearances
- Video Link should be explored if prisoners must be produced
- If there is a requirement to produce these prisoners in court FULL PPE MUST BE WORN

### Quarantined Prisoner

- Where a prisoner who is in quarantine and required for court appearance it should be by Video Link
- Where it has not been recorded as Video Link by the court then:
  1. Prisoners/PSEC should contact the court to have any court appearance moved to Video Link
  2. Where the court does not have a VL then the prison/PSEC staff should seek to have the case moved to a court that has VL. Courts should be advised that we are following public health advice.

Only where there is no other option should a prisoner who is in quarantine be escorted to the court appearance-however we cannot refuse to present the prisoner.

Prisoners should be escorted by PSEC, wear gloves and a surgical mask, and maintain physical distancing if possible at all times. If maintained prisoner can return to his cell and complete period of quarantine. If this is not achieved the prisoner must recommence Day 1.

If PPE is worn and remains intact for prisoner and officer, risk of exposure is minimal.

### Rule 63 (Prisoner-Vulnerable)

Where a 'cocooned' prisoner is required for court appearance it should be by VL. Where it has not been recorded as a Video Link by the court then:

1. Prisons/PSEC should contact the court to have any court appearance moved to Video Link
2. Where the court does not have a VL then the prison/PSEC staff should seek to have the case moved to a court that has VL. Courts should be advised that we are following public health advice.

Only where there is no other option should a cocooned prisoner be escorted to the court appearance-however we cannot refuse to present the prisoner.

Where the prisoner is a single remand and the escort is normally taken by AGS (An Garda Síochána) then PSEC should contact AGS and arrange that PSEC will escort the cocooned prisoner to the court appearance on this occasion.

Prisoners should be escorted by PSEC, wear gloves and surgical mask, and maintain physical Distance at all times. If maintained prisoner can return to their cell for ongoing cocooning. If this is not achieved the prisoner must commenced quarantine in a SINGLE CELL.

### General Population

All court appearance should be via Video Link where possible.

Videolink remote courts were facilitated in a small prefabricated building on the prison grounds of the Dóchas Centre. In the period from 31 August 2021 to 14 September 2021, there were 17 court appearances conducted via video-link.



### 2.4.3 Outcomes

Women in custody in the Dóchas Centre had mixed opinions on their experiences of remote video courts. One prisoner reported, “video court is horrible.” She explained there was no time for preparation, and that while she appeared on three screens, she was not able to look directly at the Judge. She spoke of the benefits of in-person court hearings: “at least if you’re there in person, you can stand up.” While she had access to her solicitor before the hearing, she had no engagement with her solicitor during the hearing itself.

Another prisoner was satisfied with the experience of participating in remote court hearings, she stated: “didn’t mind it to be honest; you see a Judge/solicitor.” However, she highlighted her lack of awareness of the scheduling of the remote court hearing: “Sometimes you don’t know you’re in court and they call you out (of the cell).”

Another prisoner described difficulties in communicating with her solicitor over a video-call: “You can’t hear the solicitor.”

Senior Management highlighted the benefits of remote courts as they required less prison staff to leave the prison on escorts each day, and as a result allowed for more staff to work on the prison grounds each day. However, it was also noted that any increase in the number of remote court hearings would result in the need for more prison staff to be allocated to these posts.

### 2.4.4 Recommendation

**Recommendation 6:** Taking into consideration Article 6 of the ECHR and Article 14 (3) of the ICCPR, the Irish Prison Service should continuously monitor and engage with prisoners on the impact of remote court hearings on participation and the right to a fair trial.

## 2.5 Other Issues

In the process of inspecting Mountjoy Women’s Prison - Dóchas Centre, the Inspection Team made additional observations that warrant inclusion in this inspection report.

### *Rule 44 Letter*

Under the Irish Prison Rules, Rule 44, prisoners are entitled to send or receive a letter from a number of designated persons or bodies, which include their legal adviser; the Visiting Committee; the Minister; the Chief Justice, President of the High Court, President of the Circuit Court, President of the District Court or Presiding Judge of the Special Criminal Court; the European Court of Human Rights, the European Committee for the Prevention of Torture (CPT), the Parole Board, the Inspector of Prisons, the Irish Human Rights Commission, and the International Committee of the Red Cross.

Rule 44(3) and (4) requires that a letter sent to or from a prisoner to/from one of the above bodies shall be sent and received without delay.

At the time of inspection, the Inspection Team spoke with a prisoner who had recently received a letter that was marked as “Rule 44” on the envelope. Despite this indication, the letter was not from one of the designated bodies, although it was from a State Agency. The letter, dated 26 August 2021, requested the attendance of the prisoner at a meeting about her children, which was to be held on 6 September 2021. The prisoner received the letter on 15 September 2021, which was nine days after the meeting was held. When the prisoner learned that she had missed the meeting she expressed to the Inspection Team that she was worried her children might think she didn’t care about them.

Although the letter was mistakenly identified as a Rule 44 letter, which should have resulted in expedited delivery of the letter, the Inspection Team is of the view that the delay in delivery of this letter to the woman in custody was not appropriate. To ascertain the cause of this delay, the Inspection Team reviewed the process for how incoming Rule 44 letters are processed in the Dóchas Centre. At the time of inspection, all incoming post was processed through Mountjoy Men's Prison before being sent to Mountjoy Women's Prison - Dóchas Centre; this was explained to the Inspection Team as the cause of the delay.

#### *Access to Gender-Specific and Period Products*

The United Nations Standard Minimum Rules for the Treatment of Prisoners (the "Mandela Rules") states that "all prisoners shall be treated with respect due to their *inherent dignity and value as human beings*" (Rule 1). In addition, Rule 5 of the Mandela Rules states that "the prison regime should seek to minimize any differences between prison life and life at liberty that tend to lessen the responsibility of the prisoners or the *respect due to their dignity as human beings*." [emphasis added]

Rule 1 of the United Nations Rules for the Treatment of Women Prisoners and Non-Custodial Measures for Women Offenders (the "Bangkok Rules") states that in order to ensure the principle of non-discrimination, "account shall be taken of the distinctive needs of women prisoners" and "providing for such needs in order to accomplish substantial gender equality shall not be regarded as discriminatory."

The Revised European Prison Rules outlines that: "Specific gender-sensitive policies shall be developed and positive measures shall be taken to meet the distinctive needs of women prisoners."

Considering the above minimum human rights standards, women spoke about the limited access they had to essential items such as shampoo, moisturiser, hair dye and razors. One prisoner said "No provision of shampoo, go and see the shop." Another prisoner asked a member of the Inspection Team if they could get her shampoo. Many prisoners complained that they had been without razors for a number of weeks. A prisoner reported that the Tuck Shop did not supply products for those who had allergies or sensitive skin (e.g., washing tablets for clothes or hair dye).

One prisoner stated, "it's like they're stripping me of everything that's myself." Another prisoner stated: "Ask the Minister for Justice if she would like to wake up without skincare products."

Tampons and pads were reported as not being consistently available in the house offices, and prisoners reported that younger women found it "embarrassing" to ask prison officers for these products. One prisoner stated that they were "told to buy [sanitary products] if they run out." Another prisoner stated that there were no tampons available in the Tuck Shop.

The CPT recognises access to personal hygiene products as part of its "Minimum Decency Threshold" in prison settings. As outlined by the CPT "prisoners should be systematically provided with sufficient supplies of basic personal hygiene products free of charge upon admission and on a regular basis thereafter."<sup>19</sup> The CPT also "takes into account whether the prices of products purchasable by prisoners exceed retail prices with the result that basic items remain unaffordable to those without private means or outside support."<sup>20</sup>

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<sup>19</sup> See European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (2021) *30<sup>th</sup> General Report of the CPT*, "Minimum Decency Threshold" (see from p.35 onwards) [https://rm.coe.int/1680\\_a25e6b](https://rm.coe.int/1680_a25e6b)

<sup>20</sup> CPT (n 19) para 78, p.40

The Irish Prison Service stated in early 2021 that it had changed its approach and “now provides each female prisoner with a period pack each month, to reduce the stigma associated with having to request these products.”<sup>21</sup>

The Inspectorate is of the view that access to gender-specific and period products is a right to dignity issue. Prison authorities should take steps to ensure that positive measures are taken to meet the distinct needs of women in line with minimum international human rights standards cited above.

### *Treatment of Transgender Prisoners*

The Inspection Team was informed that, upon committal, transwomen were searched by both a male and female prison officer. A female prison officer would search the top half of the prisoner’s body, while a male officer would search the bottom half of the prisoner’s body. By comparison, cisgender women were searched by two female prison officers. The prisoner involved was not consulted to determine how the search procedure might be carried out.

The Inspection Team was informed by prison staff and Senior Management that there was no clear national policy on search procedures for transgender prisoners.

International best practice indicates that transgender prisoners should be given a choice regarding the gender of the person conducting a search. The search should be conducted by a person of the appropriate gender, with minimum interference.<sup>22</sup>

Over the course of the inspection, the Inspection Team observed on two separate occasions the misgendering of a prisoner by prison staff. The Inspectorate shares the view of the CPT, which has recommended that “custodial staff should be reminded of their duty to respect the specific gender identity of transgender prisoners, in particular in terms of accommodation, clothing and by addressing them with their chosen name.”<sup>23</sup> The Yogyakarta Principles state that all prison personnel should undertake training and awareness-raising programmes in the area of human rights and sexual orientation and gender identity.<sup>24</sup>

### *Gender-Specific Training for Staff*

Senior Management informed the Inspection Team that the recruitment, selection and training processes for prison staff working in the Dóchas Centre did not take into consideration the gender-specific needs of women in custody. In 2014, there was a gender-specific training programme for prison staff entitled WASP (Women Awareness for Staff Programme), the programme was designed to focus on the gender-specific and gender responsive needs of women in custody.<sup>25</sup> However, this programme was not in operation at the time of inspection. Senior Management recognised the need for this type of training; “Staff need to understand the complexities of women in custody.”

The European Prison Rules, Rule 81.3, require that “Staff who are to work with specific groups of prisoners – foreign nationals, women, juveniles or mentally ill prisoners, etc. – shall be given specific training for their specialised work.” The UN Bangkok Rules, Rule 29, states that “capacity-building for staff employed in women’s prisons shall enable them to address the special social reintegration requirements of women prisoners and manage safe and rehabilitative facilities.” Additionally Rule 33 states the following:

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<sup>21</sup> Government of Ireland (2021) Period Poverty in Ireland: Discussion Paper, Period Poverty Sub-Committee, National Strategy for Women and Girls 2017-2020, p.3.

<sup>22</sup> UNODC (2020) Mapping of Good Practices for the Management of Transgender Prisoners, p. vi.

<sup>23</sup> CPT Report to the Spanish Government (27 September to 10 October 2016) CPT/Info (2017) 34.

<sup>24</sup> Yogyakarta Principles, Principle 9(g) <https://yogyakartaprinciples.org/principle-9/>

<sup>25</sup> See, Dóchas Centre Visiting Committee Annual Report 2015.

1. All staff assigned to work with women prisoners shall receive training relating to the gender specific needs and human rights of women prisoners.
2. Basic training shall be provided for prison staff working in women's prisons on the main issues relating to women's health, in addition to first aid and basic medicine.
3. Where children are allowed to stay with their mothers in prison, awareness-raising on child development and basic training on the health care of children shall also be provided to prison staff, in order for them to respond appropriately in times of need and emergencies.

In line with the OSCE standards on Preventing and Addressing Sexual and Gender-Based Violence in Places of Deprivation of Liberty, the Inspectorate considers that gender dynamics in prisons manifest in a myriad of ways, and impact on prisoners of all genders. As such, any training designed to address gender-specific needs in prisons must take account of the "gender dimensions of power in society (and how they) are amplified in closed facilities."<sup>26</sup>

### 2.5.1 Recommendations

**Recommendation 7:** In line with international human rights standards, the Dóchas Centre and the Irish Prison Service should take positive measures to respect the dignity of women by ensuring that all women have access to gender-specific and period products.

**Recommendation 8:** In line with Rule 81.3 of the Revised European Prison Rules, all prison staff should be required to undertake comprehensive and continuous gender-specific training; this training should be developed in consultation with stakeholders working in the areas of gender, sexual and gender-based violence and deprivation of liberty.

**Recommendation 9:** In line with Yogyakarta Principle 9 on the Right to Treatment with Humanity while in Detention, the Inspectorate urges the Irish Prison Service to develop, in partnership with relevant civil society organisations, transgender people in prison and other relevant stakeholders, a national policy regarding the safe custody of transgender women and men.

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<sup>26</sup> OSCE (2019) Preventing and Addressing Sexual and Gender-Based Violence in Places of Deprivation of Liberty Standards, Approaches and Examples from the OSCE Region, <https://www.osce.org/odihr/427448>

## 3 SAFETY & SECURITY

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### 3.1 Impact of Staff Absences

The impact of COVID-19 related staff absences in the Dóchas Centre over the course of the pandemic was reported by Senior Management to the Inspection Team as “consistently minimal.” However, the Dóchas Centre was impacted by outbreaks in Mountjoy Men’s Prison for example, in January 2021 and May 2021. As prison staff working in the Dóchas Centre shared the staff dining area with prison staff working in Mountjoy Men’s Prison, all prisoners and staff in the Dóchas Centre underwent mass COVID-19 testing during those times.

The Inspection Team was informed that at the beginning of the pandemic, between 10 and 15 prison staff could be absent from the prison due to being identified as a COVID-19 close contact. The “test, trace and isolate” model was successful in reducing COVID-19 related staff absences. This was reaffirmed by an IPS update (5 August 2021) which showed that 3% of prison staff in the Dóchas Centre were absent as a result of COVID-19.

#### 3.1.1 Compliance

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

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

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

An enhanced investment in the most important resource of the prison system, namely, its personnel, is crucial in this regard. Supporting an ethos and self-perception among prison officers, including senior management that they are not merely guards or wardens, but rather agents for change, can help to harmonize the legitimate security requirements with those of rehabilitation and reform.<sup>27</sup>

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

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<sup>27</sup> United Nations (2021) United Nations System Common Position on Incarceration, 14 [https://www.unodc.org/res/justice-and-prison-reform/nelsonmandelarules-GoF/UN\\_System\\_Common\\_Position\\_on\\_Incarceration.pdf](https://www.unodc.org/res/justice-and-prison-reform/nelsonmandelarules-GoF/UN_System_Common_Position_on_Incarceration.pdf).

Continue the systematic screening for COVID-19 symptoms of all persons entering any detention facility, including new inmates, personnel and visitors, as long as the pandemic continues.<sup>28</sup>

### 3.1.2 Environment

Staff absences directly impact on implementation of the Regime Management Plan (RMP) in the prison. 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, 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 prisoner escorts and cover other posts. The RMP is based on management of posts rather than tasks. The COVID-19 RMP in the Dóchas Centre placed emphasis on the possibility of severe staffing shortfalls as a result of COVID-19.

Senior Management reported that at the outset of the pandemic, prison staff could have been absent due to COVID-19 for up to 14 days. However, at the time of inspection, COVID-19 related staff absences were minimal due to the updated staff absence algorithm. The contact tracing team identified two types of contacts amongst staff and prisoners, as outlined below in Table 8.

**Table 8: Contact Tracing COVID-19 Contact Types**

Type of Contact	Description
“Close Contact”	<ul style="list-style-type: none"> <li>Any person who has face to face contact less than 2 metres with a confirmed case/highly suspicious case for a total of 15 minutes over the period of their shift.</li> <li>Any person who has shared a close space with a confirmed case/highly suspicious case for longer than 2 hours-taking into consideration distance from case and size of room.</li> <li>Any person who has not worn appropriate PPE or had a breach of PPE when dealing with confirmed case/suspicious case.</li> </ul>
“Casual Contact”	<ul style="list-style-type: none"> <li>Any person who has shared a close space with a confirmed case/highly probable case for less than 2 hours.</li> <li>Any person who has face to face contact with a confirmed case/highly probable case for less than 15 minutes.</li> <li>Any person who has worn appropriate PPE and taken recommended infection control precautions and that has direct contact with confirmed case/highly probable case or their body fluids.</li> <li>Any person who has shared a close space with a confirmed case/highly probable case for longer than two hours, but following a risk assessment, does not meet the definition of a close contact.</li> </ul>

If a staff member was symptomatic while on duty, they were expected to don an FFP2 mask, inform the line manager and go off duty. If they tested negative, they returned to work after they were symptom free for 48 hours. If they tested positive, they were expected to follow public health guidelines.

If the staff member was defined as a close contact of a symptomatic case, they were expected to stay on duty with an FFP2 mask until the result of the index case was known. If a staff member was a close contact of a COVID-19 positive case, they were expected to go off duty and follow public health advice.

<sup>28</sup> SPT Follow-up Advice (n 8), Section 15(c).

Staff were expected to wear FFP2 masks when assigned to duty in the following areas: prisoner escorts, quarantine area, reception, duty where social distancing cannot be maintained in a shared space, and in the healthcare area where they were greater than 15 minutes in the area and less than two metres apart.

Of the prison staff working in the Dóchas Centre, 71% were women. Senior Management reported that prison officers who were women were often redeployed to assist PSEC (Prison Service Escort Corps) when escorting women prisoners to court. This was because women officers were required to accompany women in custody when attending the toilet.

Over the course of the inspection, the Dóchas Centre was understaffed, with numerous essential management and prisoner services posts either vacant on the days of the inspection, or long-term vacant. There was no Governor III working in the prison for a period of approximately two months at the time of inspection, despite a female Governor III appointed in summer 2021. (Since then, a male Governor III was appointed to the Dóchas Centre the first week of November 2021). There was one Chief Officer assigned to the prison at the time of inspection. The Inspection Team was informed by Senior Management, that for the prison to operate effectively, it should be allocated two Chief Officers. The Governor II post had been removed from Mountjoy Prison, and as such the Campus Governor subsumed the responsibilities of Governor II.

### 3.1.3 Outcomes

In the absence of the operational Governor III post, the Mountjoy Prison Campus Governor and an Assistant Governor (appointed summer 2021), were required to take on the tasks of the Governor III post, as well as carry out their own roles.

The long-term absence and removal of key management posts in the Dóchas Centre created a situation whereby an undue burden was placed on members of management who were required to carry out the tasks of these vacant or removed posts. Further to this, prisoners and prison staff alike expressed that they were not always aware of how decision-making was carried out in the prison. This led to perceived negative outcomes for prisoners:

*"They wouldn't trust ya because of the way the prison is running."*

*"Everyone just kind of left here."*

*"I haven't been checked on, I thought that would have been part of the process."*

The European Prison Rules, Rule 83(a) requires that prison authorities "ensure that prisons operate at consistently high standards and are adequately staffed at all times in order to maintain a safe and secure environment in prison and to meet the requirements of national and international law including the provisions of these rules."

The Inspection Team noted that a number of posts which required increased amounts of contact and/or supervision with prisoners were filled by male members of staff. These included: the onsite Chaplain, the two Integrated Sentence Management officers and at least three of the kitchen staff. A member of staff in a "high contact" role, explained that it was "difficult" to meet with women in custody privately, and that he tried to meet in open spaces rather than engage with prisoners in private offices. Two "high contact" male staff members also explained that access to technologies such as tablets and laptops would enable them to more easily engage with prisoners in open spaces, such as the yard or on the landings. Such access would allow them to review prisoner files remotely (ie, in prisoner accommodation houses), rather than return to a private office.

CPT Standards on Women in Prison state that: “In women’s prisons or prison units, the preponderance of staff in contact with prisoners should be female.”<sup>29</sup> While the CPT also calls for, and notes the benefits of mixed gender staffing, which include “fostering a degree of normality in any place of detention”, there is a need to ensure that “high contact” staff posts are filled by, and/or complemented by women members of staff.

### 3.1.4 Recommendations

**Recommendation 10:** In line with the European Prison Rules, Rule 83(a), the Irish Prison Service must ensure that Mountjoy Women’s Prison - Dóchas Centre Senior Management roles are adequately and consistently staffed. This means there should not be extensive periods of time in which Senior Management positions are not attended in the prison, and that Mountjoy Prison Campus Senior Management staff should be supported to ensure the Dóchas Centre staffing is at a level to ensure a safe and secure environment.

**Recommendation 11:** In line with the CPT Standards on Women in Prison, the Inspectorate recommends that consideration be made to the gender of staff working in high contact/supervision posts in the Dóchas Centre. In the event that male staff are allocated to these positions, they should be provided with the tools they need to ensure safe and secure interactions with women in custody.

## 3.2 Social Distancing

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

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

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

### 3.2.1 Compliance

Given that it is not always possible to social distance in prison settings, the World Health Organization recommends the continuous use of a medical mask for prison staff when making contact with detainees

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<sup>29</sup> CPT. Women in Prison Standards Factsheet CPT/Inf(2018)5 <https://rm.coe.int/168077ff14>

<sup>30</sup> S. A., Kinner, et al, “Prisons and Custodial Settings are Part of a Comprehensive Response to COVID-19” (2020) 5 *Lancet Public Health*, e188-189.



at distances of less than 1 metre, during security and health checks, and during transfer of COVID-19 cases to other prisons or hospitals. WHO guidance on management of masks<sup>31</sup> includes the following:

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

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.

Furthermore, the SPT (2021) urges 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.”

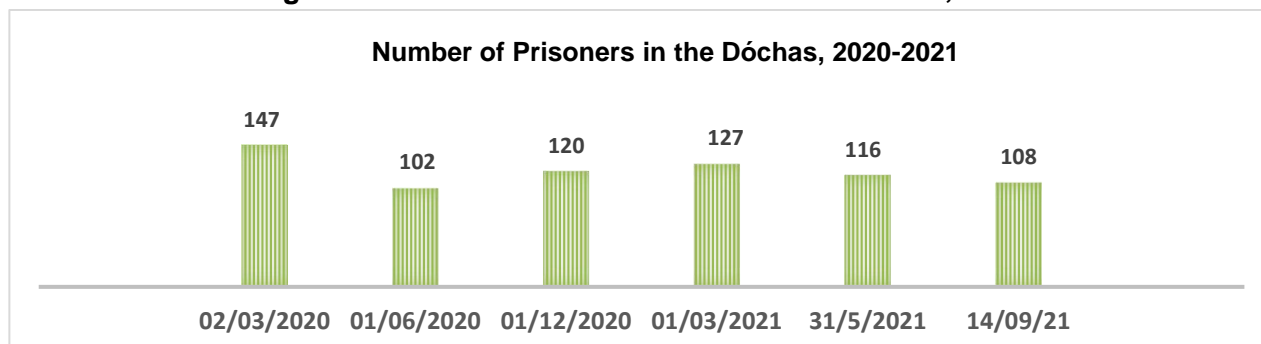
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<sup>31</sup> World Health Organization, “Preparedness, Prevention and Control of COVID-19 in Prisons and Other Places of Detention Interim Guidance” (8 February 2021) 25-27.

### 3.2.2 Environment

Since the start of the pandemic, snapshot figures show that the prison population in the Dóchas Centre had decreased, with a total reduction of 26.5% between 2 March 2020 and the first date of the inspection, 14 September 2021 (Figure 5).<sup>32</sup>

**Figure 5: Prisoner Numbers in the Dóchas Centre, 2020-2021**



Reduction in prisoner numbers reduces the number of people cell-sharing, which in turn minimises the risk of COVID-19 transmission, and enables prisoners to practice social distancing. The Inspectorate welcomes the reduction of the numbers of women in the Dóchas Centre, and would like to see this trend continue. In particular, the OIP notes the high number (almost one-third) of women held in the Dóchas Centre on remand (See Figure 4); a concerted effort should be made to reduce the number of women on remand, and therefore facilitate safer conditions, particularly given COVID-19 preventive measures.

There was maximum occupancy signage posted on classroom doors in the school to facilitate social distancing; many of the rooms had a maximum capacity of three persons.

The Inspection Team was informed that there was an extra officer allocated to industrial cleaning during the pandemic.

### 3.2.3 Outcomes

The Inspection Team observed that social distancing markings and COVID-19 signage were visible in the prison, particularly in common areas such as the school, workshops and the gym. The Inspection Team noted that social distancing was practiced by prison staff to a satisfactory level.

Senior Management praised prisoners regarding adhering to restrictions, with one staff member stating, “Overall prisoners have been extremely compliant.” The Inspection Team observed women in custody who received and wore FFP2 masks upon arrival to school.

Senior Management highlighted that there were benefits in terms of hygiene that came about as a result of COVID-19 and wanted to ensure that the “hygiene hub” was maintained.

The Inspection Team observed hand sanitiser dispensers throughout the Dóchas Centre. However, some prisoners reported a lack of cleaning products in the houses, with one prisoner stating, “No cleaning bottles in three weeks in the house.”

To limit social contact and encourage social distancing across the prison houses, the Dóchas Centre implemented restrictions on mixing of prisoners across the houses. Occupants of the “small yard”

<sup>32</sup> IPS Statistics, 2020 Prison Population: <https://www.irishprisons.ie/information-centre/statistics-information/2015-daily-prisoner-population/>; IPS Prison Statistics, 2021 Prison Population: <https://www.irishprisons.ie/information-centre/statistics-information/2015-daily-prisoner-population/2021-prison-population/>

houses (Rowan and Maple Houses) and the “big yard” houses (Hazel, Elm, Cedar, Laurel, Phoenix, Willows and) were not allowed mix over the course of the day. Further, Rowan House occupants and Maple House occupants did not mix during out-of-cell time in the yard but were permitted to mix in the gym and school. Women accommodated in these houses reported having less access to activities and services, and described the small yard as the “punishment” yard. The “big yard” houses were separated so that occupants of two houses were permitted in the yard at one time; however occupants of all “big yard” houses could mix in the gym and in the school.

Many prisoners expressed that they preferred the restriction on mixing across the yards as it alleviated pressure and bullying from prisoners. A small number of prisoners stated they would like to see a return to mixing because spending an extended period of time with a small cohort of people had led to tensions in the houses. The Inspection Team met with women who expressed fear about being able to mix in the yards, with some stating that they may request to go on protection if the houses were to mix once again.

The Irish Prison Service noted in October 2021 that with effect from 1 November 2021, all prisons would return to an “unlock regime” in which prisoners would be permitted to mix across all areas of the prison. The concerns some prisoners raised about bullying in the prison, and the reduction of this during the restriction on mixing, elucidate the greater issue of safety concerns for women in custody in the Dóchas Centre.

A prisoner reported to the Inspection team that one house in the small yard was due to close in the coming week to allow for the creation of additional quarantine rooms in the prison. The prisoner raised her concerns regarding cell-sharing with the Inspection Team. The Inspection Team queried this rumour with prison staff and Senior Management, who confirmed that one house was due to close for refurbishment. This meant there would be an increase in the number of women cell-sharing in the Dóchas Centre, which would have further implications for social distancing. In response to the closure of the house, one member of prison staff informed the Inspection Team that there was “plenty capacity” in the Dóchas Centre.

### 3.2.4 Recommendation

**Recommendation 12:** The Inspectorate recommends that the Irish Prison Service engages with the Department of Justice to maximise all opportunities available for reducing the prison population. The reduction in prison numbers reduces the number of people cell-sharing, minimises the risk of COVID-19 transmission, and enables prisoners to practice social distancing.

*OIP Comment: The Inspectorate has recommended in the Mountjoy Men’s Prison, Cloverhill Prison, Wheatfield Prison, Portlaoise Prison, Shelton Abbey, Arbour Hill Prison, Cork Prison, Midlands Prison, and Castlerea Prison COVID-19 Thematic Inspection reports that the Irish Prison Service engage with the Department of Justice to maximise all opportunities to reduce the prison population. This recommendation was accepted on all occasions, with the Irish Prison Service indicating partial acceptance in relation to the Cloverhill Prison report, citing the fact it is a remand prison with little control or input into prisoner numbers.*

## 3.3 Other Issues

### *Bullying*

The revised European Prison Rules (Rule 49) state: “Good order in prison shall be maintained by taking into account the requirements of safety, security and discipline, while also providing prisoners with living conditions which respect human dignity and offering them a full programme of activities.”

In an opening meeting with Senior Management, the Inspection Team was informed that bullying was an ongoing issue in the prison. Prisoners confirmed this, and explained that bullying occurred across and within the houses in the two yards, and was often linked to the type of crimes committed by prisoners, drug seeking and media reports.

The Inspection Team was informed of physical altercations between women in custody, including an incident that occurred in one of the houses the night before the inspection. Certain houses were viewed by prisoners as “bad houses,” and certain locations (e.g., the medication queue) were identified as areas where bullying behaviours occurred. A small number of prisoners reported they were afraid to go to school because of previous experiences of bullying from other women in custody.

Bullying manifested in many ways in the Dóchas Centre, and prisoners expressed frustration with the prison’s management of and response to bullying. Prisoners explained that bullying could include threats, name-calling and banging on doors. A small number of prisoners also stated that some prison officers played a role in enabling bullying by “telling prisoners when (other) prisoners talk about them” or by moving women to houses and rooms where they were uncomfortable. Prisoners also explained that there were prison officers who were “good” and helpful in relation to preventing bullying in the prison.

A small number of prisoners who were not Irish and/or not White, stated that they had experienced racism from prisoners and staff in the Dóchas Centre. One prisoner highlighted the role prison officers could play in teaching, educating, and addressing racism in the prison.

The Inspection Team welcomes awareness-raising posters on bullying that were visible in the prison.

Senior Management highlighted that the lack of staffing (in particular Governor grades) and staff supervision had impacted on the management of bullying behaviour in the Dóchas Centre. Senior Management informed the Inspection Team that a balanced approach for women (which had been negatively impacted by the COVID-19 pandemic e.g., access to school had been reduced by 50%) to access activities in the prison would reduce bullying levels.

#### *Healthcare/Committal Unit*

On the second day of the inspection, the Inspection Team visited the Healthcare/Committal Unit, which was on one landing located above the healthcare staffing area. The Inspection Team observed the Healthcare/Committal Unit, reviewed record books and spoke with prisoners and staff on the Healthcare/Committal Unit. The Inspection Team noted issues with the following: (i) the environment of the Healthcare/Committal Unit; (ii) the purpose and operation of the Unit; and (iii) the Rule 62 review process.

##### (i) Environment

The Healthcare/Committal Unit comprised of eight rooms: five committal rooms and three healthcare rooms. At the time of inspection, two women were accommodated in Special Observation Cells (Rule 64): one woman was placed in a Safety Observation Cell (SOC) and one woman was in a Close Supervision Cell (CSC). Another woman was described by Senior Management as being held in a High Support Unit (HSU), the cell the woman was detained in was of the same appearance as the Close Supervision Cell. There were five committal cells which were located on the same corridor, adjoining the Healthcare Unit.

On observation, the environment in the Healthcare/Committal Unit was hectic, loud and unpredictable; the Inspection Team noted that the chaotic environment was not a comfortable place in which to work nor to be accommodated as a prisoner. The occupied Safety Observation Cell, which had a glass door,

and Close Supervision Cell, which had a small glass window, were located in close proximity of each other and the prisoners were in direct eyesight of each other. At the time of the visit to the Healthcare/Committal Unit, the occupants of these cells were extremely agitated, loud and upset. The woman in the Safety Observation Cell was wearing a poncho. Senior Management and healthcare staff reported the woman appeared to be in a state of drug-induced psychosis. The healthcare team reported that the woman was visited daily by the doctor and weekly by a psychologist.

A prison officer explained to the Inspection Team that the woman in the Close Supervision Cell had been placed there after damaging a cell and stating she would harm herself; this prisoner was placed in the Close Supervision Cell for a period of approximately one to two hours during the time that the Inspection Team was observing the Healthcare/Committal Unit / Laurel House area.

On observation, prison officers displayed patience while engaging with these prisoners, and it was clear to the Inspection Team that the working environment for these officers was stressful.

The layout of the Healthcare/Committal Unit was such that it was not immediately clear to the Inspection Team how prison officers could easily differentiate between the various Rules, special needs and requirements applicable to each prisoner on the Unit. Staff indicated that they did not feel equipped to deal with the mental health needs of prisoners. One officer stated, "We're not trained to look after anybody with mental health, that's why nurses are here." During the Inspection visit to the Healthcare Unit, the Inspection Team observed the nurse as she visited the individual prisoner in the Safety Observation Cell.

Many of the women in the general prisoner population raised concerns with the Inspection Team about the women in the Healthcare/Committal Unit, and stated:

*"She screams every night [for the last two weeks]."*

*"The sounds."*

*"Up there, you're treated like dirt."*

The Inspection Team observed the prison officers carrying out checks of the cells every 15 minutes.

On observation, the environment in the Healthcare/Committal Unit was challenging for prisoners and staff alike and was not a suitable environment to respond to the needs of the women accommodated there.

The Inspectorate notes that the co-location of committal prisoners and prisoners accommodated in Special Observation and High Support cells, creates an environment that is daunting for new committals to the prison. This situation is not ideal and the IPS should consider ways of reducing environmental risk factors (including noise) in the Dóchas Centre committal area.

#### (ii) Purpose and Operation of the Healthcare/Committal Unit

The specific purpose(s) of the Healthcare/Committal Unit was not clear to the Inspection Team; it appeared to be a "catch-all" landing for prisoners with special needs and/or those who had been removed from the general population, although the grounds for this were not always clear to the Inspection Team. Prisoners in committal cells were not necessarily recent committals to the prison (all new committals were required to undergo quarantine in Laurel House with "spillover" quarantine being accommodated in the committal area), and as such committal cells were not always being used for committal prisoners. For example, prison officers explained to the Inspection Team that one prisoner awaiting trial had been accommodated in a committal cell for an extended period of time (in excess of six months) because she had been violent and had mental health issues. Despite this, the prisoner was

not listed as a prisoner with a “Special Feature” at the time of inspection (Table 2); she had not been removed from the general population on grounds of order (Rule 62) and was therefore not under the Rule 62 review process (See part iii - Rule 62 Review Process), and she had not been removed from the general population on grounds of vulnerability (Rule 63). It may be that this prisoner had been removed from the general population under Rule 80 (Healthcare Special Monitoring)<sup>33</sup> or Security Special Monitoring.<sup>34</sup> However, this was not indicated on the “Special Feature List” as required by IPS policy and procedure, which set out “obligations on staff to ensure that all prisoners assigned Healthcare Special Monitoring or Security Special Monitoring are placed on the PIMS monitoring/observation list.”<sup>35</sup> Given that committal cells are only to be used for one overnight period, unless the Governor directs otherwise,<sup>36</sup> it was not clear to the Inspection Team on what grounds this prisoner was removed from the general population.

The designation of cells was also unclear. While the Special Observation Cells were identifiable, prison staff appeared unclear of the designation of other cells. For example, a prisoner on Rule 62 (removal of prisoner from structured activity or association on grounds of order) was placed in a “High Support Unit” cell, which was described by Senior Management as a unit that can be used for either medical or behavioural reasons and that applies a therapeutic approach through intervention with psychiatric/psychological in-reach services. Upon review of the record logs, staff notes classified the prisoner in three different ways: “HSU6,” “Rule 62” and “to remain in CSC review.” In documentation provided to the Inspection Team, this prisoner was identified as being “under the care of the Mental Health Team,” which implied her segregation from the general population was being monitored by healthcare professionals (the Inspection Team was informed that prisoners on Rule 62 were visited by nurses three times a day); the Close Supervision Cell monitoring policy and Rule 62 review procedure are both Governor-led.

In the examples provided above, the Inspection Team noted that the grounds for designation of prisoners and their placement in the Healthcare/Committal Unit were not clear. In the situation of the first example, the prisoner was removed from the general population, but did not appear to be placed on a specific Rule to enable this, despite prison officers explaining that this prisoner had a history of violence and mental illness. However, in the second example, the prisoner was subject to at least two grounds on which she was removed from the general population (“High Support” and Rule 62). The criteria for being designated with a “Special Feature” (Table 2), and therefore subject to removal from the general population and placed in the Healthcare/Committal Unit were not clear to the Inspection Team.

The Inspectorate contends that “Prisons are prisons, they are not, and cannot be considered therapeutic environments for the provision of mental health care and treatment.”<sup>37</sup> Given this, the Inspectorate notes that Mountjoy Women’s Prison - Dóchas Centre is in a situation where the prison is accommodating women with severe mental illnesses, despite not being equipped to provide these women with the healthcare service they require.<sup>38</sup> However, this situation does not remove the responsibility of the Dóchas Centre to ensure that removal of any person from the general population is documented in accordance with IPS policy and procedure and that any such removal is subject to continuous and substantial review.

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<sup>33</sup> IPS. (April 2019) Standard Operating Procedure: Healthcare Special Monitoring.

<sup>34</sup> IPS. (April 2019) Standard Operating Procedure: Security Special Monitoring, SOP 11/24.

<sup>35</sup> OIP. Proposed Recommendation from the Inspector of Prisons investigation report on Death in Custody of prisoner Mr D 2019, Wheatfield on 23 March 2019, Rec 5. <https://www.oip.ie/wp-content/uploads/2021/11/Irish-Prison-Service-Action-Plan-related-to-the-death-of-Mr-D-2019.pdf>

<sup>36</sup> Dóchas Centre (4 March 2013) Chiefs Order No. 06/2013, *Re: Committals to the Dóchas Centre*

<sup>37</sup> OIP. (2019) Annual Report, p. 4 <https://www.oip.ie/wp-content/uploads/2021/03/OIP-Annual-Report-2019.pdf>.

<sup>38</sup> Inspector of Mental Health Services (2021) [Access to Mental Health Services for People in the Criminal Justice System](#).

### (iii) Rule 62 Review Process

Rule 62 of the Irish Prison Rules - Removal of Prisoner from Structured Activity or Association on Grounds of Order – requires that the Governor take a number of actions with respect to ongoing direction to remove a prisoner from the general population under Rule 62. Included in these are: requirements to review the direction at least every seven days (Rule 62(4)), and to make and keep a record of: any direction given under this Rule; the period in respect of which the direction remains in force, the grounds upon which the direction is given, the views, if any, of the prisoner, and the decision made in relation the Governor’s Review (Rule 62(6)). The Governor must also inform the prison doctor and Chaplain of the direction so that they visit the prisoner concerned.

Rule 62(9) requires that:

The Governor shall, as soon as may be, submit a report to the Director General including the views of the prisoner, if any, explaining the need for the continued removal of the prisoner from structured activity or association under this Rule on grounds of order where the period of such removal will exceed 21 days under paragraph (4). Thereafter, any continuation of the extension of the period of removal must be authorised, in writing, by the Director General.

Given that the prisoner accommodated in the High Support Unit had been on Rule 62 for an extensive period of time (the prisoner indicated she had been accommodated in the High Support Unit cell for a total of 29 weeks), the Inspection Team requested “all review documentation related to female prisoner held under Rule 62 (7 day Governor reviews, 21 day report(s) submitted to DG and DG extension approvals).” All documentation provided,<sup>39</sup> was reviewed to examine the Rule 62(9) process and to assess the information provided to the Director General and the overall rigour of the review.

The documentation provided indicated that the prisoner was placed onto Rule 62 on 14 July 2021. From that date, the first extension granted by the Director General was on 11 August 2021 (a period of 28 days; the Prison Rules require that any period of removal exceeding 21 days must be authorised in writing by the Director General). After this, extensions were granted on the following dates: 18 August 2021; 25 August 2021; 1 September 2021; 8 September 2021; 15 September 2021; 22 September 2021 and 29 September 2021.

Table 9 provides an overview of the information provided to the Director General in order to request a Rule 62 extension.

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<sup>39</sup> Many of the documents provided to the OIP were illegible, which created difficulties in ascertaining particular dates and times. As such this review was limited to what was legible in the documentation. For example, the date of the first Rule 62 extension request made to the DG is not legible.

**Table 9: Rule 62 Extension Application Under SI 252 of 2007**

Part	Information
1	Name of prisoner
2	Date of placement on Rule 62 and reasons for placement
3	Detail of wing/cell location
4	Details of regime <ul style="list-style-type: none"> <li>a) shower allocation timetable</li> <li>b) exercise allocation timetable</li> <li>c) cleaning allocation timetable</li> <li>d) information on number of family phone calls permitted – <i>(no detail on prisoner uptake)</i></li> <li>e) information on number of family and profession physical visits permitted – <i>(no detail on prisoner uptake)</i></li> <li>f) information on access to Doctor and Chaplain – <i>(no detail on prisoner uptake)</i></li> <li>g) information on provision of meals and scheduling – <i>(no detail on prisoner uptake)</i></li> </ul>
5	Confirmation that prisoner doctor and Chaplain were informed of placement on Rule 62
6	Prison comment regarding placement on Rule 62
7	Prisoner comment on extension of placement on Rule 62
8	<ul style="list-style-type: none"> <li>a) Dates of Governor Reviews of Direction of placement on Rule 62</li> <li>b) Reasons for placement on Rule 62</li> <li>c) Reasons for Continued Detention</li> </ul>

Of the extension request applications provided to the Inspectorate, only the first three (of eight) included all of the information provided in Table 9. The most recent five extension applications (dated 29 September 2021; 22 September 2021; illegible application date 2021; 8 September 2021; and undated application) only provided the Director General with information on Parts 1, 2, 3, 4a and 4b.

The Inspectorate is of the view that reports (extension applications) submitted to the Director General to explain “the need for continued removal of the prisoner from structured activity or association” under Rule 62 are insufficient. The information provided in parts 4(d) - 4(g) of the extension application does not include detail on prisoner uptake of phone calls, visits, engagement with the prison doctor/Chaplain and meals. Further, the extension application includes no information on engagement with mental health services, despite the prisoner being identified as being “under the care of the Mental Health Team.”

The documentation provided to the Inspectorate did not include any evidence or rationale to support the Director General’s decision-making process in determining approval of a Rule 62 extension.

It is the view of the Inspectorate that all materials related to the Rule 62 review process must be recorded, readily available, legible and of sufficient rigour to illustrate the decision-making process behind extensions of Rule 62 directions.

### 3.3.1 Recommendations

**Recommendation 13:** In line with Rule 49 of the European Prison Rules, the Dóchas Centre and the Irish Prison Service should develop a plan to address bullying in the prison. Robust governance (the



consistent filling of senior staffing vacancies) and leadership, in tandem with the establishment of a prisoner council and increased access to structured and purposeful activities may prove effective strategies by which to address these issues.

**Recommendation 14:** The Inspectorate recommends that the Dóchas Centre ensure that removal of any person from the general population is done in accordance with the Irish Prison Rules, 2007-2020, and that any such removal is subject to continuous and substantial review. All persons who are to be removed from the general prison population should be clearly identified on the 'Special Feature' list, irrespective of where in the prison they are being accommodated.

**Recommendation 15:** The Inspectorate recommends that all materials related to the Rule 62 review process be recorded, readily available, legible and of sufficient rigour to illustrate the decision-making process behind extensions of Rule 62 directions.

## 4 HEALTH & WELLBEING

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### 4.1 Access to Healthcare

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

#### 4.1.1 Compliance

Underpinning healthcare provision in the prison setting is the Principle of Equivalence. The CPT Standard on Health Care Services in Prisons mandates that “a prison health care service should be able to provide medical treatment and nursing care, as well as appropriate diets, physiotherapy, rehabilitation or any other necessary special facility, in conditions comparable to those enjoyed by patients in the outside community.”<sup>40</sup> The Principle of Equivalence operationalises the principle of non-discrimination, as enshrined in the Mandela Rules, Rule 2:

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

The provision of prisoner healthcare is a State responsibility, and therefore prisoners should receive the same standards of healthcare that are available in the general community. This would include an obligation to inform individuals of their infectious disease test results. This ethical obligation to give all relevant information to patients is enshrined in the Medical Council Guidance on Professional Conduct.<sup>41</sup>

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

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

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

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

In relation to women in prison, the revised European Prison Rules (2020) require that States develop specific gender-sensitive policies and enact positive measures to meet the distinctive needs of women prisoners. Rule 34.3 states that particular efforts must be made to protect women prisoners from physical, mental or sexual abuse and that access to specialised services must be provided for women prisoners. The UN Rules for the Treatment of Women Prisoners and Non-Custodial Measures for Women Offenders (UN Bangkok Rules) Rule 10(1) provide that “gender-specific health-care services

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<sup>40</sup> CPT Standard on Health Care Services in Prisons (1993) CPT/Inf(93)12-part <https://www.refworld.org/pdfid/4d7882092.pdf>

<sup>41</sup> Medical Council, “Professional Conduct and Ethics” <https://www.medicalcouncil.ie/existing-registrants-/professional-conduct-and-ethics>, and <https://www.medicalcouncil.ie/news-and-publications/reports/guide-to-professional-conduct-and-ethics-for-registered-medical-practitioners-amended-.pdf>, 33.5.

must be at least equivalent to those available in the community” and also that women prisoners be allowed to request examinations by healthcare staff who are women.”

Provision for preventive healthcare services for women are made under Rule 17-18 of the UN Bangkok Rules:

“Women prisoners shall receive education and information about preventive healthcare services, including on HIV, sexually transmitted diseases and other blood borne diseases, as well as gender specific health conditions” and “preventive health-care measures of particular relevance to women, such as Papanicalou tests and screening for breast and gynaecological cancer, shall be offered to women prisoners on an equal basis with women of the same age in the community.”

#### 4.1.2 Environment

##### *General Healthcare*

One doctor was allocated to the Dóchas Centre, and attended the prison five days a week. At the time of inspection, there were no prisoners on the waiting list to see the doctor. All requests to see a doctor were triaged by nurses, and appointments were allocated on this basis. A locum doctor attended the prison on weekend mornings to examine committals and any emergency requests.

A Chief Nurse Officer worked Monday to Friday in the prison (8:00 - 17:00). Six nurses worked on rostered posts (two allocated days and one on nights). At the time of inspection, there were five nurses available to attend to prisoners; one nurse was on long-term sick leave and the other nursing post had reportedly not been filled in more than two years. At the time of inspection, an agency nurse was filling half of the roster position. The IPS Transformation Programme (2016) determined that in addition to a Chief Nurse Officer, the Dóchas Centre required seven nurse officers; the nurse staffing complement at the time of inspection in the Dóchas Centre did not fulfil the IPS target staffing level.

Nurses in the Dóchas Centre had specialist qualifications in a range of areas, which included wound management, women’s health, respiratory health, vaccinations, phlebotomy and Cognitive Behavioural Therapy. Prior to the COVID-19 pandemic, nurse-led clinics were held. However, as a result of short staffing and the additional workload during COVID, there was no protected time available to run these clinics.

On day two of the inspection, the Inspection Team was informed that 45 of the women in custody were on methadone; this comprised 42% of the prisoner population.

Dublin Dental Hospital attended the prison one afternoon on a weekly basis. It was estimated that approximately three women were seen during this clinic on a weekly basis. Information provided showed that there were two women on the waiting list at the time of inspection, but that an additional 46 women had scheduled appointments up until the end of 2021; therefore, in total 48 women were waiting to see the dentist.

Optician services were provided via an in-reach service. An optician attended the prison every three to four months. Ten prisoners were on the optician waiting list at the time of inspection.

A chiropodist attended the Dóchas Centre every three to four months. At the time of inspection, there were 17 women on the waitlist to access chiropody services.

The ages of women in the Dóchas Centre ranged from 19 (youngest) to 54 (eldest), reflecting the diverse gender-specific healthcare needs among the prisoner population.

The Central Mental Hospital (CMH) provided in-reach forensic psychiatry with an in-person consultant in the prison for two half-days a week, and was also available by phone to the Healthcare Team from Monday to Friday. Another consultant from the CMH attended the prison for a half day per week. There was also a full-time Community Mental Health nurse and a Mental Health Social Worker available four days a week. At the time of inspection, women attended the surgery to attend in-reach consultations via video link; there was no waitlist and 20 women were on the caseload.

The Inspection Team was informed that the Rape Crisis Centre provided phonelink consultations one day a week. Women also attended the surgery for these appointments. At the time of inspection, there were six women in active treatment and three women were on a waiting list.

### *COVID-19 Healthcare*

At the time of the Inspection, the Dóchas Centre operated under the 31<sup>st</sup> version of the “IPS Risk Assessment for People Presenting to and in Prisons - Clinical Criteria for Prisoner(s) to be Tested” (3 August 2021). The algorithm outlines the criteria for both unvaccinated prisoners and vaccinated prisoners.

#### *Unvaccinated prisoners*

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 swabbing regime for prisoner to be applied; 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, headache, sore throat unexplained change in baseline condition. If general population swabbing regime to be applied; OR
3. A prisoner who has been identified as a close contact of a confirmed case must be tested on Day 0 (Day the index case gets a positive result) AND Day 7 (8 days after last exposure to the index case) - (if day 0 and day 7 are within 24 hours only 1 test is required on Day 7)  
All close contacts must remain in isolation for 14 days inclusive even if they return 2 negative results; OR
4. All new committals (N/C) must be tested on Day 7 (8th day in custody); OR
5. If symptomatic N/C test on day of symptoms onset and Day 7 (*if within 24 hours of each other test on Day 7*); OR
6. All new committals returning from outside the island of Ireland - Swab Day 1 and Day 10 (remain in isolation 14 days).

If a prisoner received a positive COVID-19 result, they were required to isolate in their 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 (non-committal) received a negative result, isolation was stopped once a prisoner had been asymptomatic for 48 hours.

#### *Vaccinated prisoners and for Prisoners that have confirmed COVID-19 in the previous nine months*

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 swabbing regime for prisoner to be applied; 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, headache, sore throat unexplained change in baseline condition. If general population swabbing regime to be applied; OR
3. A prisoner who has been identified as a close contact of a probable case must be placed in isolation precautionary until results of INDEX CASE returns
  - a. If index case returns a NEGATIVE result and is asymptomatic- all CC can revert to original category
  - b. If index case returns a POSITIVE result- guidance to be sought from NICT regarding management
4. All new committals (N/C) must be tested on Day 5 (6th day in custody); OR
5. If symptomatic N/C test on day of symptoms onset. If negative and remain asymptomatic for GP review and re assess as per algorithm; OR
6. All new committals returning from travel from EU and NON EU countries- Test on day 5. To be housed as quarantine committals until clarification sought from GOV.ie/ NICT regarding foreign travel advice.

### 4.1.3 Outcomes

#### *General Healthcare*

It was reported to the Inspection Team that a lack of staffing resources impeded the ability to provide preventive healthcare services to women in the prison; in particular, sexual and reproductive healthcare. In respect of reproductive and sexual health, Healthcare Management noted that the prison was an important point of intervention, with one practitioner stating: “[They’re] too embarrassed to seek help anywhere else.” For many women in the Dóchas Centre, particularly those who were long-term and/or repeat offenders, the healthcare service provided in the prison was their primary form of preventive healthcare.

One woman spoke of feeling pawned off and raised concerns around access to preventive health care such as cervical screenings. The lack of capacity to provide comprehensive preventive healthcare to prisoners in the Dóchas Centre is of concern to the Inspectorate, and does not align with Rules 17-18 of the UN Bangkok Rules.

While prisoners reported positively on their experiences of engagement with nursing staff, many women perceived that there was no continuity of care from the community to prison, particularly regarding access to medication and assistance with drug withdrawal symptoms. In contrast to this viewpoint, a member of healthcare staff reported that many women in the prison were on inappropriate medication while in the community for many years without review.

A small number of women reported long waiting periods to access general healthcare: e.g., two women reported a seven week and seven month wait to see a dentist, and one woman stated she had been waiting to see the chiropodist for 13 weeks.

Many of the women in custody spoken to by the Inspection Team raised the issue of mental health care and treatment in the prison. One prisoner expressed concern for her cell-mate who had in the past self-harmed. During the course of inspection, the Inspection Team was informed of instances of women who had self-harmed, with one woman stating, “I’m crying out and no one’s helping.” Another woman explained that the only way she knew how to access services and support was to self-harm: “I don’t want to cut myself, they weren’t listening to me.” Prison staff reported feeling a lack of support from

other agencies in providing for the mental health needs of women, with one staff member stating about a particular prisoner, “Dóchas has done everything to get that woman special attention.”

### COVID-19

Information provided by the Irish Prison Service indicated that the first dose of COVID-19 vaccination administered to the prisoner population in the Dóchas Centre occurred on 22 June 2021. On this date, 94.7% (107) of the prisoner population were vaccinated. The second dose of the vaccine was provided to prisoners on 20 July 2021; 94.5% (103) of women in custody received the vaccine on this date. The Inspectorate commends the high uptake in vaccination, which was the highest among the closed prison estate in Ireland.

The Inspection Team was informed that the Chief Officer was responsible for the safe storage of women’s COVID-19 vaccination certificates.

While the Inspectorate notes the high uptake in vaccines among the women in the Dóchas Centre, prisoners expressed frustration with the lack of change to the regime since vaccination:

*“Why did we do this if nothing changed?”*

*“The reason everybody got it is because they thought we would all win.”*

The efforts made by the Irish Prison Service to develop effective COVID-19 testing strategies are commendable, and have proven to be effective. However, it was clear to the Inspection Team that the absence of a full complement Healthcare Team and the additional workload during COVID-19 had taken a toll on healthcare staff. The Inspection Team was informed that healthcare in the Dóchas Centre was operating at 70% capacity, and that healthcare staff had no additional administrative support. For example, COVID-19 swabbing procedures required extra administrative duties that nurses were required to take on in addition to their general healthcare duties.

#### 4.1.4 Recommendation

**Recommendation 16:** Given the increase in COVID-19 cases in prisons in Ireland and the risk that prison settings pose to the transmissibility of the virus, the Inspectorate recommends the Irish Prison Service take all measures possible to advocate for the prioritisation of administration of booster COVID-19 vaccinations for people in prisons.

## 4.2 Family Contact

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

### 4.2.1 Compliance

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

than 15 minutes in duration on each of six days of the week, where practicable, but in any event, on not less than on each of three days of the week. Rule 36 provides for the regulation of visits, including provisions on the designation and searching of visitors, visits from legal representatives and visits for foreign nationals. The 2020 Amendment to the Rules, under 36A, permit the Director General (36A(1)) or the Governor, subject to any direction made by the Minister or the Director General (36A(2)) to suspend the entitlement to visits or restrict or modify the entitlement to visits under Rule 35, as regards frequency, duration and arrangements, particularly in relation to the number and age of visitors permitted to make visits, for a specified period or periods. The lack of a sunset clause for the newly added Rule 36A is of concern to the Inspectorate.

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

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

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

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

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

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

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

In May 2021, the CPT published its “Minimum Decency Threshold.” This threshold provides for “regular possibilities to remain in contact with the outside world.”<sup>42</sup> The CPT welcomed the increasing availability of in-cell telephones and secure prison mobile phones, as well as internet-based solutions to enable prisoners to maintain family contact.

In June 2021, the SPT advised member states to: “Improve the environment in areas of quarantine inside places of deprivation of liberty so that they do not correspond to places of solitary confinement, and compensate for the social isolation by using any means to improve social and family contact.”

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<sup>42</sup> CPT (n 19).

## 4.2.2 Environment

The Inspection Team requested the direction received by the Dóchas Centre with respect to implementation of the Prison (Amendment Rules) 2020 (SI 250).<sup>43</sup> The amendment makes provision for the Director General, or the Governor, subject to any direction made by the Minister or the Director General 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.”

SI 250 came into effect on 20 July 2020. The Inspection Team was provided with a circular email (OPS/1/2021), which was accompanied by a copy of SI 205, and that issued to all Governors on 28 June 2021:

Please find attached a signed copy of the amendment to the Prison Rules allowing for the restriction, suspension, or modification of entitlements to exercise, recreation, training and visits. This amendment allows the Director General on receipt of infection control advice or guidelines from the HSE or Department of Health or based on a recommendation from the Director of Healthcare or a prison doctor to restrict, suspend or modify prisoner entitlements under Rule 32 (Exercise) and/or Rule 35 (visits) for a specific period.

The direction does not identify a specified period, as required by SI250. Further, the direction was issued approximately 11 months after SI250 came into effect.

In-person visits returned for women in custody from 27 July 2021, a week after administration of the second dose of COVID-19 vaccinations in the Dóchas Centre (20 July 2021).

Guidelines for the re-introduction of prison visits included:

- One physical visit per fortnight for a 15-minute duration
- A maximum of two visitors: one adult and one child
- One video call per fortnight of 20-minutes duration (the physical visit will not take place on the same week)
- Or two video calls per fortnight of 20-minutes duration

No physical contact was permitted during in-person visits. Perspex screens were used and all visitors were required to wear masks. In the event that a visitor and prisoner engaged in physical contact during the visit, the visit would be terminated and the prisoner would be removed and placed into quarantine.

Women had access to video-call phones in the hallways of the houses.

All mail was received into Mountjoy Men’s Prison and censored in the Control Room in the Dóchas Centre before being distributed to women in custody. The Inspection Team was informed that while mail (post) was not quarantined, packages were quarantined for a period of seven days before being distributed to prisoners. In other prisons, such as Castlerea Prison and Midlands Prison, the quarantine period was five days at the time of inspection. In response to this issue being raised with respect to Loughan House, the Irish Prison Service indicated that “the period of quarantine for incoming packages has been standardised across the prison estate to 72 hours with effect from 11 October 2021.”<sup>44</sup>

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<sup>43</sup> Similar requests were also made with respect to Cloverhill Prison, Wheatfield Prison, Limerick Prison, Portlaoise Prison, Shelton Abbey, Arbour Hill Prison, Cork Prison, Midlands Prison, Loughan House and Castlerea Prison; Loughan House also provided this direction email to the OIP.

<sup>44</sup> OIP. Loughan House COVID-19 Thematic Inspection Report (5 August 2021) pp.40, 61.



Table 10 provides the number of in-person visits and number of video calls for women in custody that occurred in the two weeks leading up to inspection.

**Table 10: In-Person Visits and Video Calls**

Date	In-Person Visit	Video Calls
31/08/21	0	5
01/09/21	0	14
02/09/21	0	6
03/09/21	3	7
04/09/21	4	20
05/09/21	3	8
06/09/21	0	9
07/09/21	0	6
08/09/21	0	13
09/09/21	0	5
10/09/21	2	3
11/09/21	4	8
12/09/21	5	12
13/09/21	0	2
14/09/21	0	0
15/09/21	0	1
<b>Total</b>	<b>21</b>	<b>119</b>

### 4.2.3 Outcomes

Senior Management informed the Inspection Team that the uptake of in-person visits was lower than anticipated, and that women in custody were opting for video calls rather than in-person visits; this is confirmed in Table 10.

Women in custody reported to the Inspection Team that they were deterred from engaging in in-person visits for the following reasons:

First, the policy on one child being permitted to attend a visit at a time was perceived by prisoners to be unfair, and they expressed frustration at the requirement to choose which one of their children would attend a visit. One woman stated, “how can you pick one child?”

Second, the “no-contact” rule in place during in-person visits proved difficult for families and women in custody. The Inspection Team learned of an instance where a mother hugged her child and as a result, their visit was terminated and the woman was placed into quarantine in Laurel House for nine days. Women explained to the Inspection Team their feelings in relation to the no-contact rule:

*“It was just like a mother’s instinct to give him a hug.”*

*“It’s gonna be hard because we can’t touch.”*

*“Touch your children, you’re going to quarantine.”*

Third, at the time of the inspection the in-person visiting time was limited to 15 minutes; this was extended to 30 minutes from 1 November 2021. The short length of the in-person visit was not perceived as sufficient, with one woman stating, “15 minutes, come on.”

Fourth, the women were concerned about the impact the restrictions on in-person visits would have on their children, especially because of the screens and not being able to touch:

*“She (daughter) broke down crying - I don’t want any of the other kids coming up.”*

*“My kids would be frightened by the screen and not allowed to touch.”*

Finally, women in custody stated that the experience of screened in-person visits, while wearing masks, made it very difficult to hear; which was also an issue reported in a previous inspection<sup>45</sup>:

*“Can’t hear one word and the masks make it harder.”*

*“(I could) barely hear him and hadn’t seen him in 17 months.”*

As a result of these issues, women in custody reported a preference for video calls, with one woman stating, “a lot of people don’t bother with them [visits] now.” However, many prisoners reported that they would prefer to engage in in-person visits when restrictions (number of children, screens, etc.) were eased.

In relation to video calls, women in custody reported that they were satisfactory, with one woman stating the video calls were “better than nothing.” However, prisoners reported that technical issues were ongoing with the video calls. A Foreign National prisoner said that she had tried the video-link more than ten times and gave up after experiencing technical difficulties. Issues were also raised in relation to difficulties with the booking of video calls, such as the double-booking of slots.

Prisoners also raised the issue of privacy during video calls. One woman stated, “(I) couldn’t get any privacy - both professional and personal visits - they’re right beside you.”

The Inspectorate was informed in late-October 2021, that unwinding of restrictions had continued in the prisons. With respect to visits the following would apply from 1 November 2021:

Physical visits – (All prisons) Prisoners in all prisons will be entitled to one physical visit per fortnight of not more than 30 minutes duration with effect from the 1st November 2021. The number of visitors is limited to 2 adults and 1 child. All visits will continue to be behind Perspex screens and visitors over 12 years of age will be required to provide proof of vaccination or immunity from Covid-19.

#### 4.2.4 Recommendation

**Recommendation 17:** In line with Rule 35 of the Prison Rules, 2007, the Irish Prison Service and Dóchas Centre should consult with the National Public Health Emergency Team (NPHE) on the safe return of in-person visits to include at a minimum, a duration of 30 minute visits, on a weekly basis and the removal of the one-child visitation restriction.

### 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; those returning from Section 42 Garda interviews; those identified as close contacts of a person with COVID-19, while awaiting test results and those who breached in-person visit “no-contact” restrictions.

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<sup>45</sup> See, OIP Castlerea Prison COVID-19 Thematic Inspection report (25-26 August 2021), section 4.2.3.

### 4.3.1 Compliance

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

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

In cases of isolation or placement in quarantine of a detained person who is infected or is suspected of being infected by the SARS-CoV-2 virus, the person concerned should be provided with meaningful human contact every day.<sup>46</sup>

Recent CPT guidance (2021) defines a “Minimum Decency Threshold” for prisons which includes that all prisoners should be provided with the means to keep themselves clean including access to a shower (if possible on a daily basis but at a minimum twice a week).<sup>47</sup>

In circumstances where prisoners are confined for more than 22 hours a day without meaningful human contact, this is solitary confinement; as defined by the 2020 European Prison Rules (Rule 60.6.a) and Mandela Rules (Rule 44). While solitary confinement in itself is not a breach of Article 3 of the European Convention on Human Rights (prohibition on torture and inhuman or degrading treatment or punishment),<sup>48</sup> the preventive nature of the Inspectorate’s work is cause to raise concern about the prolonged use of solitary confinement as a strategy by which to avoid transmission of COVID-19 in the prison context.

Furthermore, SPT advice published in June 2021 recommends to State Parties: “Improve the environment in areas of quarantine inside places of deprivation of liberty so that they do not correspond to places of solitary confinement, and compensate for the social isolation by using any means to improve social and family contact;” It also goes on to state: “Ensure that persons deprived of their liberty whose mental health is affected by COVID-19 measures, including those persons in quarantine, in medical isolation units, in psychiatric hospitals or in places of detention, receive adequate counselling and psychosocial support.”<sup>49</sup>

### 4.3.2 Environment

Prisoners under COVID-19 restricted regimes were accommodated in Laurel House; aside from one prisoner who, at the time of inspection, was in quarantine and in a Special Observation Cell in the Healthcare/Committal Unit.

Senior Management provided the Inspection Team with an information leaflet on “Telephone contact with Prisoner Services for Prisoners who are currently in Isolation or who are Quarantined.” The information provided prisoners with contact details for the following services: Psychology Service, Chaplaincy Service, IASIO Resettlement Service and Merchants Quay Ireland Addiction Services at certain times of the day. To engage with these services via phone, prison staff would provide a time

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<sup>46</sup> CPT Statement of Principles relating to the Treatment of Persons Deprived of their Liberty in the Context of the Coronavirus Disease (Covid-19) Pandemic (20 March 2020) CPT/Inf(2020)13, <https://rm.coe.int/16809cfa4b>, Principles 6 and 8.

<sup>47</sup> CPT (n 19).

<sup>48</sup> European Court of Human Rights, “Guide on the Case-law of the European Convention on Human Rights” (December 2020) [https://www.echr.coe.int/Documents/Guide\\_Prisoners\\_rights\\_ENG.pdf](https://www.echr.coe.int/Documents/Guide_Prisoners_rights_ENG.pdf), 49.

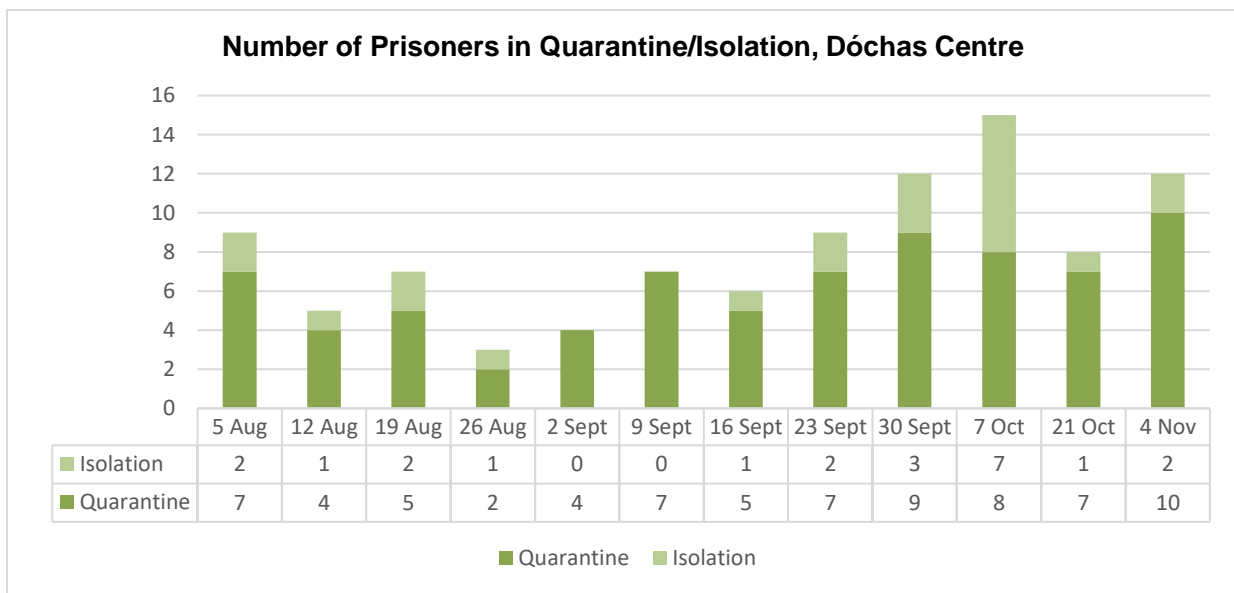
<sup>49</sup> SPT Follow-up Advice (n 8).

slot to the prisoner and would extend a phone line into the cell. The information sheet also outlined how each service might be of assistance to the prisoner.

Newly committed prisoners in the Dóchas Centre were initially checked for symptoms upon committal and were then accommodated in Laurel House. Committal prisoners, close contacts, those returning to custody by An Garda Síochána under a Section 42 warrant and prisoners who breached “no-contact” visitation rules were required to undergo a quarantine period.

Figure 6 provides the number of prisoners in quarantine/isolation in the Dóchas Centre in the weeks leading up to and following the on-site inspection.

**Figure 6: Number of Prisoners in Quarantine/Isolation, Prior to and After On-Site Inspection (2021)**



On the first day of the inspection, there were five prisoners in quarantine. On day two of the on-site COVID-19 Thematic Inspection, there were five women in quarantine and one woman in isolation. The cells used for quarantine and isolation were located in Laurel House. Cells used for quarantine had in-cell showers. The women spoken to by the Inspection Team were accommodated in single cell accommodation in quarantine. Food delivered to women in quarantine was provided in specially waxed boxes.

The Inspection Team noted that there were no specific designated logbooks to monitor out-of-cell time for those placed in quarantine or isolation under Rule 103 (See Section 3.3).

### 4.3.3 Outcomes

The Inspection Team spoke with a number of prisoners regarding their experience of quarantine and isolation in the Dóchas Centre. Prisoners who had experienced quarantine described the significant toll this had on their mental health. Women stated:

*“(Quarantine was) mentally draining.”*

*“Quarantine was tough.”*

*“I’m very alone in there.”*

At the time of inspection, one woman in quarantine said she had not heard from the Listeners or Samaritans.

Another prisoner in quarantine had borrowed books from the library, but outlined that she experienced little meaningful interaction with others during quarantine. This prisoner was locked in the cell for 23 and a half hours a day and had no interactions with other prisoners during yard time.

One prisoner had declined her out-of-cell time after a “bad phone call,” she also described how she had little information about the regime; “this is all new to me.”

A prisoner with previous experience of quarantine said that she got out to recreation twice a day (amounting to one hour out-of-cell time). She raised concerns about the lack of meaningful contact while in quarantine, and said that the calls were less than six minutes in duration and that the connection of video calls “barely come through.”

One prisoner who was detoxing from drugs during quarantine, described having only two sets of clothes and was “left in sick and sweat” with no cleaning products provided. Another prisoner reported that she had no towel for a week while in quarantine, and only had one bra, briefs and socks.

Prisoners also spoke of their experience of being served food in Kraft boxes while in quarantine, with one prisoner stating, “dinner in boxes were disgusting.”

In previous COVID-19 Thematic Inspection Reports the Inspectorate has recommended that the Irish Prison Service implement all possible measures for improving social and family contact as a means to compensate for COVID-19 related isolation, and has also recommended that all prisoners in quarantine and isolation be provided with at least one hour of fresh air each day. Given the unwinding of restrictions in prisons since the vaccination of prisoners, the Inspectorate is of the view that the focus of the Irish Prison Service should be to determine pathways to ease mandatory quarantine periods for prisoners, and to ensure measures are taken to mitigate the detrimental effects that COVID-19 regimes (quarantine/isolation) have had on the prisoner population.

#### 4.3.4 Recommendation

**Recommendation 18:** 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.<sup>50</sup>

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

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<sup>50</sup> SPT. Advice of the Subcommittee to States Parties and National Preventive Mechanisms relating to the Coronavirus Disease (COVID-19) Pandemic (April 2020) <https://undocs.org/CAT/OP/10>, 10(g).

# 5 REHABILITATION & DEVELOPMENT

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## 5.1 Regimes

As part of the COVID-19 Thematic Inspection of the Dóchas Centre, the Inspectorate focused on regime changes made in response to COVID-19.

### 5.1.1 Compliance

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

While it is legitimate and reasonable to suspend nonessential activities, the fundamental rights of detained persons during the pandemic must be fully respected.<sup>51</sup>

Further to this, in its Follow-up Statement<sup>52</sup> the CPT noted:

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

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

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

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

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

The CPT "Minimum Decency Threshold" (2021) states: "A satisfactory programme of purposeful activities (work, education, sport, training, etc.) is of crucial importance for the well-being of prisoners."<sup>53</sup>

Furthermore, the UN Common Position on Incarceration (2021) recognises 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

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<sup>51</sup> CPT Statement of Principles (n 46) Principle 7.

<sup>52</sup> CPT Follow-up Statement regarding the Situation of Persons Deprived of their Liberty in the Context of the Ongoing COVID-19 Pandemic CPT/Inf (2020) 21 (9 July 2020).

<sup>53</sup> CPT (n 19).

embedded in a decent, safe and healthy prison environment and the positive engagement of officers with prisoners.<sup>54</sup>

### 5.1.2 Environment

The daily regime varied across the prison. Prior to COVID-19, the “big yard” and “small yard” houses were able to mix throughout the prison, but this was restricted during COVID-19 (see, Section 3.2.3). Prisoners had their breakfast at 8am, lunch at mid-day and dinner at 4pm. Unlock periods were generally between 10:00 - 12:00, 14:00 - 16:00 and 17:00 - 19:00.

Prisoners and staff reported to the Inspection Team that women accommodated in the “big yard” houses had greater access to activities, particularly access to the school from Monday to Friday. Women in the two “small yard” houses did not mix in the yard and reported limited access to the school (Mondays and Tuesdays).

In the afternoon of day one of the inspection, the Inspection Team observed a number of prisoners sitting on grass in the “small yard,” while other women walked in circles around the yard. There appeared to be little activities available to the women. While the school and some workshops were open at the time of inspection, only a small number of students were permitted per class; this was reportedly as a result of social distancing requirements. The Inspection Team observed women in the gym; however, there were no outdoor activities available to the women.

#### *Incentivised Regimes*

The *Incentivised Regimes* Programme was introduced by the Irish Prison Service in 2012 and is designed to reinforce good behaviour and encourage engagement in structured activities. There are three levels of Incentivised Regimes: basic, standard and enhanced with different privileges associated with different regime levels. The number of prisoners on the various Incentivised Regimes in the Dóchas Centre was examined on specific dates across three years to determine if there was a significant change in regime allocation since the onset of the pandemic (Table 11).

**Table 11: Incentivised Regime Scheme – Dóchas Centre One Year Apart**

Year	Total Population	Enhanced	Standard	Basic
14 September 2021	108	44%	38%	17%
14 September 2020	109	48%	39%	13%
16 September 2019	138	28%	60%	12%

Weekly gratuity is also aligned with the Incentivised Regime Scheme: Enhanced weekly gratuity: €15.40; Standard weekly gratuity: €11.90; and Basic weekly gratuity: €6.65. Enhanced prisoner who also worked in the prison could make a maximum of €18.90 each week.

### 5.1.3 Outcomes

Senior Management acknowledged the impact of COVID-19 on the regime for prisoners, which had led to a lack of activity across the prison. This was especially the case for those who were in quarantine or were cocooning. Senior Management reported that the restrictive regime had led to women “being behind the door more” and that “the lack of social dialogue is a huge issue.” Further, staff reported to the Inspection Team that there had been little to no progression in prisoner rehabilitation in the last 18 months.

<sup>54</sup> UN Common Position on Incarceration (n 27).

Members of prison staff highlighted that women in custody felt safer in the Dóchas Centre because of less prisoner movement around the prison (i.e., prisoners could no longer move across yards). Some prisoners preferred less mixing among the prison population, and some prisoners expressed a preference to return to mixing across the houses and yards.

At the time of inspection, prisoners re-affirmed that there was little to do:

*“I go to school, there’s nothing else to do.”*

*“There’s nothing to do - not a puzzle or board game.”*

*“Most of us are bored off our heads.”*

*“This is what you do every day, just walk around.”*

*“Nothing to do here.”*

*“You’re sitting here all day.”*

*“The way they ease [restrictions] outside, not in here.”*

A woman also reported that the *Netflix* channel had not been in operation in one of the houses in a few months.

## 5.2 Access to Education

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

### 5.2.1 Compliance

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

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

In regards to library access, the Irish Prison Rules require the establishment of a library in each prison (Rule 110.6), to which prisons should be entitled to avail of at least once a week (Rule 110.7). The Mandela Rules (Rule 64) state “Every prison shall have a library for the use of all categories of



prisoners, adequately stocked with both recreational and instructional books, and prisoners shall be encouraged to make full use of it.” Rule 28 of the European Prison Rules aligns with these provisions by recommending that “every institution shall have a library for the use of all prisoners, adequately stocked with a wide range of both recreational and educational resources, books and other media.” The European Prison Rules also include a provision that, wherever possible, the prison library should be organised in co-operation with community library services (Rule 28.6).

### 5.2.2 Environment

At the time of inspection, the school in the Dóchas Centre was open and prisoners were attending classes in-person. The Inspection Team was informed that the school had re-opened on 30 August 2021.

There was a newly appointed Head Teacher. The school environment was quiet, and the Inspection Team was informed this was because teachers worked up until the end of July, and many returned at the end of September. It was estimated that 50% of teachers were present in the Dóchas Centre during the inspection. The school was not open throughout August.

In total, there were 14 teachers working in the Dóchas Centre. Two teachers worked in the Dóchas Centre on a full-time basis and 12 of the teachers also worked in other prisons.

COVID-19 signage was visible on the doors of classrooms, and along the school hallways. Social distancing markings were visible in the school building. The school operated under the following guidance: one metre of social distancing and a requirement to wear an FFP2 mask.

At the time of inspection, students wore FFP2 masks upon entering the school. The Inspection Team was informed that the school was running at 50% capacity. Education Staff anticipated that capacity could be increased in line with the easing of Government restrictions in October 2021. The Inspectorate was informed by the Irish Prison Service that, as of 1 November 2021, schools and work and training would be restored to full capacity.

The Inspection Team was provided with an academic timetable for year of 2020/2021. Classes ranged from: Stained Glass, Pottery, Art, Red Cross, Web Design, Personal Care, Literacy, Card-making, Traveller Culture, First Aid, Jewellery, Story Mams and Pre-Release. The maximum class sizes were capped in order to comply with social distancing guidelines and ranged from one to five, with the exception being gym and yoga classes, which were facilitated in the gym and could accommodate up to 12 women.

At the time of inspection, access to the school operated on a “first come, first serve” basis i.e., the first three students to turn up to the school got to attend the class. Students would gather at the gate to the yard and a prison officer would bring over the students selected to attend classes.

Table 12 provides the school timetable from September 2021 onwards.

**Table 12: Dóchas Prison School Timetable 14 September 2021**

<b>AM</b>	<b>Class</b>	<b>No. of students on Daily Officer List</b>	<b>Capacity of Classroom during COVID-19</b>
9:30-10:45	Art	3	3
9:30-10:45	Leathercraft	5	3
9:30-10:45	Parenting	4	3
9:30-10:45	Yoga	4	12
<b>AM 2</b>			
11:00-12:15	Art	3	3
11:00-12:15	Food Choice and Health	2	3
11:00-12:15	Gym	3	12
11:00-12:15	Leathercraft	3	3
11:00-12:15	Maths	2	-
<b>PM</b>			
14:15-16:00	Art	6	3
14:15-16:00	Computers	2	4
14:15-16:00	Gym	14	12
14:15-16:00	Leathercraft	12	3
14:15-16:00	Polish	1	1

At the time of inspection, a number of classes were not being facilitated, which included: ESOL, and a *Know Your Rights* class. Home Economics was closed due to lack of staff.

In December 2020, 21 students in the Dóchas Centre completed a minimum of one module in QQI courses. Students completed QQI courses across a wide variety of subjects, including Level 2 Computer Skills, Craft, Non Verbal Communication and Personal Care; Level 3 Art and Design, Caring for Children, Craft-Ceramics-2 and Word Processing) and Level 4 Word Processing. This compared to 20 students completing QQI courses in December 2019 that ranged from Levels 2-5 and 25 students in December 2018 which also ranged from Levels 2-5. No students completed the Leaving Certificate in the previous 12 months. Two prisoners were undertaking Open University courses.

Televisions were linked to desktops in all classrooms of the school. At the time of inspection, teaching staff placed emphasis on online learning. The Inspection Team was informed that teachers followed specific guidelines by the CEDTB (City of Dublin Education and Training Board) for blended learning, such as the creation of video PowerPoint lessons. All schools in Dublin prisons developed content in 14 faculty areas including maths, literacy, social studies and pre- and post-release courses (e.g., CV writing and job applications).

During the pandemic, the school created a games book which was made available to prisoners. Content included in the games book included adult colouring, mindfulness/reflection, word puzzles, Sudoku and yoga poses.

In total, 170 blended learning programmes were created, with each course having approximately four to five lessons. This included educational videos and videos on sentence management. However, these

courses were not available for students to access in their own rooms. Workbooks created by teachers were only used in classrooms. Given the small number of students who attended classes each day, there is great potential for use of the workbooks and educational videos in the women's cells.

For prisoners on protection, teaching staff reported that they were provided with DVDs and workbooks to facilitate blended learning courses of their choice. It was reported that a teacher visited the prisoners to assess their needs and develop a class timetable.

At the time of inspection, the school was awaiting licences for an online video platform to facilitate external speakers. Certain external service providers had returned to work in the prison, such as a peer mediator from the *Travellers in Prison Initiative*.

### 5.2.3 Outcomes

The school in the Dóchas Centre opened with a reduced maximum occupancy for each class in order to comply with social distancing requirements. The Inspection Team observed three students in an art/woodwork class and two prisoners in a computer class.

Prisoners greatly valued the school:

*"School is very good, it's all people have to look forward to."*

*"I love school."*

*"[School] allows for time out of house."*

Women spoke of unequal access to the school between houses in the "big yard" and "small yard." For example, one prisoner reported that houses in the "small yard" had access to the school on Mondays and Tuesdays, while women accommodated in the "big yard" houses had access to the school five days a week.

One prisoner reported that she had one class a week. Women highlighted issues around access to the school:

*"You might get one class a day, my spirit is broken."*

*"To get a class in school, it's not easy."*

Women highlighted that on occasions, prison staff did not come to collect them to attend the school, with one prisoner stating, "sometimes can't get over."

Prisoners felt there was not enough education and that there was a lack of choice of courses available to them. For example, one prisoner spoke of the lack of sociology/cultural awareness classes available. Some prison staff also acknowledged that boredom was an issue in the Dóchas Centre due to reduced numbers in classrooms. One staff member stated, "There should be a lot more going over there."

One woman spoke of her desire to do the Leaving Certificate, however this had not been available to her in the Dóchas Centre.

Prisoners on protection did not attend classes. Education Staff informed the Inspection Team that they had made a slot available for a protection prisoner but the prisoner did not take up the allocated time. The Inspection Team spoke with one prisoner who stated that she was "terrified to go to school" because of bullying.

### 5.3.4 Recommendation

**Recommendation 19:** 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 Prison, Arbour Hill, Cork Prison, Midlands Prison, Loughan House and Castlerea 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.*

## 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 importance of these restrictions, the Inspection Team focused on the impact of these measures on the people in the Dóchas Centre. As noted in Section 4.3, prisoners in quarantine, and especially those in isolation, experienced significant restrictions as regards exercise and human interaction. However, all prisoners in the Dóchas Centre experienced a reduction in their access to exercise and interactions.

### 5.3.1 Compliance

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

Although the Irish Prison Rules now allow for a restriction on exercise and physical recreation, international standards require that these restrictions be necessary, proportionate, respectful of human dignity and restricted in time. International prison oversight bodies, such as the CPT, have determined that outdoor exercise facilities “should be reasonably spacious and whenever possible offer shelter from inclement weather.”<sup>55</sup>

With regard to meaningful human interactions, the Irish Prison Rules, Rule 27, provides that “subject to any restrictions imposed under and in accordance with Part 3 of the Prisons Act 2007 and Part 4 of these Rules, each prisoner shall be allowed to spend at least two hours out of his or her cell with an opportunity during that time for meaningful human contact. “Meaningful human contact” is defined in

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<sup>55</sup> CPT Standards, Revised 2010, <https://www.refworld.org/pdfid/4d7882092.pdf>, 16.

Rule 27.4 as “an interaction between a prisoner and another person of sufficient proximity so as to allow both to communicate by way of conversation.”

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

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

While the Irish Prison Rules 2007-2020 provide a definition of “meaningful human contact”, the University of Essex and Penal Reform International’s *Initial Guidance on the Interpretation and Implementation of the UN Nelson Mandela Rules*<sup>56</sup> provides further substance to this principle as it is:

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

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

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

### 5.3.2 Environment

Table 13 provides an overview of the services available in the Dóchas Centre during COVID-19 and at the time of inspection.

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<sup>56</sup> Essex Paper 3 Initial Guidance on the Interpretation and Implementation of the UN Nelson Mandela Rules (2017) <https://rm.coe.int/16806f6f50>.

**Table 13: Services and Activities in the Dóchas Centre**

Service	During COVID-19	At Time of Inspection (since 5 August 2021)
<b>Probation</b>	Via video link	Via video link
<b>Psychology</b>	Via video link	Via video link
<b>Resettlement</b>	Via video link	Via video link
<b>Library Services</b>	Limited Services-books distributed to houses	Limited Services-books distributed to houses
<b>AA</b>	Not available during COVID	Not available during COVID
<b>NA</b>	Not available during COVID	Not available during COVID
<b>Red Cross</b>	Meetings held when restrictions permitted	New volunteer group commenced 27 September 2021
<b>ISM</b>	As normal	As normal
<b>Chaplaincy</b>	As normal	As normal
<b>Addiction</b>	Via video link	Via video link
<b>Education</b>	As per NICT guidelines	As per NICT guidelines
<b>Work and Training</b>	As normal apart from hairdressing which resumed on 10 May 2021	As normal apart from hairdressing which resumed on 10 May 2021

At the time of inspection, Senior Management informed the Inspection Team that “90-95% of services” had returned to the prison. Prior to the return of an external service provider to the prison, they were each required to submit a COVID-19 risk assessment.

The Red Cross Prisoner Volunteers were reported as integral to encouraging engagement over the course of the pandemic. The Volunteers shared books and games with the women in custody.

#### *Exercise and Fresh Air*

There was one gym in the prison. The gym was large and equipped with equipment that was in a good state of repair. The maximum permitted number of women in the gym was twelve. COVID-19 signage was visible on entrance to the gym and hand sanitiser, wipes and spray bottle signage were readily available.

There were three yards in the Dóchas Centre: the “big yard,” the “small yard” and the “sponge yard.” Access to the yards was split during the COVID-19 pandemic. On the first afternoon of inspection, prisoners were sitting on the grass in the small yard. The “small yard” contained a *CONNECT 4* game, although on examination, this was broken. The “big yard” contained small greenhouses that were tended to by prisoners (Figures 7 and 8). The “sponge yard” contained two benches (returned to the yard at the start of summer 2021) and the surface of the ground was a grey soft pitch rubber. Prior to the pandemic, the sponge yard had been used to facilitate sports days during the summer. Senior Management reported that they were considering use of the sponge yard for the development of greenhouses.

**Figure 7: Garden Area**



**Figure 8: Greenhouses**



Senior Management reported that not many outdoor activities were available to the women, and the lack of outdoor space available was identified as an impeding factor.

#### *Psychology Services*

There were two full-time psychologists and one assistant psychologist working in the Dóchas Centre at the time of inspection. On the first day of inspection, the Inspection Team was informed that face-to-

face psychology meetings had recently resumed. 19 psychology sessions had taken place with women in the Dóchas Centre on the week of the inspection. Women in quarantine or isolation were prioritised with access to the psychology service. Psychology confirmed that they had 35 open cases. 15 women were awaiting a psychological service, with the longest waiting time for a routine referral at six months and eight days.

Prior to the return of in-person psychology sessions, women in custody engaged with psychologists via video phone in the Healthcare/Committal Unit. Timeslots were dedicated to psychology over the course of the week as the allocated rooms were shared among service providers. It was reported that women were more reliant on the psychology service as a result of limited access to prisoners by external service providers during the pandemic.

#### *Addiction Counselling*

There were two Merchants Quay Ireland (MQI) Addiction Counsellors working in the Dóchas Centre, with a five-day cover. Referrals to the Addiction Counselling service were mainly made by the prison nurses. The MQI office was based in one of the women's houses; prior to the pandemic, this allowed for easy access to the service. During the pandemic, MQI was provided with an office space in the school, which facilitated them to meet with women virtually. MQI was also a service provider available under the free telephone line service. The telephone service had initially been for prisoners in quarantine or isolation, however it was reported that other prisoners also availed of this service.

#### *Other Activities*

Senior Management reported that, as of 4 October 2021, 82 women were working in the Dóchas Centre. They worked across a number of areas, including the grounds, houses, kitchen, industrial cleaning, reception, visits, healthcare, chapel, workshops and the gym. During COVID-19, prisoners were trained in cleaning.

Prior to the COVID-19 pandemic, a beautician came into the Dóchas Centre three times a week. The beauty school was open at the time of inspection.

The library was located above the Healthcare area. At the time of inspection, the library was closed, however, books could be distributed to the houses by staff.

Senior Management noted plans to introduce a prisoner representative into a certain allocated period of Multi-Disciplinary Team (MDT) meetings. MDT meetings were designed for all stakeholders working in the prison to come together to develop a practical regime that meets the care needs of prisoners.

The Inspectorate welcomes plans for the establishment of prisoner representative groups, especially because groups such as these provide an avenue for prisoners to engage with prison authorities to respond to concerns in the prison. As outlined under Rule 50 of the Revised European Prison Rules (2020), "subject to the needs of good order, safety and security, prisoners shall be allowed to discuss matters relating to the general conditions of imprisonment and shall be encouraged to communicate with the prison authorities about these matters."

### **5.3.3 Outcomes**

Senior Management stated that life-sentenced prisoners raised the issue of lack of access to education on behalf of all the women in the Dóchas Centre.

Boredom was a consistent theme throughout the inspection. For example, one prisoner suggested that the prison should "give more puzzles/word searches like in Limerick." Another prisoner highlighted that



there was no television in the recreation room. Another prisoner expressed frustration regarding access to jobs in the prison, and stated, “Names down and you’re just not getting them.”

Some prisoners spoke of receiving books from the library. One Foreign National prisoner reported she had received a book in her native language; this is welcomed by the Inspectorate.

One prisoner spoke about the activities she did during the day, which included going to the gym and doing art; she noted the absence of music in the prison and stated, “In [native country], they can play guitars.”

Some prisoners raised the issue of favouritism in relation to access to services and workshops, with one woman stating, “they have their favourites.” The Inspection Team noted that participation in activities was an important factor in developing the self-esteem of women in custody. For example, one prisoner stated, “I’m really delighted they picked me because I’m not picked for anything.”

Prisoners placed high value on time spent in the yards, but noted that the restriction on mixing in the prison had resulted in “see(ing) the same people all the time.”

Prisoners on protection reported spending between one and two hours each day in the fresh air. The Inspection Team observed these prisoners walking in circles in a confined area.

Women in custody reported positive and negative interactions with prison staff:

*“They couldn’t do more for me in here.”*

*“Show respect, get respect.”*

*“In here, they just don’t care.”*

*“It’s ridiculous the way women are getting treated.”*

Women reported a lack of access to psychology. One woman stated, “it’s hard not being listened to”, and another woman said, “can’t get to see a counsellor.” The Psychology Team confirmed that there were 15 women on the waiting list to access psychology services.

Concerns about the mental health needs of women put “behind the door” were raised by prisoners and staff; as one professional stated: “Women [are] still disturbed by that experience.”

It was reported by the prison psychology service that very few women engaged with the telepsychology service, which was an initiative developed by the Irish Prison Service in response to the COVID-19 pandemic restrictions. Various service providers reported issues of engagement with women as a result of privacy concerns and using the telephone service. Following initially teething problems, the phone was described by service providers as a “lifeline” for those struggling with addiction.

While these innovations were seen as positive, professionals reported that face-to-face interaction remained the preferred approach by women in custody. A member of staff reported that women missed the relationships with service provider who would typically visit the prison, such as the Knitting and Befrienders Club.

In a follow-up phone call with MQI (2 November 2021), it was estimated that approximately 40-50 women in the Dóchas Centre were on the addiction counselling caseload, with a waiting list of 20 women. Access to residential drug treatment programmes and housing were key issues, with women reportedly being frequently released from the Dóchas Centre to homeless accommodation.

All group work, including psychology and addiction counselling group sessions in the Dóchas Centre had stopped over the course of the pandemic. The Inspectorate was informed that, as of 1 November 2021, group sessions for addiction and psychology would resume. External services such as the Samaritans and Alternatives to Violence Project would not be resumed at this point due to ongoing COVID-19 concerns.

Service providers spoke of the comradery within the Dóchas Centre during the pandemic and praised prison staff in their management of the restrictions and their efforts to keep everyone safe while delivering services.

Senior Management raised how changes to the Parole Board had impacted women who were in the middle of their life sentence / “those people caught in the middle”, and would not be reviewed until having served 12 years of their sentence. One woman in custody stated, “(The) Parole Board change was very hard.” Another woman stated that she did not feel included in the parole process and said: “Nothing about me without me.”

A member of staff also reported concern about the lack of access to Dialectical Behaviour Treatment (DBT) Programmes, as they are often recommended for completion by the Parole Board. The prison was not able to offer these programmes at the time of inspection due to a lack of a room available to maintain social distancing.

#### 5.3.4 Recommendation

**Recommendation 20:** In line with Rule 25.1 of the Revised European Prison Rules, the Inspectorate urges the Dóchas Centre and the Irish Prison Service to consider all possible measures to ensure that women in custody have access to a full and varied regime. The Dóchas Centre should ensure equitable access to meaningful activities for all women; not by reduction in access to activities for any prisoner, but instead by determining ways to increase the time spent in meaningful activity for prisoners currently receiving less time.

## 6 RESETTLEMENT

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### 6.1 Release

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

#### 6.1.1 Compliance

The Irish Prison Service has committed itself to the management of custodial sentences in a way that “encourages and supports prisoners to live law abiding and purposeful lives as valued members of society.” To enable and operationalise this, the Irish Prison Service 2019-2022 Strategic Plan determines to “further develop the integration of prisoner care and support services to deliver more effective rehabilitation to prisoners.”<sup>57</sup> Alongside this, the Irish Prison Service and the Probation Service have developed a multi-agency strategy to manage and rehabilitate “offenders” from pre- to post-imprisonment. This strategy involves Integrated Sentence Management (ISM); Community Return; Probation Service case management and post-release supervision; and engagement with the Irish Association for the Social Integration of Offenders (IASIO) Resettlement Service.

The stated aim of this multi-pronged strategic approach is to ensure “that all releases from Irish prisons and places of detention are planned releases to ensure the informed and effective transition of the offender from prison to the community, in compliance with statutory, legal and sentencing provisions.”<sup>58</sup>

The Irish Prison Rules include provisions which place responsibility on the Governor to “assist and encourage prisoners in (...) preparing for reintegration into society after release” (Rule 75(1)(ii)(d), and on the Prison Officer “to contribute to the rehabilitation and reintegration into the community (...) of prisoners” (Rule 85(3)(c)(iv). An Inter-Agency Group was established to implement key recommendations made by the Penal Policy Review Group to support the rehabilitation of offenders and crime prevention.<sup>59</sup> However, the Group’s last published report was in 2019. Despite this absence in the national legislation, international human law and standards place great emphasis on preparation for release.

The Mandela Rules (Rule 87) state:

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

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

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

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<sup>57</sup> IPS, “Irish Prison Service Strategic Plan 2019-2022” [https://www.irishprisons.ie/wp-content/uploads/documents\\_pdf/Irish-Prison-Services-Strategy-2019-2022.pdf](https://www.irishprisons.ie/wp-content/uploads/documents_pdf/Irish-Prison-Services-Strategy-2019-2022.pdf).

<sup>58</sup> IPS, “Resettlement and Reintegration” <https://www.irishprisons.ie/prisoner-services/reintegration/>.

<sup>59</sup> Annual Report of the Interagency Group for a Fairer and Safer Ireland, [http://www.justice.ie/en/JELR/Annual\\_Report\\_of\\_the\\_Interagency\\_Group\\_for\\_a\\_Fairer\\_and\\_Safer\\_Ireland\\_2018.pdf/Files/Annual\\_Report\\_of\\_the\\_Interagency\\_Group\\_for\\_a\\_Fairer\\_and\\_Safer\\_Ireland\\_2018.pdf](http://www.justice.ie/en/JELR/Annual_Report_of_the_Interagency_Group_for_a_Fairer_and_Safer_Ireland_2018.pdf/Files/Annual_Report_of_the_Interagency_Group_for_a_Fairer_and_Safer_Ireland_2018.pdf)

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

### 6.1.2 Environment

Senior Management reported that the prison held monthly review meetings with external agencies, including the Probation Service, to discuss and identify release supports for prisoners. Senior Management noted the lack of an open centre available to women.

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

At the time of Inspection, there were two full-time ISM officers working “back to back” in the prison. Previously ISM officers had worked on an 08:00 – 17:00 basis, but this had been increased. ISM officers re-interviewed all women in custody in the Dóchas Centre in summer 2021 in order to update their information in the newly developed ISM management system. At the time of inspection, ISM officers were tasked with review of sentence plans and engagement with service providers. The Inspection Team was informed that ISM officers worked with services in the prison to develop plans for prisoners coming up to release.

Given that the two ISM officers were men, and that engagement with women was often face-to-face, the need for access to tablets or laptops to facilitate interaction in open spaces was identified. The Inspectorate notes that a pilot programme has recently been conducted in Castlerea Prison (See 6.1.3 of Castlerea COVID-19 Thematic Inspection Report 25-26 August 2021) to assess the potential for use of laptops by ISM officers. The laptops allowed ISM officers to engage with prisoners on the landings and to access information when physically away from the ISM office. Prison staff believed this initiative was a success.

At the time of inspection, the Inspection Team was informed that community service sites and probation workshops were not running, and that prisoners had telephone contact with their Probation Officers.

It was reported that situations could occur where, in the absence of resources, ISM officers were redeployed to cover other posts.

### 6.1.3 Outcomes

The Inspection Team was informed that from the period of 1 January - 4 September 2021, there were nine women released on Community Return and 15 released on the Community Support Scheme.

Rule 45 of the UN Bangkok Rules states:

Prison authorities shall utilize options such as home leave, halfway houses and community-based programmes and services to the maximum possible extent for women prisoners, to ease their transition from prison to liberty, to reduce stigma and to re-establish their contact with their families at the earliest possible safe.

Senior Management stated that the current prison environment “strips them off skills they need to go out.” The lack of an open prison for women was viewed as discriminatory. The Inspectorate notes the absence of open prisons for women in Ireland; this was highlighted by the Strategic Review Group of Penal Policy in 2014.<sup>60</sup> The Review Group recommended that an open facility be introduced for women.

The Inspection Team was informed that monthly review meetings took place for approximately ten prisoners. These meetings allowed service providers working with individual prisoners to provide input on prisoner needs and concerns, such as access to housing and the risk of re-offending. One of the issues raised by prison staff was the lack of work available in the community for prisoners upon release. One life-sentenced prisoner spoke of limited engagement with ISM and said, “(they) should be coming.”

A number of prisoners reported concerns regarding their release:

*“I have more of a chance of getting help if I’m out of the prison.”*

*“I don’t even have a jacket.”*

*“I have no money.”*

In contrast, other prisoners stated they felt prepared for release. For example, one prisoner stated she had met an ISM officer the week prior to inspection. The woman said that she had secured accommodation and arrangements were in place to receive a social welfare payment upon release. Another prisoner reported that the prison had sorted out her medical card, however she was unaware of her date for release.

### 6.1.4 Recommendation

**Recommendation 21:** In line with the Mandela Rules and the European Prison Rules, and the need to strengthen, operationalise and apply the Integrated Sentence Management process, ISM officers should be provided with laptops so that they may more readily engage in regular meetings with prisoners.

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<sup>60</sup> Strategic Review of Penal Policy, Final Report 2014, <https://www.justice.ie/en/JELR/Strategic%20Review%20of%20Penal%20Policy.pdf/Files/Strategic%20Review%20of%20Penal%20Policy.pdf>

## 7 RECOMMENDATIONS & IPS ACTION PLAN

No.	Recommendation	IPS Response	Action Required	Action Owner	Timeline
<b>DOCT1</b>	In line with Rule 54 of the Nelson Mandela Rules, the Dóchas Centre and the Irish Prison Service should ensure that written and oral information about the process of quarantine is provided to prisoners on an ongoing basis. This information should be designed to assist prisoners in adapting to quarantine, and should clearly outline what they can expect while in quarantine. The information should be provided in a language and form that can be understood by the prisoner; this may require the assistance of interpreters. Prisoners should be provided with ongoing opportunities to raise questions and to be informed of all matters necessary to adapt to quarantine and prison life in general.	<p><b>Accepted:</b></p> <p>The Irish Prison Service provides a comprehensive Prisoner Information Book to all new committals to prison. The Book is printed in several languages and gives basic information about regimes and services within prisons.</p> <p>A bespoke booklet titled “Covid-19 – Living in Cell” was developed by the Red Cross Prisoner Volunteers to provide detailed information to prisoners on isolation/quarantine and gives specific information on the Covid-19 testing process.</p> <p>The information, which has been designed by prisoners for prisoners, is provided in a clear, easy to read plain English format.</p> <p>This information booklet has been translated into several languages.</p> <p>In addition prisoners are provided with verbal information by prison management on the quarantine process including the timelines and testing process.</p>	<p>The Irish Prison Service will continue to provide translations of information provided.</p> <p>Dóchas Centre management provides a verbal briefing to new committals and prisoners going on temporary release.</p> <p>Additional information is provided by medical and discipline teams when the committal is moved to the quarantine area.</p>	Care and Rehabilitation  Prison Management	In place and will be reviewed and augmented on an ongoing basis
<b>DOCT2</b>	The Inspectorate recommends that the Irish Prison Service and the Dóchas Centre make all Office of the Inspector of Prisons’ materials and reports readily available and accessible to all prisoners.	<p><b>Accepted:</b></p> <p>The Irish Prison Service Communications team will work to identify opportunities to make Office of the Inspector of Prisons’ materials and reports readily available and accessible to all prisoners.</p>	Communications team to engage with colleagues at Office of Inspector of Prisons	Communications/ Press Office	End Q4 2021
<b>DOCT3</b>	The Dóchas Centre should update its general information leaflets provided to women in custody and in line with Section 42 of the Public Sector Duty, these leaflets should be made available in other languages and in accessible formats.	<p><b>Accepted:</b></p> <p>Arrangements are being made to have all material updated as per the recommendation.</p>	Information leaflets to be reviewed and updated	Chief Officer	End Q1 2022



	continuously monitor and engage with prisoners on the impact of remote court hearings on participation and the right to a fair trial.	<p>hearings to be heard by video link. This includes arraignments, returns for trial, sentencing hearings and certain hearings in relation to surrender proceedings for extradition.</p> <p>While video link is not the default, the Act gives this authority to the Courts allowing them to make certain proceeding of their choosing by default. This authority is vested firstly in the Presidents of the Courts and subsequently in the Judges themselves.</p> <p>The Irish Prison Service and the Courts Service are working to increase the capacity of video link.</p> <p>Infection control measures introduced during Covid-19 have resulted in the widespread use of video link for Court appearances. Approximately 60% of Court appearances are now taking place via video link.</p> <p>The use of video link will allow the Service to redirect vital resources into the provision of prisoner services.</p>	<p>with Court Services as necessary.</p> <p>The Irish Prison Service will continue to explore the use of video link for the provision of other services such as Probation interviews, prisoner case conferences, education and remote learning.</p>		Reviewed on an ongoing basis
<b>DOCT7</b>	In line with international human rights standards, the Dóchas Centre and the Irish Prison Service should take positive measures to respect the dignity of women by ensuring that all women have access to gender-specific and period products.	<p><b>Accepted:</b></p> <p>Sanitary products are readily available for women in the Dóchas centre.</p> <p>A number of supply related issues did arise earlier this year and these have been rectified. A new process for the ordering of sanitary products has been put in place by Dóchas Centre management and any person requiring sanitary products can access same through the Red Cross Volunteer Group.</p>			Completed
<b>DOCT8</b>	In line with Rule 81.3 of the Revised European Prison Rules, all prison staff should be required to undertake comprehensive and continuous gender-specific training; this training should be developed in consultation with stakeholders working in the areas of	<p><b>Part Accepted:</b></p> <p>All Recruit Prison Officers receive training specific to working with women in prisons. The specific learning objectives are 1. To work effectively with Women in Custody in compliance with the United Nations Rules for the Treatment of Women Prisoners(the Bangkok Rules 2010), and 2: Effectively comply with the gender specific needs and rights of women prisoners.</p>	Provision of training programme to all staff working with female offenders		2022



	gender, sexual and gender-based violence and deprivation of liberty.	The delivery of this training to other staff was hampered by the Covid-19 restrictions. However, this delivery of this training will be extended to all staff responsible for the management of female offenders in both the Dóchas Centre and Limerick Prison, once the Covid-19 restrictions on face to face training have been lifted in 2022.			
<b>DOCT9</b>	In line with Yogyakarta Principle 9 on the Right to Treatment with Humanity while in Detention, the Inspectorate urges the Irish Prison Service to develop, in partnership with relevant civil society organisations, transgender people in prison and other relevant stakeholders, a national policy regarding the safe custody of transgender women and men.	<p><b>Accepted:</b></p> <p>The Irish Prison Service is working on the development of a national Transgender Prisoner Policy regarding the safe custody of transgender women and men.</p> <p>The Irish Prison Service <i>Equality, Diversity and Inclusion Lead</i> is engaging with the relevant stakeholders including civil society organisations and transgender people in prison in this regard.</p> <p>The Irish Prison Service has engaged with the <i>Transgender Equality Network Ireland</i> in this regard, however there are other civil society organisations and stakeholders to be consulted. Policies from other jurisdictions have been reviewed also.</p> <p>It is intended to run a formal consultative process to ensure that all stakeholder views are taken into account.</p>	Development of Transgender Prisoner Policy	Equality, Diversity and Inclusion Lead	End Q2 2022
<b>DOCT10</b>	In line with the European Prison Rules, Rule 83(a), the Irish Prison Service must ensure that Mountjoy Women's Prison - Dóchas Centre Senior Management roles are adequately and consistently staffed. This means there should not be extensive periods of time in which Senior Management positions are not attended in the prison, and that Mountjoy Prison Campus Senior Management staff should be supported to ensure the Dóchas Centre staffing is at a level to ensure a safe and secure environment.	<p><b>Part Accepted:</b></p> <p>Mountjoy Female Prison has an identified number of resources required with no vacant posts existing at management grades.</p> <p>Incidental absences occur on occasion and the prison is supported by the Human Resource Directorate in filling these posts through agreed processes and within the parameters of the relevant Civil Service provisions.</p> <p>In addition, each prison has in place a Regime Management Plan to ensure safe systems of working.</p> <p>It should also be noted that there is no Mountjoy campus structure in law or on an administrative basis.</p>			Completed

DOCT11	<p>In line with the CPT Standards on Women in Prison, the Inspectorate recommends that consideration be made to the gender of staff working in high contact/supervision posts in the Dóchas Centre. In the event that male staff are allocated to these positions, they should be provided with the tools they need to ensure safe and secure interactions with women in custody.</p>	<p><b>Accepted:</b></p> <p>The Human Resources Directorate has at the request of Dóchas management reviewed the number of female Officers available to conduct specific tasks associated with the direct supervision of prisoners.</p> <p>The Human Resources Directorate, having consideration to the tasks which are primarily associated with Section 27(1)(1) a of the Employment Equality Act, 1998 have, since 2018, reconfigured the ratio of male to female Officers at Dóchas.</p> <p>To achieve this, the Human Resources Directorate has applied the Employment Equality Act 1998 to ensure that appropriate resources are available to Dóchas within grades which routinely conduct direct supervision of female prisoners.</p> <p>In 2017 there were 46 female Officers and 14 male Officers in the PO/RPO grade, this has changed to 56 female Officers and 11 male Officers at end 2021. The allocation of resources at the grade of Prison Officer remain under constant review by the HR Workforce Planning Team.</p>			Completed
DOCT12	<p>The Inspectorate recommends that the Irish Prison Service engages with the Department of Justice to maximise all opportunities available for reducing the prison population. The reduction in prison numbers reduces the number of people cell-sharing, minimises the risk of COVID-19 transmission, and enables prisoners to practice social distancing.</p>	<p><b>Accepted:</b></p> <p>Mountjoy Female Prison has a bed capacity of 146. The daily average number in custody in 2020 was 128 or an average occupancy level of 88%. The average number in custody in Mountjoy Female in 2021 (to 11/12/2021) is 117 or 80%.</p> <p>The Irish Prison Service is continuing to engage with the Department of Justice on a Review of Penal Policy which will include actions to reduce reoffending and incorporate the principle of imprisonment as a last resort.</p>			
DOCT13	<p>In line with Rule 49 of the European Prison Rules, the Dóchas Centre and the Irish Prison Service should develop a plan to address bullying in the prison. Robust governance (the consistent filling of senior staffing vacancies) and</p>	<p><b>Accepted:</b></p> <p>No level of bullying or intimidation is accepted by prison management and any instance of bullying is dealt with through the Prisoner Disciplinary System (P19).</p>	Peer led anti-bullying campaign to be run by Red Cross Volunteers	Prison management/Red Cross Volunteers	Q1 2022

	leadership, in tandem with the establishment of a prisoner council and increased access to structured and purposeful activities may prove effective strategies by which to address this issue.	Dóchas Centre Management intends to run an anti-bullying campaign in 2022 in conjunction with the Red Cross Volunteers.			
<b>DOCT14</b>	The Inspectorate recommends that the Dóchas Centre ensure that removal of any person from the general population is done in accordance with the Irish Prison Rules, 2007-2020, and that any such removal is subject to continuous and substantial review. All persons who are to be removed from the general prison population should be clearly identified on the 'Special Feature' list, irrespective of where in the prison they are being accommodated.	<p><b>Accepted:</b></p> <p>The Healthcare Unit is used by prison management for the accommodation of committals on their first night. Once seen by the doctor and Governor they are moved to Laurel House. Special Observation Cells are also located in this area. Women are sometimes accommodated in the Healthcare Unit on the instruction of the Chief Nurse Officer for healthcare reasons, these would be persons requiring medical supervision or have mental health issues and who could not mix in general population.</p> <p>The rules relating to the removal of prisoners from general population including Rule 62 and Rule 63 are to be reviewed as part of the ongoing Irish Prison Service Review of Prison Rules.</p> <p>In the interim, the Irish Prison Service will conduct a review of the operation of the Healthcare/Committal area including the application of the Monitoring of Prisoners Policy and associated Standard Operating Procedures to ensure compliance with the relevant procedures.</p>	Review to area to be completed	Operations/ Care and Rehabilitation.	Q1 2022
<b>DOCT15</b>	The Inspectorate recommends that all materials related to the Rule 62 review process be recorded, readily available, legible and of sufficient rigour to illustrate the decision-making process behind extensions of Rule 62 directions.	<p><b>Accepted:</b></p> <p>The operation of the Rule 62 process in the Dóchas Centre, including the recording of same, will be considered in the review mentioned in response to DOCT 14.</p>		Operations Directorate	Q1 2022
<b>DOCT16</b>	Given the increase in COVID-19 cases in prisons in Ireland and the risk that prison settings pose to the transmissibility of the virus, the Inspectorate recommends the Irish Prison Service take all measures	<p><b>Accepted:</b></p> <p>The provision of the Covid-19 booster vaccination is being administered in line with the Government programme for same.</p>		Care and Rehabilitation	Ongoing

	possible to advocate for the prioritisation of administration of booster COVID-19 vaccinations for people in prisons.	The Irish Prison Service continues to engage with the HSE/Public Health with regard to access to the booster vaccine for all prisoners and staff.			
<b>DOCT17</b>	In line with Rule 35 of the Prison Rules, 2007, the Irish Prison Service and Dóchas Centre should consult with the National Public Health Emergency Team (NPHET) on the safe return of in-person visits to include at a minimum, a duration of 30 minute visits, on a weekly basis and the removal of the one-child visitation restriction.	<p><b>Part Accepted:</b></p> <p>Physical prison visits have returned to almost pre-pandemic levels across the entire prison system.</p> <p>The Irish Prison Service has returned all physical visits to 30 minutes duration in all closed prisons with effect from 1 November 2021.</p> <p>All prisoners are entitled to receive 1 physical visit per fortnight. Up to 3 visitors are permitted, of which 1 may be a child (U18 years of age).</p> <p>Prisoners continue to be entitled to receive a video visit per fortnight.</p> <p>All restrictions are continuously reviewed and are removed when safe to do so.</p>			Completed
<b>DOCT18</b>	Measures must be taken to mitigate the detrimental effects of isolation or quarantine, including psychological support during and after quarantine/isolation in order to assist prisoners in coping with the impact of COVID-19 and subsequently imposed restrictive measures.	<p><b>Accepted:</b></p> <p>A Covid outbreak-specific mental health protocol has been put in place by the IPS Psychology Service. The approach incorporates a three-tiered layered care model which includes preventative, enhanced and acute mental health care interventions. This includes the use of tablets to proactively engage people on significantly restrictive measures, where required.</p>		Care and Rehabilitation/ Psychology Service	Completed
<b>DOCT19</b>	To meet the education needs of prisoners (European Prison Rule 28.1), which include facilitating more substantive engagement with education (and other services), the Irish Prison Service should make digital tablets available for prisoner use. These digital tablets could be pre-loaded with education materials.	<p><b>Recommendation is under review:</b></p> <p>The Irish Prison Service is developing an in-cell learning strategy to enhance learning from prison cells and continues to engage with the relevant stakeholders in this regard.</p> <p>Laptops are provided to prisoners engaging on Open University course.</p> <p>A new prisoner in cell TV Information Channel has been rolled out across the estate. This allows for the</p>	<p>A large volume of in-cell audio-visual and printed material has now been produced by the ETBs.</p> <p>Director of Care and Rehabilitation continues to engage with the staff representative association on the introduction of blended</p>	Care and Rehabilitation	Q2 2022

		<p>broadcasting of local and national information and for the provision of educational material.</p> <p>A review of the in cell TV Information channel will be carried out in 2022 and facilitating education provision is a key priority of this review.</p> <p>CDETb have developed a substantial quantity of audio-visual course materials to be viewed on the TV channel and accompanying supporting hard copy documentation to facilitate blended learning</p>	learning and progress is anticipated into 2022.		
<b>DOCT20</b>	<p>In line with Rule 25.1 of the Revised European Prison Rules, the Inspectorate urges the Dóchas Centre and the Irish Prison Service to consider all possible measures to ensure that women in custody have access to a full and varied regime. The Dóchas Centre should ensure equitable access to meaningful activities for all women; not by reduction in access to activities for any prisoner, but instead by determining ways to increase the time spent in meaningful activity for prisoners currently receiving less time.</p>	<p><b>Accepted:</b></p> <p>All women in the Dóchas Centre have equal access to the same level of regime including access to education, training and employment. From time to time there may be restricted regime prisoners (including those on protection) who may not be able to freely associate with other prisoners and as such they are supplied learning packs from the school.</p>			Completed
<b>DOCT21</b>	<p>In line with the Mandela Rules and the European Prison Rules, and the need to strengthen, operationalise and apply the Integrated Sentence Management process, ISM officers should be provided with laptops so that they may more readily engage in regular meetings with prisoners.</p>	<p><b>Accepted:</b></p> <p>The Irish Prison Service included in its Strategic Plan 2019 – 2022 a commitment to enhance and support the role of the ISM Coordinator to achieve the goal of personal sentence management plans.</p> <p>In July 2021, the Irish Prison Service introduced a new IT development which allows for the central recording of Integrated Sentence Management Coordinator interviews with prisoners and a standardised space to record the prisoner’s Personal Implementation Plan devised in consultation with the prison-based multi-disciplinary team. In 2021, the Irish Prison Service also increased the number of hours dedicated to the ISM Coordinator role by moving the role to a rostered position to enhance and</p>	Installation of enabling works to facilitate the operation of mobile devices.		End Q2 2022

		<p>support the implementation of Integrated Sentence Management.</p> <p>There is a plan underway to increase the efficiency and capacity of existing WTO-ISM Coordinators by enabling them to operate using mobile devices and additional funding was provided in Estimates 2022 for this purpose.</p> <p>There is a requirement for ICT Directorate to sufficiently cable all locations with Wi-Fi capability before the WTO-ISM work can be conducted on a mobile basis. A cabling survey is underway which will inform Care and Rehabilitation in 2022 when use of mobile devices with ISMs can commence.</p>			
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