



Oifig An Chigire Príosún
Office of the Inspector of Prisons

Annual Report 2023

29 March 2024

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FOREWORD BY THE CHIEF INSPECTOR



Independent inspection of prisons lies at the heart of the current mandate of the Inspectorate and this annual report outlines some of our main findings during full general inspections of six of the thirteen prisons in Ireland. These included a prison for women, the State's second largest prison, main remand prison and an open prison. Taken together, these prisons house around 40% of the people living in prisons in Ireland.

Each of the prisons inspected has its own unique features, but some systemic issues have clearly emerged. Chief amongst these is the scourge of **overcrowding**, which is affecting almost every prison in Ireland. Growing numbers of people living in prisons are sleeping on mattresses on the floors of shared cells, impairing their daily lives and marring the working conditions of prison staff.

The situation found by the Inspectorate during its May 2023 inspection of Cloverhill Prison was particularly grave, prompting me to issue an Immediate Action Notification (IAN) to the Director General of the Irish Prison Service and the Minister for Justice (see Appendix B). At the outset of the inspection, 152 people (one third of the prison's population) were being held four to a cell measuring less than 12 square metres, with one occupant sleeping on a mattress on the floor in each of these 38 cells. The in-cell lavatories were not partitioned and prisoners were eating breakfast, lunch and dinner in these highly-confined, stuffy and malodorous spaces. Inter-prisoner violence was the inevitable result of confining four adult men in these degrading conditions.

In July 2023, I met with Minister Helen McEntee in order to discuss the action being taken by her Department to address these concerns. As this report is being finalised, the prison population has exceeded 4,900 people, many hundreds in excess of the number that can be safely accommodated. The Irish Prison Service is enduring an overcrowding crisis that can only be resolved through courageous action at political level, such as agreeing to impose an enforceable ceiling on the number of people who can safely be held in each prison.

This report also identifies a **lack of access to purposeful activity** and **limited out-of-cell time for people on restricted regimes** as systemic issues in several of the prisons inspected.

During inspections, our team pays close attention to the **quality of relations between people living in prisons and prison staff**. In 2023, we observed very many examples of prison staff engaging with people in their custody in a highly professional and often compassionate way. Regrettable exceptions were noted during the September 2023 inspection of the Dóchas Centre in Dublin, where the cumulative effect of poor staff-prisoner dynamics and overly punitive sanctions was having a substantial adverse effect on the day-to-day lives of the women living there. These latest findings echo the concerns raised about this establishment from 2020 onwards by my predecessor, Chief Inspector Patricia Gilheaney.

Another cross-cutting theme is the **quality of psychiatric care** available to people living in prisons. In February and March 2023, the Inspectorate carried out a thematic inspection to evaluate this issue in seven prisons. The report was published, together with an Action Plan by the Irish Prison Service, in early 2024.

We found that people with serious mental health disorders being held in prisons were not receiving the right care, in the right environment, at the right time. The IPS has committed to implement those of the Inspectorate's recommendations that lie within its powers, and I was heartened that, at the public launch of the report, similar undertakings were given by representatives of the National Forensic Mental Health Service and the Health Service Executive. Resolving these longstanding issues will require far closer operational cooperation between the Department of Justice and the Department of Health.

Throughout 2023, the Inspectorate continued to carry out the full range of its other functions under the current legislation, including the **independent investigation of deaths in custody**, exercising a degree of **oversight of the prisoner complaints system** and **reviewing letters sent to us in confidence by people living in prisons**.

This is a significant workload for a very small team and I am immensely grateful to my colleagues for the commitment, professionalism and resilience that they again demonstrated throughout 2023. Whilst I appreciate the 15% increase in the Inspectorate's staffing budget that has been agreed for 2024, it is clear that further increases in our human and financial resources will be required to sustain and improve the Inspectorate's performance.

For the first time, this annual report gives more detailed information about the substantive issues that have arisen from our investigation and oversight work, as well as provides a snapshot of the concerns that have been raised with us directly by people living in prisons. I hope that this will give a better sense of the breadth of the Inspectorate's work, as well as the rich variety of sources of information available to us.

Looking to the future, the Inspectorate is keenly awaiting the publication of the **Inspection of Places of Detention Bill**, which will transform this Office into the Office of the Inspectorate of Places of Detention (OIPD), with an expanded monitoring mandate including detention by An Garda Síochána, detainee transport and court holding cells. In December 2023, we hosted a high-level international conference in Dublin at which national and international experts discussed the challenges and opportunities of developing a new best practice monitoring mechanism for the criminal justice system.

The OIPD is to be designated as a **National Preventive Mechanism (NPM)** under the Optional Protocol to the United Nations Convention Against Torture (OPCAT). In this regard, we are fortunate to have secured the support of the European Commission (DG Reform) for a major new project to provide technical support to build a high quality NPM in Ireland. The Council of Europe is the implementing partner for this project, which will be carried out in close partnership with the Ombudsman of Cyprus (the Cypriot NPM) and established NPMs in other European Union Member States. During 2024, the Inspectorate will develop detailed project activities in cooperation with stakeholders including the Department of Justice, the Irish Human Rights and Equality Commission, An Garda Síochána, as well as current and future policing accountability mechanisms and civil society organisations.

After fruitful exchanges between the Ombudsman, the Director General of the Irish Prison Service and the Inspectorate, we are also close to agreeing significant improvements to the prisoner complaints system for discussion with the Department of Justice.

2023 has been a very busy and productive year for the Inspectorate, which you will find reflected in this report. My team and I are greatly looking forward to the many challenges and opportunities that 2024 will bring.

1 INTRODUCTION

1.1 Functions of the Office of the Inspectorate of Prisons

The Office of the Inspectorate of Prisons was established pursuant to Section 30 of the Prisons Act 2007 (“the Act”) in January 2007. The Chief Inspector of Prisons is appointed by the Minister for Justice to perform the functions conferred on him by Part 5 of the Act. The current Chief Inspector was appointed on 1 June 2022 for a five-year term in office with effect from 15 August 2022, under Section 30 of the Act. The Chief Inspector of Prisons is independent in the performance of his functions.

Section 31(1) of the Act places an obligation on the Chief Inspector of Prisons to carry out regular inspections of prisons.

In addition to inspections, the Chief Inspector of Prisons may be requested by the Minister for Justice to carry out an investigation into any matter arising out of the management or operation of a prison, and if so requested, is obliged to carry out the investigation. The Chief Inspector may also carry out an investigation of his own volition.

The role of the Chief Inspector of Prisons includes:

- Regular Inspection of all 13 prisons in Ireland;
- Carrying out investigations of deaths in custody and also of any death of a person on temporary release that occurs within one month of his/her release;
- Investigating any matter arising out of the management and operation of a prison at his own volition or at the request of the Minister for Justice;
- Receiving and reply to letters from prisoners in accordance with Rule 44 of the Prison Rules 2007-2020;
- Oversight of the Irish Prison Service prisoner complaints system and carrying out the functions assigned pursuant to Prison Rule 57B of the Prison Rules 2007-2017.

It is not a function of the Chief Inspector to investigate or adjudicate on a complaint from an individual prisoner, but he may examine the circumstances relating to a prisoner complaint where necessary for performing his functions (Section 31(6) Prisons Act 2007).

The Chief Inspector of Prisons does not currently 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.

However, 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 The Team, Our Mission, Our Values & Our Vision

The Team

At year end, the team comprised fourteen officers, compared to twelve at the beginning of the year. During the course of 2023, two Inspectors left the Inspectorate and four were appointed following a public recruitment campaign administered by the Public Appointments Service. The vacancy at Senior Inspector level was filled by Ms Pia Janning in September. The Office Manager in situ at the start of the year transferred out of the Inspectorate and was replaced by Ms Louise Joyce. There were two Inspector vacancies and a vacancy on the administrative team at year end.

On 31 December 2023, Staff in the Office of the Inspectorate of Prisons were:

Staff serving on 31 December 2023	
 <p>Chief Inspector of Prisons Mr Mark Kelly</p>	 <p>Deputy Chief Inspector Ms Helen Casey</p>
 <p>Senior Inspector Dr Ciara O'Connell</p>	 <p>Senior Inspector Ms Pia Janning</p>



Assistant Principal Officer
Mr Fergal MacSuibhne



Inspector
Mr Mark Wolfe



Inspector
Ms Michelle Martyn



Inspector
Dr Sarah Curristan (joined in April)



Inspector
Mr Thomas Harte (joined in May)



Inspector
Mr Matthew Butterly (joined in June)



Inspector
Ms Laura Anderson (joined in November)



Data Analyst
Dr Douglas Nanka-Bruce



Office Manager
Ms Louise Joyce (joined in January)



Executive Officer
Mr Ross Mallon

Our Mission

The Mission of the Inspectorate of Prisons is to support excellence in delivery and outcomes in Ireland's prisons through an independent programme of inspections and investigations.

Our Values

In fulfilling our statutory duties, the Inspectorate team upholds the following values in all that we do and how we do it.

- Independence and Impartiality

The Inspectorate will always be fair and reasonable in discharging its duties and conclusions will be evidence-based. Reporting will be open and evidence-informed findings will be used to influence policy and practice.

- Human Rights Focused

A focus on human rights will be at the core of everything the Inspectorate does. This focus will apply to prisoners, visitors, staff and others who come into contact with the Irish Prison Service (IPS);

- Transparent and Collaborative

The Inspectorate will publish its approach to inspections and investigations and, also, the standards it expects of the IPS. The aim is to work in dialogue with IPS management, frontline staff and prisoners to drive compliance and good practice and achieve better outcomes. The Inspector will also engage in dialogue with other key stakeholders;

- Capable and Systematic

The Inspectorate will be professional and structured in its approach to Inspection and Investigation and, also, in its articulation of findings, conclusions and recommendations.

Our Vision for the Future

As noted in our Strategic Plan 2020-2023 (published October 2020), our Vision for the Inspectorate by 2023 is to achieve "[a] robust, preventative regime for the inspection of prisons in Ireland and the investigation of deaths in custody, or other investigations relating to the management or operation of a prison, recognised as meeting or exceeding national requirements and international best practice." At year end, preparations were underway for the development of a new multi-year Strategic Plan.

2 OUR AMBITION STATEMENTS 2020 - 2023

2.1 Our Ambition Statements

In order to realise our Vision, we have published a set of four Ambition Statements. These give a clear indication of the specific outcomes which the Inspectorate aims to achieve by the end of 2023 - dependant, of course, on the approval of resources and meaningful dialogue with the IPS and other stakeholders, as well as progress in producing new legislation.

Promote a robust, preventative regime of independent inspections of prisons which promotes quality and protects human rights

- A comprehensive and systematic programme of inspections of Ireland's prisons which is independent, transparent, prevention-focussed and in line with, or exceeding all national requirements and international obligations and best practice.

Provide a robust regime of investigating deaths in custody and/or any matter arising out of the operation or management of a prison

- Independent, timely and transparent investigations of all Deaths in Custody or investigations on any matter arising out of the operation or management of a prison as determined by the Chief Inspector of Prisons.

Provide public assurance regarding the handling of complaints

- Oversight of the Prisoner Complaints Process in a manner which commands the confidence of prisoners, staff and the public that is robust and fair.

Build public confidence in the work of the Inspectorate

- Through demonstrating the robust, comprehensive and independent nature of the Inspectorate's inspection framework, work programmes and outputs, building public confidence that the Inspectorate is fulfilling its statutory mandate and function.

2.2 Delivering on our Vision

A planned programme of activity across all areas of the Inspectorate, incorporating seven identified objectives, will deliver on our ambition statements and vision. **Table 1** illustrates these objectives and how they link to delivery.

Table 1: Delivery of Ambition Statements

Ambition Statements Objectives → ↓	1. Provide a robust, preventative regime of independent inspections of prisons which promotes quality and protects human rights	2. Provide a robust regime for investigating SAIs (including DiCs) in prisons and any matter arising out of the operation or management of a prison	3. Provide public assurance regarding the handling of complaints	4. Build public confidence in the work of the Inspectorate	5. Fulfil an extended remit across other specified places of detention in the justice system	6. Fulfil the range of activities required to support or coordinate the NPM
1. We will develop and maintain the framework, approaches and processes to underpin robust regimes for inspection and investigation and overseeing prisoner complaints	✓	✓	✓	✓		
2. We will implement the new operating model required to deliver our mission and statutory duties in line with national and international requirements and obligations	✓	✓	✓	✓		
3. We will undertake and maintain a robust programme of inspection throughout all of Ireland's prisons	✓			✓		
4. We will investigate all DiCs and SAIs as identified by the Inspector in a robust and timely manner		✓		✓		
5. We will develop and maintain collaborative relationships with partner organisations and with international networks	✓	✓	✓			
6. We will maintain readiness to take on additional duties as required by Government					✓	✓
7. We will provide a valuable oversight function for the IPS prisoner complaints process			✓	✓		

3 DEVELOPING A CRIMINAL JUSTICE NATIONAL PREVENTIVE MECHANISM IN IRELAND

Office of the Inspectorate of Prisons International Conference

On 6 December 2023, the Office of the Inspectorate of Prisons held a high-level international conference “The Optional Protocol to the UN Convention against Torture: Developing a Criminal Justice National Preventive Mechanism in Ireland” (photographs from this event can be found at [Appendix C](#)).

The conference, a key event for the Inspectorate in 2023, brought together a range of stakeholders including senior officials from government departments, statutory bodies, and criminal justice agencies, civil society, academia, as well as members of the Office of the Inspectorate of Prisons Expert Panel. It provided an opportunity to forge new relationships and to build on existing connections.

The Inspectorate was very fortunate to have in-person participation from high profile national and international human rights experts.

The keynote address ‘Building an effective mechanism for the prevention of ill-treatment: experience of the Council of Europe’s Anti-Torture Committee’ was delivered by Judge Mykola Gnatovskyy, Ukrainian Judge at the European Court of Human Rights and former President of the Council of Europe’s Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT).

The first panel, “Implementation at a national level: Success stories, lessons learnt and future prospects”, was moderated by Deirdre Malone, Director of the Irish Human Rights and Equality Commission. Panellists included Sam Gluckstein, Head of the United Kingdom National Preventive Mechanism (NPM), Saoirse Brady, Executive Director of the Irish Penal Reform Trust and Jacqui Durkin, Chief Inspector of Criminal Justice Inspection in Northern Ireland.

The second panel, “Developing an NPM in the criminal justice field in Ireland: Challenges and opportunities”, was moderated by Judge Gnatovskyy. Panellists included Dr. Julia Kozma, Austrian member of the UN Subcommittee on Prevention of Torture and other Cruel Inhuman or Degrading Treatment or Punishment (SPT) and former Head of Delegation during CPT visits to Ireland, Michael Kellett, Vice President of the Association for the Prevention of Torture (Geneva), and Tigran Karapetyan, Head of Division, Transversal Challenges and Multilateral Projects Task Force, Directorate General of Human Rights and Rule of Law, Council of Europe.

Lively discussion took place during panel, Q&A and roundtable sessions, generating ideas and feedback, which will inform the Office of the Inspectorate of Prisons in preparing for the ratification of the Optional Protocol to the United Nations Convention Against Torture (OPCAT) and assuming the role of National Preventive Mechanism for the criminal justice sector as the Inspectorate of Places of Detention after the entry into force of the Inspection of Places of Detention Act.

The Irish Human Rights and Equality Commission kindly hosted a conference dinner for speakers.

European Commission DG Reform Funding and Council of Europe Partnership

In October 2023, with the support of the Council of Europe, the Inspectorate submitted a funding application under the European Commission's Technical Support Instrument, entitled "Technical support for building an effective National Preventive Mechanism under OPCAT: promoting cross-jurisdictional knowledge exchange and peer learning in the criminal justice field".

With the Council of Europe as implementing partner and the Cypriot Ombudsman (NPM of Cyprus) as partner on this project, the proposal presents an important opportunity for the Inspectorate to avail of international expertise and draw on first-hand experience in relation to the establishment and operationalisation of an NPM.

The Council of Europe team has long experience in supporting Member States and closely cooperating with them to implement structural and sustainable reforms across the public and justice sectors, including institutional reforms, change management and capacity building (**Figure 1**).

Activities to take place as part of this project are designed to ensure robust scrutiny of new legislation, policy and frameworks developed to implement OPCAT. Moreover, project activities will include engagement with key stakeholders across the criminal justice sector who will be impacted by this new monitoring mechanism, as well as building capacity and carrying out training. Taken together, the project outputs aim to contribute to the creation of a system of effective respect for procedural rights of persons deprived of their liberty by police, and the creation of an NPM in Ireland informed by best practice of our European counterparts.



Figure 1: Council of Europe team - Paul Blanchard, Project Officer and Tigran Karapetyan, Head of Division, Transversal Challenges and Multilateral Projects Task Force, Directorate General of Human Rights and Rule of Law

National Preventive Mechanisms (NPMs) Engagement at a Regional Level

In November 2023, the Inspectorate was represented at senior management level at the Regional meeting of NPMs and Civil Society Organisations (CSOs) of the OSCE Region.

Building on several years of successful regional NPM and CSOs meetings, the Association for the Prevention of Torture, the Danish Parliamentary Ombudsman, the OSCE Office of Democratic Institutions and Human Rights (ODIHR) and the Council of Europe (CoE) cooperated to jointly host the sixth regional meeting for NPMs and CSOs of the OSCE region which took place from 9-10 November 2023, in Copenhagen, Denmark.

The theme of "Mental Health in Detention" was chosen for the 2023 event following a needs assessment carried out among NPMs. Additionally, further practical emphasis on NPM reports, recommendations and information management formed part of the discussions.

Building on experiences and expertise from NPMs and CSOs in the region, the meeting helped to identify challenges and good practices in relation to the monitoring of mental health in different places of deprivation of liberty.

The specific objectives of the meeting were:

- To explore the risk factors and situations which contribute to torture and other ill-treatment of persons with mental health conditions in detention and ways to address these;
- To examine standards, monitoring practices and NPM strategies to address challenges related to mental health across different detention contexts;
- To enable interaction between NPMs, CSOs and experts to share and identify good practices and reinforce cooperation;
- To help NPMs make better use of their reporting and recommendation powers to bring about change.

4 ACTIVITIES - INSPECTION & INVESTIGATION

4.1 Inspections

In 2023, the Office of the Inspectorate of Prisons reinforced its programme of full unannounced General Inspections of prisons. These inspections were conducted in line with *A Framework for the Inspection of Prisons in Ireland* (2020), and each examined five Focus Areas: Respect & Dignity, Safety & Security, Health & Well-Being, Rehabilitation & Development and Resettlement.

In addition, the Inspectorate conducted a Thematic Inspection in the form of an Assessment of Provision of Psychiatric Care in the Irish Prison System (February and March 2023), as well as commenced a Thematic Inspection on a Review of Death in Custody Investigations.

General Inspections 2022 / 2023

In late 2022 and throughout 2023, the Inspectorate carried out full unannounced General Inspections of six of the thirteen prisons in Ireland: Mountjoy Men's Prison and the Training Unit (November / December 2022), Cork Prison (March 2023), Cloverhill Prison (April / May 2023), Dóchas Centre (September 2023) and Shelton Abbey (November 2023).

The total population of these prisons represented approximately 40% of the overall prisoner population, and the prisons inspected included one open prison, one women's prison, the second largest prison and the country's largest remand prison.

In 2023, the Inspectorate continued its partnership with the Department of Education Inspectorate, which assisted in assessing and reporting on provision of education services in prisons. The Memorandum of Understanding in place at the end of the year was reviewed and again agreed.

The Inspectorate was also supported by the expertise of members of the newly formed Expert Panel, which comprises Experts from a range of disciplines. In 2023, medical experts, including general practitioners, nurses and psychologists, joined the Inspection Team in evaluating healthcare services in each of the inspected prisons. Additionally, experts in the area of prison research and data collection assisted the Inspectorate in carrying out assessment and report-writing activities.

Across the six full General Inspections carried out by the Inspectorate between November 2022 and December 2023, the Inspectorate identified positive initiatives in place across the prison estate, including strong external engagement with community partners in many prisons, a generally high standard of education provision in the prisons, as well as improvement of the prisoner food menu.

However, the Inspectorate also identified systemic issues that impacted negatively on the treatment and conditions of people in prison.

Of these, the Inspectorate had three primary concerns:

1. Across the six prisons inspected, four were experiencing **overcrowding** at the time of inspection. In these prisons, many people slept on mattresses on cell floors, which were in close proximity to toilet facilities. Toilets were not fully partitioned from the remainder of the living/sleeping space, which meant that people ate, slept and carried out the majority of their daily activities in close proximity to an open lavatory. The small size of cells meant that prisoners had very little space to walk around and were limited in their movement within the cells.
2. **Lack of access to purposeful activity** for much of the prisoner population in closed prisons resulted in many prisoners spending long periods in their cells or walking in circles in the prison yards. There were limited opportunities to engage in education, training and work of vocational value.
3. There was **very limited access to out-of-cell time for people on restricted regimes**. Many of these prisoners had limited access to purposeful activity and meaningful human contact. People on restricted regimes who were accommodated in overcrowded cells, for extensive periods of time each day, lived in conditions that amounted to degrading treatment.

Key Prison Inspection Findings

At the conclusion of each of the six full unannounced General Inspections, the Inspectorate provided its initial inspection findings to the Prison Governor and members of the prison management teams at the inspection closeout meeting. Summaries of these findings are provided below:

1. Mountjoy Men's Prison (28 November - 9 December 2022)

Overcrowding was, and remains, a significant concern in Mountjoy Men's Prison. At the time of inspection, many people in the prison were doubled-up in cells designed for single occupancy, and a substantial number of people were required to sleep on mattresses on cell floors. Given the very small size of the cells, mattresses on floors were wedged up against the in-cell sanitary facility, and obstructed the walking space in the cells. These cells did not meet minimum international human rights standards for personal living space, and people sharing cells used the toilet in the presence of one another.



Figure 2: Mountjoy Men's Prison

On 23 December 2022, the Chief Inspector of Prisons wrote to then Minister for Justice Simon Harris TD to highlight the Inspectorate's serious concerns regarding the detrimental impact of overcrowding at Mountjoy Men's Prison (see the Appendix to the Inspectorate's Annual Report for 2022).

Many people in custody in the Main Prison within Mountjoy Men's Prison experienced inconsistent and poor access to out-of-cell time. Approximately half of the population was accommodated under a restricted regime, which meant they received very limited daily out-of-cell time. On 28 November 2023, 46% (225 out of 498) of people in custody within the Main Prison were on protection regimes (Rule 63); there was no evident strategy in place to reduce the high number of protection prisoners.

Despite the 2017 commitment made by the Irish Prison Service to eliminate solitary confinement, the practice remained in use in Mountjoy Men's Prison¹. In the third quarter of 2022, 13 people were held in prolonged solitary confinement, which means they were locked in their cells for more than 15 days for periods of 22 hours or more each day, without access to at least two hours of meaningful human contact. At the time of inspection, two people had been held in prolonged solitary confinement for periods in excess of 70 days.

In Mountjoy Men's Prison, people on restricted regimes were accommodated in overcrowded and insanitary cells that lacked privacy, and experienced minimal amount of out-of-cell time; these factors, when taken together could be considered to amount to degrading treatment.

Prisoners and staff alike valued the school and the service it provided to people in the prison. However, frequent closures of the school in the Main Prison impeded access, particularly for prisoners on restricted regimes. There were limited work training opportunities in the prison, with many work training posts vacant for extensive periods of time.

Record-keeping in the prison was poor and lacked detail. For example, delays in completing National Incident Management System forms meant that recorded incidents reported to the State Claims Agency did not reflect the up-to-date situation in the prison.

Of particular concern to the Inspectorate was a practice in place in the prison whereby prisoners were removed from prison landings to the reception area of the prison to "cool off". When prisoners were re-located in this way the movement was not documented, and therefore there was no accurate record of where the prisoner was being held and which members of staff held responsibility for their care.

Shortcomings in the Prisoner Complaints System², particularly prolonged delays in the investigation of complaints and a lack of communication to people in prison about the status of their complaints, negatively impacted on prisoners' engagement with the complaint system. The vast majority of prisoners surveyed by the Inspectorate (76%, 105 of 139), did not think the system worked well and nearly two-thirds of survey respondents (63%, 90 of 142) indicated they did not feel safe making a complaint in the prison.

2. Training Unit (28 November - 9 December 2022)

The Training Unit re-opened in July 2022, and accommodated people aged 55 and over. Accommodation conditions in the Training Unit were very good and provided a positive living environment. The Training Unit offered single-cell accommodation with adequate living space. People living in the Training Unit were afforded a good degree of autonomy and the open regime supported very good access to purposeful activity.



Figure 3: Training Unit

¹ Irish Prison Service (2017) [Elimination of Solitary Confinement](#).

² OIP (2022) Annual Report, p. 6; OIP (2021) Annual Report, p. 28; OIP (2020) Annual Report, p.24; OIP (2019) Annual Report, p. 42; OIP (2018) Annual Report, p. 14; and OIP (2016) Review, Evaluation and Analysis of the Operation of the present Irish Prison Service Prisoner Complaints Procedure.

Access to communal dining in the Training Unit was a very positive feature of the prison. The Training Unit was also an example of good practice in terms of the quality of environment available to people in custody. For example, the recreational area, a work training space and the outdoor courtyard were open and accessible to all prisoners each day.

More than half of prisoners surveyed by the Inspectorate in the Training Unit (62%, 24 of 39) reported that they considered that the education, work training, and other activities offered to them would help them upon their release from the prison.

While the Training Unit was equipped with rooms designed for end-of-life care, these rooms were not operational at the time of inspection, and remained out of use throughout 2023.

3. Cork Prison (27 March - 5 April 2023)

Cork Prison was also experiencing unprecedented overcrowding at the time of inspection. Some cells designed for double-occupancy were accommodating three people, with one person allocated a mattress to sleep on the cell floor; people held in these conditions were not provided with the minimum international personal living space standard of four square metres per person, exclusive of sanitary facility (**Figure 4**).

Positively, cells in Cork Prison were equipped with showers. However, the shower and toilet facilities were not fully partitioned from the remainder of the cell; as a result, prisoners used the toilet in the presence of each other, and also ate their meals in close proximity to the toilet.

Some prisoners on restricted regimes were held in these conditions for large portions of the day without access to purposeful activity. The vast majority (81%, 25 out of 31) of people on protection surveyed by the Inspectorate in Cork Prison reported they spent less than two hours out of their cell each day.



Figure 4: Overcrowded Double-Occupancy Cell, Cork Prison

Overcrowded cells combined with limited time out-of-cell for prisoners on protection regimes meant that people being held in these conditions were being subjected to degrading treatment.

Contrary to requirements set out in international human rights law, unconvicted prisoners were accommodated in the same cells as convicted prisoners³.

During the inspection, the Inspectorate identified a serious concern with the operation of the call bell system in the prison. As a result, on 3 April 2023, the Chief Inspector of Prisons issued an Immediate Action Notification (IAN)⁴, to the Governor of Cork Prison and the Director General of the Irish Prison Service (See [Appendix A](#)). The call bell system permitted only one emergency cell call to be made at a time, despite there being more than 50 cells on some of the prison landings. The queueing system in place had acute implications for response times to emergencies in the prison. In response to the IAN, the Irish Prison Service carried out significant modifications to the call system at Cork Prison.

³ United Nations, Article 10(2) of the [International Covenant on Civil and Political Rights](#).

⁴ OIP (2020) [A Framework for the Inspection of Prisons in Ireland](#), sections 2.3.5 - 2.3.9.

The overall environment of Cork Prison was welcoming and clean. Photographic murals had been installed in the yards and common areas of the prisons in response to a recommendation made by the Inspectorate in 2021 to create visual green space in a number of prisons (**Figure 5**)⁵.

The school was a very positive place for students in the prison, and there was excellent collaboration between the school, in-prison services and outside agencies to support students and their families. However, there was a lack of other purposeful activity. For example, there were very limited work training opportunities available: 59% of prisoners (76 of 128) surveyed by the Inspectorate stated that they did not have a job. Prisoners not engaged with school or work did not have access to five hours of structured activity on five days each week; this did not align with Rule 27(3) of the Prison Rules 2007-2020. The Inspectorate was particularly concerned about the lack of purposeful activity available to people on restricted regimes.



Figure 5: Photographic Mural, Yard in Cork Prison

Despite the best efforts of resettlement support staff working in the prison, a “bed backlog” in the community caused great challenges in sourcing housing, as well as wraparound supports, for people release.

4. Cloverhill Prison (15 - 25 May 2023)

Overcrowded cell conditions were of serious concern in Cloverhill Prison. On 22 May 2023, 108 people were accommodated with three other prisoners in triple-cell occupancy cells; of this number, 27 people were sleeping on mattresses on the floors. Shared cells accommodating four men were hot, humid and malodorous (**Figure 6**).

There were no showers in cells, and the allocated timeslot of one hour per day did not provide a sufficient amount of time for prisoners to have daily access to a shower on larger landings (six showers for 60 people).

Prisoners accommodated in four-person and three-person cells were not living in conditions that aligned with the minimum personal living space standard set out by the Council of Europe’s European Committee for the Prevention of Torture (CPT), and in-cell toilet facilities were not fully partitioned from the remainder of the cell. People in prison used the toilet in the presence of their cellmates, and some had no choice but to eat their meals on the cell floors.



Figure 6: Overcrowded, 4-Person Cell, Cloverhill Prison

Prisoners were provided with only one set of clothes and between one to three pairs of socks and underwear over a seven-day period. When prisoners were allowed to wear their own clothing, they washed these clothes in sinks and dried them in their cells.

⁵ OIP (2021) COVID-19 Thematic Inspection of Cork Prison 31 May - 1 June 2021, Recommendation 17.

Some men spent a minimum of 16 hours daily locked in very poor cell conditions. Out-of-cell time records did not capture *actual* amount of out-of-cell time provided to prisoners on protection regimes (only time offered was documented), which made it impossible for the Inspectorate, and prison management, to determine actual time spent out of cells by people in Cloverhill Prison. However, 61% (31 of 50) of protection prisoners surveyed by the Inspectorate reported they spent less than two hours out of their cells each day.

Prisoners held in three-person and four-person cells in Cloverhill Prison, particularly those on restricted regimes, and who had very limited out-of-cell time each day, experienced degrading treatment.

In response to the degrading cell conditions and overcrowding in Cloverhill Prison, the Chief Inspector of Prisons issued an Immediate Action Notification (IAN) on 1 June 2023 to the Director General of the Irish Prison Service and the Minister for Justice ([Appendix B](#)). Both the Director General of the Irish Prison Service and the Minister for Justice responded and outlined the actions being taken to address the IAN, and overcrowding across the prison estate more generally. On 11 July 2023, the Chief Inspector and a Senior Inspector met with Minister for Justice Helen McEntee TD to relay the Inspectorate’s ongoing concerns with respect to overcrowding and degrading treatment and conditions in Cloverhill and other prisons inspected.

Serious incidents of violence occur on a regular basis in Cloverhill Prison, many behind cell doors; however, there was limited evidence of individual risk assessments being conducted to determine suitability for sharing of cells.

Remand and sentenced prisoners were accommodated together, contrary to international human rights standards.⁶ Immigration detainees were accommodated with general population prisoners, which did not align with internationally recognised best practice⁷.

Despite commitments made to utilise prison as a last resort to address criminal offending, the Inspectorate found a continued reliance on imprisonment to address low-level offending. At the time of inspection, a number of people in Cloverhill Prison had low bail amounts set by the courts. For example, on 18 May 2023, 11 people had bail set at 100 euros or less, while another 26 persons had their bail set at less than 500 euros. It was very apparent that Cloverhill Prison was acting as a “social safety net” as a result of wider systemic failures to address causes of offending, such as drug addiction and homelessness.

More than 20% of the people in Cloverhill Prison were from countries other than Ireland. Positively, in an effort to respond to the needs of prisoners who did not speak English, the prison had developed a pre-recorded induction video (**Figure 7**), and plans were in place to make this available in designated committal cells. However, there was no in-prison interpretation service available for staff to use to communicate with prisoners. Instead, staff relied on interpretation assistance provided by other prisoners; this was not a safe and secure way to share information, and had data protection implications.

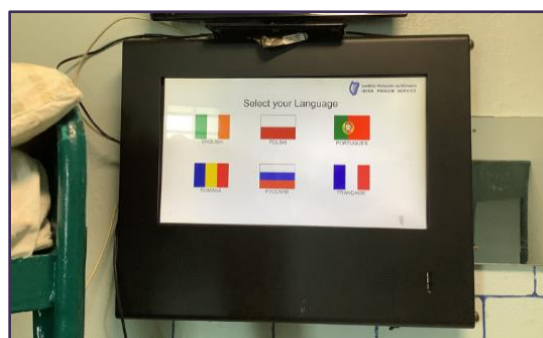


Figure 7: Committal Induction Video, Multiple Languages, Cloverhill Prison

⁶ United Nations, Article 10(2) of the [International Covenant on Civil and Political Rights](#).

⁷ [CPT 7th General Report on the CPT's activities covering the period 1 January to 31 January 1996](#).

The Inspectorate identified deficits in healthcare provision in the prison. There were times when the prison operated without a nurse on night-duty, despite Cloverhill Prison accommodating approximately 450 people. At the time of inspection, there was no Chief Nurse Officer (CNO) working in the prison. The Chief Inspector wrote to the Irish Prison Service Director of Care and Rehabilitation to outline the pressing necessity of CNO cover. On 1 July 2023, the IPS confirmed that an acting CNO had been appointed to Cloverhill Prison. The Inspectorate welcomed this development.

There was very limited access to purposeful activity in the prison; only 10% of the prisoner population could attend the school on a daily basis. For the vast majority of prisoners, activity was limited to watching television or reading in their cells, attending the gym and walking in circles in the yards.

Prior to their release, prisoners were not provided with the necessary information or supports to assist them to re-integrate into the community; this was particularly lacking for people released on bail as they were not linked up with community support services. On observation of the release process, the Inspectorate witnessed prisoners being released without sufficient information to find public transport or temporary accommodation, and with very little money.

5. Dóchas Centre (19 - 29 September 2023)

The Dóchas Centre is the larger of the two prisons accommodating women in the State. In recent years, the Inspectorate has repeatedly raised concerns about treatment of women and the regime and conditions in this prison⁸. Unfortunately, its unannounced full general inspection in September 2023 did nothing to allay those concerns.

In assessing the Dóchas Centre, the Inspectorate focused on the gender-specific needs of women in prison, in line with the United Nations Bangkok Rules and other relevant international standards.⁹ Women entering custody are often unhoused, victims of violence and have experiences with drug or alcohol dependency and mental illness. They also face a high likelihood of post-release victimisation and abandonment by their families.

When originally opened, almost a quarter of a century ago, the Dóchas Centre was regarded as a model for the progressive treatment of women in prison. However, in more recent years, under a succession of Governors, this establishment would appear to have lost its way. During its inspection in September 2023, the Inspectorate found that the regime in place was more akin to that of a closed prison for men.

Over the course of inspection, the Dóchas Centre was operating at a bed capacity of between 105% and 114%. There was no structured approach to assessing suitability to share accommodation, and movement of women into overcrowded cells caused stress, tension, and anguish; particularly when long-term prisoners were accommodated with newly committed prisoners, many of whom had addiction and/or mental health illnesses.

⁸ OIP (2022), [COVID-19 Thematic Inspection of Mountjoy Women's Prison - Dóchas Centre](#), September 2021 and OIP (2020) [Inspection Report Oversight Monitoring Visit During COVID-19 Pandemic - Mountjoy Female Prison \(Dóchas Centre\)](#), April - May 2020.

⁹ See also, [CPT Factsheet on Women in Prison](#), 29 January 2018, Council of Europe document CPT/Inf(2018)5.

Alongside overcrowding in the prison, the Inspectorate raised concerns about:

- the restrictive regime in place in much of the prison;
- observably poor relations between prison staff and women in custody;
- the mental well-being of women in custody and
- overly punitive implementation of sanctions.

At the time of the inspection, the cumulative effect of poor staff-prisoner dynamics and punitive sanctions in the Dóchas Centre was having a substantial adverse impact on the day-to-day lives of many of the prisoners living there.

In some areas of the prison, a “lock-back” regime had recently been put in place to limit the number of women permitted in the houses during “unlock” periods. Women were told to choose between leaving their rooms each morning and afternoon or staying “locked back” during these times. For women who did choose to leave their rooms they were not permitted to return to their rooms. This meant they could not return to their rooms for hours on end and were obliged to remain in the yards without shelter, including during adverse weather (**Figure 8**).



Figure 8: Unsheltered Small Yard, Dóchas Centre

During the inspection, groups of women were observed huddled in the doorways of some of the houses, trying to shelter from a storm. Their request to staff to be allowed to return to their rooms had been denied and they said they had been told they would be sanctioned if they tried to go into the kitchen or recreation rooms. Upstairs in the houses concerned, staff members were found to be cosseted in their Class Offices chatting to each other. None of them were engaging with the bedraggled women who remained locked out of their rooms.

Staffing shortages and the low number of staff posted to houses, particularly for houses on the smaller yard, meant that there was limited engagement between staff and prisoners in the Dóchas Centre. The opportunity for contact and engagement was further impeded by the newly introduced lock-back regime. Some prison officers displayed little patience when engaging with women in custody; indeed, on a number of occasions, they were overheard by Inspectors using dismissive, intimidating and infantilising language when speaking with women living in the Centre.

The imposition of sanctions was found to be overly punitive, particularly given that women could face a form of “double jeopardy” sanction for a single perceived infraction. Women might receive a “drop” in their incentivised regime status which would decrease their financial gratuity and phone call time each week and, in relation to the same event(s), could also receive P19 disciplinary sanctions, which included additional “lock-back” periods and in some instances, extensive periods of removal from the prison population on grounds of order.

Many women reported being sanctioned, either through drops in their incentivised regime or P19s, in the event that they “spoke back” to an officer; this caused many women to fear engagement with officers should they be perceived to be threatening. Some women told Inspectors that they were afraid to advocate for themselves and that, if they attempted to do so, this was met with derision by staff.

A small number of women were accommodated in an area of the prison referred to as the “Healthcare”/Committal Unit (HCU). Previously, the Inspectorate has raised concerns about the purpose and utility of this area, particularly regarding the mixed function of the HCU, which is used to house women on restricted regimes, under special observation, or who have long-term care needs, alongside new committals¹⁰. Conditions in this Unit were particularly concerning, with women suffering from serious mental illness held in very poor conditions and without access to appropriate medical treatment (**Figure 9**).



Figure 9: Room 5 in “Healthcare” / Committal Unit, Dóchas Centre

The HCU was frequently chaotic over the duration of the inspection, and did not provide an appropriate accommodation for the women in these rooms, regardless of the rationale for their placement. On many occasions, women were heard crying and screaming for prolonged periods of time, without intervention from staff.

As noted by the Inspectorate in its 2023 report on the Thematic Inspection: An Evaluation of the Provision of Psychiatric Care in the Irish Prison System, there is a need to ensure “better diversion and easier access to the CMH (National Forensic Mental Health Service Hospital – NFMHSH) and civil psychiatric hospitals”.

There is evident gender discrimination with respect to the availability of pathways for progression offered to women as opposed to those offered to men in the Irish prison estate. With no possibility of transfer to an open centre and a paucity of step-down facilities, women in custody expressed frustration at the limited opportunities for progression. 41% (38 out of 93) of women who completed the Inspectorate’s survey thought the education, work, training and other activities offered in the prison would help them on release. However, concerning preparation for release, the Inspectorate found there was a need to identify further accreditation possibilities within the Dóchas Centre, in addition to identifying work placements for women in the community. These measures would greatly support labour market access for women post-release.

¹⁰ OIP (2022) COVID-19 Thematic Inspection of Mountjoy Women’s Prison - Dóchas Centre, September 2021.

6. Shelton Abbey (20 - 27 November 2023)

Shelton Abbey was the sixth and final unannounced general inspection carried out by the Inspectorate in 2023. As Shelton Abbey is an open prison, which has the aim of preparing people for successful re-integration into the community, the Inspectorate focused particularly on the Rehabilitation & Development and Resettlement Focus Areas in its Inspection Framework.

Positively, both staff and people in prison felt safe working and living in Shelton Abbey; the importance of this cannot be overstated, particularly when compared to the environment in certain closed prisons inspected in 2023. Nearly all staff survey respondents (97%, 29 of 30) reported they felt safe working in the prison, while 90% (56 of 63) of residents surveyed in Shelton Abbey reported they felt safe from being injured, bullied or threatened by other residents.

Relationships between staff and residents in the prison were very good. Staff engaged with residents in a respectful and kind manner. The Inspectorate observed and learned of many instances in which staff supported and advocated for residents in their care.

Very positively, 97% (28 of 29) of staff surveyed believed that resident rehabilitation was an important part of their job. Residents indicated a mutual respect between staff and people in the prison: “They can’t do enough for you” and “I feel human again”.



Figure 10: Communal Dining Hall, Shelton Abbey

There were a number of features in Shelton Abbey that fostered independent living skills including, access to mobile phones, open visits with families, resident keys to rooms and communal dining (**Figure 10**). Out-of-cell (room) time comfortably exceeded minimum international human rights standards.

There were some areas in need of investment and improvement, namely the school building and the resident accommodation (**Figure 11**). Some rooms were of a dormitory style, and did not provide ample living space for residents. However, residents sleeping in these cramped conditions still experienced them as far superior to those in the closed prisons.

Shelton Abbey had a very strong established network with the local community. Almost one-third of residents worked for local employers and residents had opportunities to interact with people who visited the prison. Residents who worked in the community were able to establish links for future employment as well as earn a living wage while in the open centre.



Figure 11: Education Centre Building, Shelton Abbey

Shelton Abbey did not have nursing cover at night. There was also very limited access to psychology services, which was particularly concerning given the need for psychology reports to be submitted to the Parole Board when considering parole applications. Despite a recommendation made by the Inspectorate in 2021, an Occupational Therapist had still not been allocated to the prison.

The Inspectorate had some concerns about the lack of structure and implementation of pathways to sentence progression. For instance, prison staff systematically referred all residents to all services, rather than applying a more personalised approach to sentence management. Services provided within the prison could benefit from adopting a more integrated and joined-up approach. For instance, the Education Centre and the rest of the prison were not adequately integrated in order to achieve the best education and training outcomes for residents.

There were limited certification programmes available to residents in Shelton Abbey and there was no clear programme available to progress residents from internal to external employment. These limitations hindered pathways to employment for residents on release.

Based on exclusionary criteria set by the Irish Prison Service and Minister for Justice, some residents were essentially “stuck” in the system, with their ability to progress restricted by limitations on their engagement external to the prison. These residents, many of whom had been imprisoned for extensive periods, were not permitted to engage in external work, to visit with family outside of the prison or to engage with prisoner support services external to the prison. These residents had spent a significant amount of time removed from the general community, and were arguably most in need of supports to successfully re-integrate into their families and communities. The Inspectorate was concerned about the prospects for these residents, particularly because prohibitions in place to limit their external engagement had the consequence of demotivating them to progress in their sentences; this runs counter to the stated mission of the Irish Prison Service to “(Provide) safe and secure custody, dignity of care and rehabilitation to prisoners for safer communities”.

2022/2023 General Inspections - Survey Findings

As part of the six full unannounced General Inspections carried out by the Inspectorate between November 2022 and December 2023, 646 people in prison and 469 members of operational and service staff completed the Inspectorate’s inspection surveys.

Prisoner surveys were conducted using secure digital tablets and staff surveys were hosted on the Inspectorate’s website. The use of electronic surveys allowed the Inspectorate to identify potential lines of enquiry during the course of inspection, and also provided an anonymous way for prisoners and staff to engage with the Inspectorate.

The surveys captured demographic information for both cohorts, as well as information about experiences of living and working in the prisons. The Inspectorate tracks survey responses over time to determine potential changes in specific prisons.

In 2022/2023, the Inspectorate identified a number of themes emergent from survey findings in the six inspected prisons.

1. Grievance Procedures

Both prisoner and staff survey respondents indicated a strong reluctance to engage in grievance procedures. More than half of people in prison who completed the Inspectorate survey (53%, 334 of 631) reported they did not feel safe making a complaint in the prisons. Only 18% of prisoner survey respondents (107 of 612) believed the complaint system works well.

Similarly, nearly half of staff respondents (45%, 194 of 430) indicated they did not feel comfortable expressing work-related grievances in the prisons.

53%
of prisoners surveyed by the OIP, **did not feel safe making complaints in prison**

2. Experience Working in Prisons

76%
of staff surveyed by the OIP, **believed prisoner rehabilitation was an important part of their job**

Half of operational and service staff surveyed in the six inspected prisons (50%, 218 of 440) were satisfied with the quality of their working life, and 63% (276 of 439) reported feeling safe working in the prisons.

48% of staff respondents (202 of 425) looked forward to coming to work in the prisons, and 76% (326 of 431) felt that rehabilitation of people in prison was an important part of their job.

Staff respondents had mixed opinions about their levels of work-related stress, with 40% (168 of 422) reporting satisfaction with the stress they experienced at work and 38% (161 of 422) reporting dissatisfaction with their levels of work-related stress.

Many prison staff who completed the survey reported satisfaction with their level of training in the areas of control and restraint (56%, 216 of 389), human rights (50%, 201 of 401) and personal protective equipment (48%, 216 of 399). However, many did not feel satisfied with their training in combatting human trafficking (56%, 223 of 397), working with prisoners with mental health issues (55%, 216 of 391), CPR/First Aid (52%, 205 of 398) and gender-based violence (47%, 188 of 398).

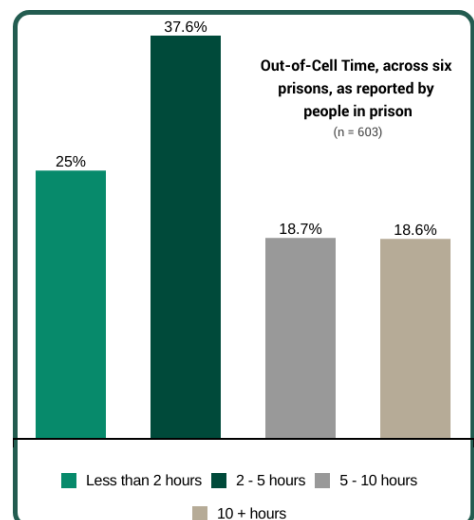
3. Experience Living in Prisons

Overall, less than half of prisoner survey respondents (47%, 290 of 620) felt safe from being injured, bullied or threatened by other prisoners in prison.

Of 603 prisoner survey respondents, 25% (151) reported spending less than two hours out of their cells on a typical weekday. Many prisoners (38%, 227 of 603) reported spending between two and five hours out of their cells each day.

Nearly half of prisoner survey respondents (49%, 236 of 486) alleged they had experienced discrimination in the prisons.

Most frequently reported was discrimination allegedly based on nationality (10%, 48 of 486), race/ethnicity (7%, 32 of 486) or Membership in the Traveller or Roma communities (12%, 60 of 486).



Prisoner survey respondents who indicated they were Irish Traveller, Roma, Any Other White Background, Black, Asian and Other - including mixed group/background, reported different experiences of imprisonment as compared to prisoner survey respondents who indicated they were White Irish.

- While half of White Irish respondents (49%, 184 of 378) indicated they had experienced discrimination in the prisons on one or more grounds, more than 70% of other respondents (155 of 140) reported the same.
- 54% (219 of 408) of White Irish respondents and 42% (57 of 137) of respondents who were Irish Travellers, Roma, Any Other White Background, Black, Asian and Other, including mixed group/background, reported having a job in the prison. Similarly, 61% (249 of 411) of White Irish respondents and 54% (77 of 142) of other respondents indicated they attended school in the prisons.
- Three out of five White Irish respondents (62%, 252 of 407) indicated that they considered that staff treated them fairly, while 54% (79 of 146) of respondents who were Irish Travellers, Roma, Any Other White Background, Black, Asian and Other, including mixed group/background, reported being treated fairly by staff.
- Prisoner survey respondents who were Irish Travellers, Roma, Any Other White Background, Black, Asian and Other, including mixed group/background (56%, 83 of 149) reported they did not feel safe making a complaint, while 50% (211 of 420) of White Irish respondents reported similarly.
- Three out of five White Irish respondents (60%, 246 of 412) and seven out of ten (69%, 95 of 138) Irish Traveller, Roma, Any Other White Background, Black, Asian and Other, including mixed group/background, respondents indicated spending up to at least 19 hours a day in their cells.

Thematic Inspections

An Evaluation of the Provision of Psychiatric Care in the Irish Prison System: February - March 2023

In February and March 2023, the Inspectorate carried out a thematic inspection of the provision of psychiatric care in the Irish prison system. The Inspectorate was assisted by two international experts: Dr Clive Meux, a consultant forensic psychiatrist, and Mr Andy Flynn, a registered mental health nurse. Seven of the thirteen prisons in the State were visited during this inspection.

The objective of the Thematic Inspection: An Evaluation of the Provision of Psychiatric Care in the Irish Prison System report was to (i) describe the current situation of treatment of adults in prison with serious mental disorders; (ii) identify issues of concern in relation to treatment of adults with serious mental disorders; and (iii) make recommendations that, if implemented, would address concerns identified by the Inspectorate.

The Inspectorate determined that people with serious mental health disorders in prisons were not receiving the right care, in the right environment in the right time. There were not enough specialist mental healthcare staff working in many prisons and there were long waitlists to access a mental health professional. More than one-third of psychology posts were unfilled in early 2023. There were also not enough housing and resettlement support staff working in prisons, which meant that people with mental disorders did not always receive the supports they needed to connect with mental healthcare treatment upon release into the community.

Not enough training was provided to prison staff working with people in prison with serious mental disorders, particularly those officers working in special units where these prisoners were accommodated.

Of the seven prisons inspected, five were severely overcrowded; many people, including people with mental health disorders, shared small cramped cells and slept on mattresses on cell floors. Some prisoners with mental health disorders were living in degrading conditions.

Although prisoners are entitled to receive an equal standard of psychiatric care as is available in the community, many psychiatric treatments available in the community were not available to people in prison.

There was not enough space to support people who need treatment for serious mental health disorders in Ireland, which resulted in long delays to transfer prisoners to the National Forensic Mental Health Service Hospital (NFMHSH).

The Inspectorate issued a number of recommendations to address these concerns, including:

1. A rapid pathway should be created for prisoners with mental disorders who require a psychiatric hospital bed to be swiftly transferred to the NFMHSH.
2. Increases to staff complements across the prison estate, in particular: Psychologists, Psychiatrists, Nursing, Healthcare Assistants, Housing Support, Social Workers, Occupational Therapists and Administrative Staff.
3. Increased training for prisons officers in the recognition, assessment and treatment of prisoners with serious mental disorders.
4. Improvement of cell conditions, and provision of a bed to each person in custody; this will require liaison between the Department of Justice, Courts Service and Health Service Executive to identify strategies to reduce overcrowding in prisons.
5. Action should be taken to support unhoused prisoners with mental disorders to access psychiatric treatment in psychiatric hospitals.

Review of Death in Custody Investigations

In 2023, the Inspectorate commenced a review of Death in Custody Investigations. The objectives of this review are to:

1. Evaluate recommendations the Inspectorate has made with respect to Deaths in Custody;
2. Identify systemic issues across investigations;
3. Consider lessons learned over the ten year review period; and
4. Review the Inspectorate's investigative process generally and consider whether improvements to practices and procedures are required.

As part of this review, the Inspectorate invited Governors of prisons to share their thoughts on the investigation process through dissemination of survey. Additionally, a survey was used to explore the processes used in other jurisdictions by bodies that investigate deaths in custody.

The Review of Death in Custody Investigations will be completed in 2024.

Report Launch: Education & Work Training Thematic Inspection - 2022

On 23 June 2023, the Office of the Inspector of Prisons launched the Thematic Inspection on Education and Work Training (April - June 2022) report. This thematic inspection was conducted in Mountjoy Men's Prison, Wheatfield Prison and Arbour Hill Prison, and was carried out in partnership with the Department of Education Inspectorate.



Figure 12: Feargal Black, Director of Care and Rehabilitation, IPS, Mark Kelly, Chief Inspector, OIP and Yvonne Keating, Chief Inspector Department of Education (DE) Inspectorate



Figure 13: Yvonne Keating, Chief Inspector, DE Inspectorate, Michelle Martin Inspector, OIP, Helen Casey, Deputy Chief Inspector, OIP, Ciara O'Connell, Senior Inspector, OIP, Frances Moss, Senior Inspector, DE Inspectorate and Liz O'Neill, Senior Inspector, DE Inspectorate

The Inspectorate assessed provision of work training in the prisons, across three areas: (i) access to work training, (ii) work training certification, and (iii) sustainability of work training initiatives. Key findings on provision of work training in prisons included:

- Across the three prisons, there were many examples of in-prison collaboration, engagement with the community and peer-led initiatives.
- In two of the three prisons, people in prison were not guaranteed their minimum entitlement to five hours of access to “authorised structured activity” on five days of each week. Prisoners on protection had very little engagement with activities in the prisons.
- There were not many certification opportunities available to prisoners, but there were examples of initiatives championed by prison staff to increase engagement with community partners.

- Prison officer posts dedicated to prisoner rehabilitation were often redeployed to other posts, and there was no education and work training policy in place to support sustainable and strategic planning in education and work training.

The Department of Education Inspectorate assessed (i) teaching and learning, and (ii) leadership and management in prison schools. Key findings on provision of education in prisons included:

- Quality of teaching across all prisons inspected was very good. Teachers were flexible, creative and innovative in their teaching and learning programmes were designed around student needs.
- Across the prisons, relationships between school and prison management were good or very good. However, there were issues in two prisons with access to school. Challenges included: unpredictable opening of the school, erosion of start and finish times and difficulty in providing support for vulnerable prisoners.
- Students described the school as a vital service that helped them cope with their sentence and gain skills and qualifications. Students and teachers shared high levels of mutual respect.

To accompany the report, the Inspectorate prepared a summary inspection booklet for people in prison and an infographic for dissemination to people working in prisons.

Based on inspection findings, the Inspectorate recommended, in part, that:

1. The IPS should develop an Education and Work Training policy in collaboration with key stakeholders.
2. Certification offered to prisoners should be labour market tested and should be recognised by employers to improve employment prospects upon release.
3. A centralised data recording system should be put in place to accurately identify, track and report on engagement with purposeful activity.

Recommendations Monitoring

In line with the Inspection Framework (Section 3.4.11) and the Recommendation Monitoring Policy (2021), the Inspectorate monitors implementation of recommendations made to the Irish Prison Service on an ongoing basis. Monitoring is done through inspections, and also by way of Self-Assessments completed by the Irish Prison Service on a bi-annual basis.

The Q3/Q4 2022 Irish Prison Service Self-Assessment provided updates on 96 *ongoing* recommendations (status determined by the Irish Prison Service). Of these, the Irish Prison Service indicated 48 were completed (50%). These updates were made available on the Inspections Recommendations Monitoring Database, which is available on the Inspectorate's website.

Building on the update provided in September 2022, the Irish Prison Service provided its Q1/Q2 2023 Self-Assessment of recommendations in June 2023. For this update, the Inspectorate requested status updates on 57 recommendations, all of which were identified by the Irish Prison Service as *ongoing* in 2022. Of these 57 ongoing recommendations, the Irish Prison Service reported five had been completed (9%).

In September 2023, the Inspectorate provided the Irish Prison Service with the Q3/Q4 2023 Self-Assessment template. This template included a request for update on outstanding ongoing recommendations previously assessed, as well as recommendations made in 2022 based on findings from the Thematic Inspection on Education and Work Training (April - June 2022); a total of 56 recommendations. While the return deadline for the Q3/Q4 2023 IPS Self-Assessment was 30 November 2023, this remained outstanding at year-end.

The Inspectorate verifies implementation of recommendations as part of its inspection activities. As inspection reports are published the Inspectorate's recommendation status updates will also be uploaded to the Inspections Recommendations Monitoring Database. Over time, the Inspectorate intends to provide and make public its quantifiable assessment of recommendation implementation levels.

Review of the 2020 Inspection Framework

In late 2023, the Inspectorate commenced a review of A Framework for the Inspection of Prisons in Ireland (2020). The review will be completed in 2024, and will include consultation with people directly involved in the Inspectorate's prison inspections, as well as with organisations relevant to the work of the Inspectorate.

4.2 Investigations

Death in Custody Investigations

When a State deprives people of their liberty it assumes a heightened obligation to protect their human rights. Article 2 of the European Convention on Human Rights provides for the right to life, the most fundamental of the rights enunciated in the Convention. Through its jurisprudence, the European Court of Human Rights has determined that Article 2 places a positive obligation on the State to protect the lives of individuals who are actually known, or ought to be known, to be at imminent risk. When a prisoner dies while in the custody of the State it has been established that there is an obligation on the State to conduct an effective investigation. Since 2012, the Chief Inspector of Prisons has been obliged to investigate all deaths in prison custody and within one month of the Temporary Release of a person from prison custody.

The objectives of the Inspectorate's investigations of deaths in custody are to:

- Establish the circumstances and events surrounding the death, including the care provided by the Irish Prison Service (IPS);
- Examine whether any changes in IPS operational methods, policy, practice or management arrangements could help prevent a similar death in the future;
- Ensure that the prisoner's family have an opportunity to raise any concerns they may have, and take these into account in the investigation; and
- Assist the Coroner's investigation and contribute to meeting the State's obligations under Article 2 of the European Convention on Human Rights, by ensuring as far as possible that the full facts are brought to light and any relevant failing is exposed, any commendable practice is identified, and any lessons from the death are learned.

Deaths Investigated in 2023

During 2023 there were 20 deaths which fell within the scope to be investigated by the Inspectorate, which was a slight reduction on 2022 when 23 were within the scope to be investigated. A breakdown on the 2023 deaths to be investigated is provided in **Table 2**.

Table 2: 2023 Deaths in Custody

Prison	Total Number	Death in Prison	Death in Hospital	Death within One Month of Temporary Release
Castlerea Prison	1	1		
Cork Prison	2		1	1
Cloverhill Prison	1	1		
Limerick Prison	4	1		3
Midlands Prison	6	4	1	1
Mountjoy Men's Prison	5	2	1	2
Wheatfield Prison	1	1		
Total	20	10	3	7

In 2023, there were no deaths in custody in the women's prisons.

The average age of those who died in prison custody during 2023 was 47 years old.

The youngest person was 23 years old and the eldest was 79 years old. Four people were on remand and two people were serving a Life sentence.

Meeting with Family / Next-of-Kin

To ensure that the prisoner's family/ Next-of-Kin (NoK) has an opportunity to raise any concerns representatives of the Inspectorate offer to meet with family/NoK shortly after the death of their loved one. Some families/NoK welcome the opportunity to meet, while others prefer not to engage. During the investigation, the Inspectorate endeavors to provide answers to questions/concerns raised by the family.

A second meeting with the family/NoK is offered just prior to the publication of the investigation report. The purpose of the second meeting is to inform the family/NoK that publication is imminent and provide them with a general outline of the findings of the investigation and whether or not the report contains recommendations.

An anonymised report is provided to the family once published by the Minister for Justice.

Death in Custody Publications and Recommendations in 2023

While the Inspectorate is independent in its function, the Inspectorate does not yet have the authority to publish its investigation reports. During 2023, seven reports were submitted to the Minister for Justice for publication. At year-end three of these reports had been published along with two other investigation reports which had been submitted to the Minister in 2022. At year end the Minister had four reports awaiting publication¹¹. Details of the published reports is outlined in **Table 3**.

Table 3: Death in Custody Recommendations Made in Reports Published in 2023

Prison	OIP Reference	Death in Prison	Death in Hospital	Temporary Release	Number of Recommendations
Cloverhill Prison	Mr. R 2019	X			4
Arbour Hill Prison	Mr. E 2020	X			4
Cloverhill Prison	Mr. G 2020	X			4
Cork Prison	Mr. K 2020		X		4
Cork Prison	Mr. C 2022	X			7

All Death in Custody investigation reports are submitted to the Director General of the IPS for a factual accuracy review before submission of the finalised report to the Minister for Justice.

Death in Custody Investigation reports include, where considered appropriate, recommendation(s) for the Irish Prison Service to consider. The Director General is asked to confirm if she accepts the recommendation(s) in the respective reports. The Director General is also requested to provide an Action Plan to address the recommendation(s) accepted or part-accepted in each report. Where a recommendation is not accepted the Director General was asked to provide reason(s).

Action Plans, developed by the Irish Prison Service, in response to recommendation(s) made in Investigation reports, are also submitted to the Minister for Justice and are published on the Inspectorate's website in conjunction with our reports.

As outlined in **Table 3** the five published reports contained 23 recommendations for consideration by the Director General.

Of the 23 recommendations made in published reports:

- 17 were accepted;
- Three were part-accepted; and
- Three were not-accepted.

The majority of the recommendations were in respect of the Health and Wellbeing focus area but also had cross cutting elements with Respect and Dignity. Six of the recommendations related to the necessity for staff to comply with IPS policy and procedure along with highlighting the requirement of accurate record keeping.

¹¹ At the time of finalising this report (March 2024), three of those four reports had been published.

There were various reasons why recommendations were part-accepted and not accepted including that the IPS took the view that systems were already in place to address the issue(s).

Basic Life Support Training

One recommendation which was not accepted and which was previously recommended by the Inspectorate related to the provision of First Responder training, including CPR training, to operational staff so that they would be equipped with the necessary skills and knowledge to assist if a medical emergency arose.

The practice of depending on one nurse on night duty to respond and deal with all emergencies for an entire prison is an ongoing concern to the Inspectorate. The Inspectorate has seen the demand placed on one trained individual in their endeavours to save a life by delivering CPR and while doing so also giving instructions to non-medical personnel (Prison Officers) to remove medical equipment from a medical kit in order for that one trained person to deliver oxygen therapy, using a bag valve mask, and also, on occasions, apply an Automated External Defibrillator (AED) to an unresponsive patient. Along with the recommendation to provide Basic Life support training to Recruit Prison Officers it was also recommended that such training should form part of the Continuous Professional Development for Prisoner Officers.

The current presence of healthcare staff on duty in closed prisons on a 24 hour basis is still not sufficient to provide the requisite quality of first response/pre-hospital emergency care to prisoners.

Cell Call System

A second area of concern during 2023 was the operation of and response to the Cell Call System. The Cell Call System is available to prisoners to notify officers that assistance is required. On more than one occasion, the Inspectorate has encountered cell calls activations not being responded to in a timely fashion. An Investigation report sent to the Minister in 2023 (Our Ref Mr. G 2021) focused on one such incident in which a prisoner's call for assistance was not responded to nor was his emergency cell call activation. Sadly, when the cell was eventually unlocked the person who had called for assistance was unresponsive and subsequently pronounced deceased at the scene.

During the course of the Inspectorate's investigation it was discovered that volume on the handset in the Class Office on the landing where the prisoner was accommodated had been manually reduced to its minimum level and only a faint buzz could be heard when standing close to the handset. Likewise, the duty officer in the Control Room, where the Emergency cell call should have activated, did not hear the activation as the volume on that device was also set at minimum.

In the case of Mr. G 2021, the Inspectorate recommended that the "volume control" on all emergency activation devices in the Class Office and Control Room across the Prison Estate should be locked to an audible volume which cannot be lowered or deactivated. In response, the Director General of the IPS reported that she wrote to all lead Governors who confirmed that the Cell Call bell in all of the Class Offices and Control Rooms across the Prison Estate was set at an appropriate volume. The Irish Prison Service also undertook to carry out an external audit of the cell call system nationally.

Immediate Action Notification

The Inspectorate took the opportunity of its full unannounced inspection of Cork Prison in March/April 2023 to verify the operation in practice of these new Cell Call procedures.

It found that the call volume issue had been resolved and activations were audible. However, the Inspectorate's team identified a further issue with the operation in practice of the call system at Cork Prison, leading the Chief Inspector to raise an Immediate Action Notification (IAN) with the Acting Governor of Cork Prison and the Director General of the IPS ([Appendix A](#)).

The Inspection Team found that it was not possible for prison staff to cancel the intercom/priority call from the Class Office or the Control Room without answering it. Moreover, for so long as prison staff did not answer the call, all other intercom/priority calls from every other cell remained stacked in a queue until the first call in the queue had been answered.

For emergency calls, although these went directly to the Control Room as well as to Class Offices, the first emergency call made remained at the top of the queue until the cell from which it was made had been physically visited to speak to the occupant and cancel the call.

The dangers of this situation were obvious, as a genuine emergency call could go unremarked and unanswered for a critical period of time, leading to a variety of avoidable harms, up to and including the death of a person living in the prison.

The Inspectorate of Prisons considered that the likely impact of this concern was **critical** and that the probability of this impact occurring was **likely**. Consequently, the Inspectorate deemed the risk involved to be **very high**.

Given the gravity of this concern, the Chief Inspector decided to raise an IAN formally notifying the:

- Director General of the Irish Prison Service and the Acting Governor of Cork Prison that this concern had been deemed by the Inspectorate of Prisons to involve a **very high risk**;
- Requested the Director General of the Irish Prison Service and the Acting Governor of Cork Prison to **intervene immediately** to mitigate the very high risk identified;
- Requested the Director General of the Irish Prison Service and the Acting Governor of Cork Prison to provide an update within a specified timeframe of the steps that they proposed to take to **mitigate** the very high risk identified.

The Director General immediately responded to this IAN, including by sending a technical team to Cork Prison on the following day. A further meeting took place between the Inspectorate's team and a technical team from the IPS on 14 April 2023, during which the following mitigation measures were proposed:

- Installation of new high visibility call light boards in class offices;
- Re-calibration of the cell call telephone system to resolve the issue of one unanswered call blocking all others;
- Enhanced monitoring of cell call response times.

The Inspectorate welcomed the prompt action taken by the Director General in her response to the IAN. In December 2023, a follow-up visit to Cork Prison took place and it was found that the mitigation measures introduced by the IPS were working well.

This is also an example of the very good cooperation that the Inspectorate received from the Irish Prison Service throughout 2023.

Other Recommendation Areas

Across death in custody investigations carried out in 2023 other areas of concerns included:



The Inspectorate has in many reports over the years made recommendations regarding the necessity for **accuracy in the completion of official records**, including dating of and legible signature for all entries.

The importance of all staff being aware of **Standard Operating Procedures** pertaining to their prison and the implementation IPS policies generally feature in other recommendations.

The “**Hand-Over of Charge**” journal entry at the end of each tour of duty should always record any known risks or vulnerability of people in prison thereby ensuring that colleagues taking up duty are fully informed.

Death in Custody Investigation Recommendation Online Database

On 1 December 2023, the Inspectorate published its online Investigation Recommendations Tracker Database, which provides updates on recommendation themes and implementation. This database is updated (i) upon publication of an investigation report and (ii) on receipt of the IPS bi-annual self-assessments update on implementation status.

Monitoring of implementation of the IPS commitments to address the recommendations is ongoing through general inspections, follow-up inspections and during death in custody and other section 31(2)¹² investigations.

Death in Custody Information Booklet

The Office of the Inspector of Prisons Death in Custody Information Booklet was reviewed during the year and we are pleased to announce that this has received the National Adult Literacy Agency (NALA) Plain English Mark. The leaflet can be found on the Inspectorate’s website.¹³

¹² Prisons Act 2007, Section 31(2).

¹³ OIP (2023) [Death in Custody Information Booklet](#).

5 COMPLAINTS

The Chief Inspector of Prisons has a statutory role in relation to general oversight of the IPS Prisoner Complaints System. It is not a function of the Inspector of Prisons to investigate individual complaints, but the Inspectorate may examine the circumstances relating to a complaint where necessary for performing the functions of the Office. The IPS provides the Inspectorate with data related to prisoner complaints. This information is requested on a monthly basis from an appointed Prison Liaison Officer in each prison and is reviewed by the Inspectorate's teams when preparing for inspections.

Category A Complaints

There are specific reporting obligations on the IPS under Rule 57(B) in relation to allegations of a serious nature, such as assault or use of excessive force against a prisoner or ill treatment, racial abuse, discrimination, intimidation, threats – i.e. Category A Complaints.

The breakdown of Category A prisoner complaints (by prison) notified to the Inspectorate during 2023 is provided below. This analysis is based on data received by the Inspectorate from the Irish Prison Service monthly returns. Similar to previous years, Loughan House Open Centre recorded no Category A complaints in 2023. Arbour Hill and Shelton Abbey also had no recorded Category A complaints in 2023.

Analysis of Category A Complaints

As illustrated in **Table 4**, the Inspectorate received notification of 64 Category A complaints from a total of nine different prisons. **Tables 5 and 6** provide further detail with regard to notification requirements and compliance with Rule 57(B).

Table 4: Category A Complaint Notifications to the Inspector of Prisons

Place of Detention	2023 Notifications of Category A Complaints	2022	2021
Arbour Hill	0	0	3
Castlerea Prison	6	3	5
Cloverhill Prison	12	3	32
Cork Prison	3	5	5
Limerick Prison	7	7	1
Loughan House	0	0	0
Midlands Prison	19	24	17
Mountjoy Women's Prison (Dóchas Centre)	4	3	3
Mountjoy Men's Prison	6	10	8
Portlaoise Prison	1	12	9
Shelton Abbey	0	0	1
Wheatfield Prison	6	3	5
Total	64	70	89

Table 5: Notification in accordance with Rule 57(B) Prison Rules 2007 – 2020

Rule 57(B) Prison Rules 2007 – 2020	Total received in 2023	Notification Received Relating to 2023	Notification Received Relating to 2022	Notification Received Relating to 2021	Notification Received Relating to 2020
Notifications of Category A complaints	64	64	0	0	0
Governor notification to Inspectorate within 7 days of being notified of the complaint [57B(4)]	55	55	0	0	0
Inspectorate shall be notified of the appointment of the investigator [57B(5)(a)]	60	26	34	0	0
Complaints deemed by the IPS DG to be vexatious, without foundation, or outside scope of rule and terminated. Inspectorate is notified of the decision and reasons for the decision [57B(5)(b)]	6	4	2	0	0
Complaints withdrawn by prisoners and DG decides investigation should be terminated. OIP is (a) advised and (b) the reasons documented [57B(5)(c)]	(a) 3 (b) 3	(a) 1 (b) 1	(a) 1 (b) 1	(a) 1 (b) 1	(a) 0 (b) 0
Complaints that proceeded to Investigation	60	26	34	0	0
Full investigation reports received by Inspectorate	66¹⁴	14	51	1	0
Interim reports submitted to Inspectorate	34	8	26	0	0
Number of investigation reports received where complaint was grounded, upheld or partially upheld	4	0	4	0	0

¹⁴ The Inspectorate received 66 full investigation reports during 2023; 14 were in relation to complaints made in 2023, 51 were in relation to complaints made during 2022 and 1 was received in relation to a complaint made during 2021.

Table 6 illustrates IPS compliance with statutory obligations related to investigation of Category A complaints in 2023, compared with previous years.

Table 6: Requirements of and Compliance with Rule 57B

Rule 57B Prison Rules 2007- 2020	% Compliance 2023	% Compliance 2022	% Compliance 2021
Governor notification to Chief Inspector of Prisons within 7 days of being notified of the complaint [57B(4)]	86%	95%	84%
OIP shall be notified of the appointment of the investigator [57B(5)(a)]	100%*	-	-
Complaints deemed by the IPS DG to be vexatious, without foundation, or outside scope of rule and terminated. Chief Inspector of Prisons is notified of the decision and reasons for the decision [57B(5)(b)]	100%	100%	100%
Complaints withdrawn by prisoners and Director General decides investigation should be terminated. The OIP is (a) advised and (b) the reasons documented [57B(5)(c)]	(a) 100% (b) 100%	(a) 100% (b) 100%	(a) 100% (b) 100%
Complaints that proceeded to investigation	44%**	67%	87%
Full investigation reports received by OIP for new complaints in particular year	24%	24%	49%
Investigation reports received within 3 months	7%	17%	24%
Interim reports submitted to OIP for new complaints in particular year	13%	15%	40%
Number of investigation reports received where the complaint was grounded or upheld	0%	17%	13%

* The Inspectorate was notified of the appointment of an Investigator in all cases in which an Investigator was actually appointed, meaning that the strict statutory notification requirement of section 57 B(5)(a) was met in all cases. However, it should be noted that Investigators were only actually appointed in 26 of the 64 Category A complaints notified to the Inspectorate in 2023 – i.e., in only 41% of cases, as compared to 56% of cases in 2022 and 63% of cases in 2021.

** This metric relates solely to complaints made in 2023.

For 2023, the following is noted:

- There was a fall in the number of Category A complaints reported to the Inspectorate in 2023 (64, as compared to 70 in 2022 and 89 in 2021);
- There was a decrease of 9% in relation to new complaint notifications being received within seven-day timeframe;

- Retention of 100% compliance with regard to notification to the Inspectorate of complaints that were deemed vexatious or outside the scope remained consistent - (Rules 57B (5)(b) or withdrawn (57B (5)(c));
- No cases were found to be grounded/upheld by investigators for complaints lodged in 2023;
- Three complaints were found to be upheld by investigators for 2022 complaints which were investigated during 2023. A further complaint was found to be partially upheld. Three complaints were also found to be inconclusive by investigators;
- Four Governor's findings reports were received for complaints relating to 2021. One Governor's finding report was received in relation to a complaint relating to 2020;
- As noted in the Inspectorate's 2022 Annual Report, the automatic notification system developed by the IPS has provided the Inspectorate with an instantaneous alert through the use of PIMS.

Observations from Review of Complaints

The deficiencies relating to the operation of the prisoner complaints procedure that the Inspectorate has identified in previous years persisted throughout 2023.

During 2023, in our oversight role, the Inspectorate received the investigation reports into 66 Category A prisoner complaints. This was an increase when compared to the 50 investigation reports received during 2022.

Of the 66 investigation reports received during 2023, a higher proportion were in relation to complaints recorded in earlier years; 51 reports received were related to investigations for complaints recorded during 2022. A further eight investigation reports were received in relation to complaints recorded during 2021.

The length of time taken to appoint an investigator also remains a point of concern. The Inspectorate notes that, from the 32 complaints from 2023 still awaiting an investigator to be assigned, the earliest pending complaint was notified to the Inspectorate on 20 February 2023.

The Inspectorate further notes the timeframe involved with the investigation process is lengthy. In 2023, the Inspectorate received an investigator's report relating to a complaint from 2021. Four Governor's findings reports were also received for complaint cases from 2021 and one from 2020.

During 2023, there were three complaints found by investigators to have grounds to be upheld. From the three upheld, one was upheld by the Governor in their review and subsequent findings report, one was not upheld by the Governor in their review and one was part upheld.

A further one complaint was found to be partially upheld by an investigator, this was found to be not upheld by the Governor in their subsequent review.

To provide a higher degree of oversight to the complaints process, the Inspectorate introduced a new procedural step in Quarter 3 2023 with the commencement of the issuance of Rule 57 oversight letters. These letters are issued by the Chief Inspector to the Governor of the relative place of detention reminding them of their obligations under Rule 57 of the Prison Rules 2007-2020.

The letter seeks confirmation that the Governor has:

- arranged for any relevant material, including CCTV recordings, to be preserved for as long as they may be required for any investigation;
- arranged for the prisoner in question to be examined and any injuries or marks recorded and photographed if any physical force is alleged;
- arranged for the names of all prisoners, staff and others who may be potential witnesses to be recorded;
- advised the complainant that the complaint is being investigated and of the procedures involved; and
- Informed An Garda Síochána in all cases where that is required by law.

Concerns Arising from Oversight of Category A Complaints

The Inspectorate identified a number of systemic issues upon review of Category A complaints received in 2023. These systemic issues, outlined below, act as barriers to procedural fairness and impede access to justice for people in prison.

Delays in the Appointment of Investigators

There were lengthy delays in the appointment of Investigators to investigate Category A complaints. In some cases, it took more than ten months to appoint an Investigator. These lengthy delays hampered investigation processes, and negatively impacted on the recollection of events by witnesses. They also placed a considerable toll on complainants, as well as the individual(s) who were the subject of the allegation(s) made.

In some cases, prisoners had been released from custody since the complaint was made, and while follow-up contact was initiated, often no responses were received.

Investigations into prisoners' complaints should be speedy and effective. As outlined in Rule 70.6 of the European Prison Rules: "All requests and complaints shall be dealt with as soon as possible and through a process that ensures, to the maximum possible extent, the prisoners' effective participation."

Reporting to An Garda Síochána

Investigation files indicated that allegations of a serious nature (e.g., assault or violence) were not always reported by prison management to An Garda Síochána. This practice was not in compliance with Rule 57A of the Prison Rules 2007, or Rule 55 of the Revised European Prison Rules that explicitly states: "An alleged criminal act committed in a prison shall be investigated in the same way as it would be in free society and shall be dealt with in accordance with national law."

Maintaining and Preserving Evidence in Investigations

Potential evidence was not always made available to Category A Investigators, for example, in some cases, prison authorities failed to complete timely operational reports of the incident, or CCTV footage of incidents had not been retained.

Independence of Investigations

There are examples where Investigators relied upon prison authorities to make contact with, and receive responses from complainants/witnesses during investigations. In one case, a Chief Officer communicated via email to an Investigator that a prisoner (called as a witness) refused consent to partake in investigation proceedings; the Investigator did not make direct contact with the prisoner. This type of practice impinged on the impartiality of the investigation.

Similarly, some Investigators sought expertise from either current, or former Prison Service staff in areas such as the application of Control and Restraint techniques.

Recommendations

Despite identifying some compliance issues with practice during Investigations, it was infrequent that Investigators made recommendations to prison authorities for example, in one case, Standard Operating Procedures regarding the movement of a prisoner were identified by the Investigator as not being followed at all times by staff, yet no recommendations were made to ensure compliance. In another case in which the complaint was upheld, no recommendations were made by the Investigator.

A New and Better Complaints Procedure?

Throughout 2023, the Inspectorate continued to engage with the Ombudsman and the Director General of the Irish Prison Service regarding the drafting of a Statutory Instrument on a new and better complaints system. The Inspectorate has consistently highlighted the particular vulnerabilities people in prison have in making a complaint, in particular, the unbalanced nature of the power dynamic (prison officer-prisoner) in a carceral setting. The need for a genuinely independent complaints mechanism for people deprived of their liberty is of utmost importance in order to guarantee procedural fairness and access to justice for people living in prison.

It is hoped that this work will come to fruition in 2024, through the adoption of a new Statutory Instrument placing all future complaints by prisoners in the remit of the Office of the Ombudsman.

6 LETTERS FROM PRISONERS (RULE 44)

In accordance with Rule 44(1) (h) of the Prison Rules 2007 - 2020, a prisoner is entitled to send and receive an unopened letter to/from the Inspector of Prisons. Rule 44 correspondence is a potentially important channel of communication, which enables people in custody to confidentially convey the issues they are experiencing in prison. This source of information is also drawn upon during the Inspectorate's inspection and monitoring work.

In 2023, the Office of the Inspector of Prisons received a total of 122 letters from 49 prisoners. The letters were received from prisoners in twelve prisons; no letters were received from Loughan House. **Table 7** illustrates the number of letters received from each prison and a comparison to the previous three years.

Table 7: Number of Letters Received, by Prison

Prison	2023	2022	2021	2020
Arbour Hill Prison	3	8	9	3
Castlerea Prison	1	6	6	8
Cloverhill Prison	1	11	4	2
Cork Prison	5	2	3	0
Dóchas Centre	2	6	8	15
Limerick Men's Prison	22	3	7	0
Limerick Women's Prison	8	0	2	0
Loughan House	0	0	0	0
Midlands Prison	52	70	69	12
Mountjoy Men's Prison	7	6	19	9
Portlaoise Prison	5	17	25	6
Shelton Abbey	1	0	3	1
Wheatfield Prison	14	13	13	3
Total	122¹⁵	143¹⁶	168	59

The five most common issues raised in Rule 44 letters are provided in **Table 8**.

¹⁵ Of these, one letter was received in the general post without an indication as to which prison it came from. No further correspondence was received from that person.

¹⁶ Of these, one letter was received in the general post without an indication as to which prison it came from. No further correspondence was received from that person.

Table 8: Main Issues Raised in 2023 Rule 44 Letters

Issue Raised by Prisoner	Number of Letters
Dissatisfaction with the IPS complaints process	19
Behaviour of IPS staff	18
Violence by prison staff and fellow prisoners: - Violence by fellow prisoners - Violence by prison staff	15 (15) (0)
Mental and Physical Healthcare concerns, including access to services and delays in treatments	10
Concerns around prison conditions	7

All issues raised in Rule 44 letters are provided in **Table 8**.

Table 8: Issues Raised in 2023 Rule 44 Letters

Issue	Primary Occurrences	Secondary Occurrences	Tertiary Occurrences	Total
Healthcare	10	18	3	31
Issues with Staff	18	10	2	30
IPS Complaints System	19	5	5	29
Prison Conditions	7	7	4	18
Violence - Violence by fellow prisoners - Violence by prison staff	15: (15) (0)	1: (1) (0)	1: (1) (0)	17
Request to Meet OIP	4	5	3	12
Legal Correspondence	4	3	2	9
Transfer	4	2	2	8
Personal Property	1	4	2	7
Visits	3	2	2	7
Racial Discrimination	1	5	0	6
Injuries	1	4	0	5
Lay Litigation	3	1	1	5
Post	1	3	1	5
Protection	3	1	1	5
Reprisal	2	1	2	5
Staff Relationships	2	2	1	5
Cell Occupancy	1	2	1	4
Food	3	0	1	4
Mental Health	1	2	1	4
Policy Query	2	0	2	4

Medication	0	2	1	3
Education	2	0	0	2
ISM	1	1	0	2
Other Healthcare	0	2	0	2
Resettlement	2	0	0	2
TR	2	0	0	2
Video Calls	0	1	1	2
Warrant	2	0	0	2
COVID-19	0	1	0	1
Gender-based Discrimination	1	0	0	1
No Response from OIP	1	0	0	1
OIP Inspection	1	0	0	1
Psych Assess	0	1	0	1
Restricted Regime	0	1	0	1
Visiting Committee	0	1	0	1

The issues raised most often in correspondence received from people in prison were the functioning of the IPS complaints system, the behaviour of prison staff, healthcare provision and conditions in prisons.

1. Healthcare

Healthcare provision was a recurring theme in the Rule 44 correspondence received in 2023. Some letters alleged difficulties in accessing external specialist healthcare for ongoing conditions. The Inspectorate recalls that people in custody are entitled to a standard of healthcare at least equivalent to that of people in the community, and that access to external specialist healthcare must be supported.

People in custody also wrote to the Inspectorate to convey concerns about the impact of prison conditions and, more particularly, overcrowding on their mental health. In 2023, the Inspectorate assessed these issues during its general inspections, and also in relation to the Thematic Inspection: An Evaluation of the Provision of Psychiatric Care in the Irish Prison System.

2. Issues with Staff

The behaviour of prison staff was a recurring theme in rule 44 letters received during 2023. Letters highlighted the particular issues faced by foreign national prisoners, including the alleged absence of quality interpretation services to allow them to communicate with prison staff. Some prisoners also alleged racial discrimination, bullying by staff and victimisation as a result of making complaints.

The Inspectorate has previously highlighted in its inspection reports the necessity for initial and ongoing training for prison staff on human rights standards, including on equality and non-discrimination.¹⁷

¹⁷ OIP Recommendation AHC T8, 26/07/2021 available at [DIC Investigations Recommendations Online Database](#).

3. IPS Complaints System

One of the most common issues raised in Rule 44 correspondence related to dissatisfaction with the Irish Prison Service's complaints system. It was evident that correspondents lack confidence in the current system. Specific deficiencies highlighted in Rule 44 letters included:

- the length of time before resolution,
- a lack of communication regarding the status or outcome of a complaint,
- pressure from staff to not submit complaints, and
- lack of ability to submit complaints confidentially.

A consequence of an inadequate complaints system is that Rule 44 channel of communication to the Inspectorate is being used as a proxy, with people in custody again raising issues they have brought to the relevant authorities which they consider have gone unheard and unresolved.

The Inspectorate has repeatedly stated that the prisoner complaints system is not fit for purpose, often citing the same shortcomings outlined above.¹⁸ This opinion was also shared by the Council of Europe's European Committee for the Prevention of Torture (CPT) during its most recent visit to Ireland in 2019.¹⁹ The CPT has announced that it will again visit Ireland in 2024.

The time is ripe to bring all future complaints by people living in prisons within the remit of the Ombudsman (see page 44).

4. Prison Conditions

The issue of prison conditions also featured prominently in the Rule 44 letters received during the course of 2023.

The concerns raised by people living in prisons directly informed the Inspectorate's programme of unannounced full general inspections of prisons (see Chapter 4.1).

¹⁸ OIP (2022) Annual Report, p. 6; OIP (2021) Annual Report, p. 28; OIP (2020) Annual Report, p.24; OIP (2019) Annual Report, p. 42; OIP (2018) Annual Report, p. 14; and OIP (2016) Review, Evaluation and Analysis of the Operation of the present Irish Prison Service Prisoner Complaints Procedure.

¹⁹ CPT (2020) Report to the Government of Ireland on the Visit to Ireland – 23 September to 4 October 2019 (CPT/Inf (2020) 37, p. 5.

7 ACTIVITIES & EVENTS

7.1 Ministerial Meetings

On 7 February 2023, Chief Inspector Mark Kelly and Deputy Chief Inspector Helen Casey met with the then Minister for Justice, Simon Harris TD. Discussions included the action envisaged by the Department of Justice in light of the Inspectorate's Immediate Action Notification arising from the late 2022 inspection of Mountjoy Prison (see the Appendix to the Inspectorate's Annual Report for 2022).

On 11 July 2023, the Chief Inspector and Senior Inspector Dr Ciara O'Connell met with the Minister for Justice Helen McEntee TD and senior officials to discuss a number of matters of mutual interest, including the Inspectorate's Immediate Action Notification arising from the 2023 inspection of Cloverhill Prison (see [Appendix B](#)).



Figure 14: Helen McEntee TD, Minister for Justice and Mark Kelly, Chief Inspector, Office of the Inspector of Prisons

7.2 Events Participated In or Attended

- *Maternal Imprisonment in Ireland: A Scoping Study*. IPRT Report Launch, 2 March 2023
- *Motherhood & Imprisonment*. A presentation by Dr Lucy Baldwin, Dóchas Centre, 13 March 2023
- *Justice Sector Leaders Conference*, Dublin Castle, 31 March 2023
- *Meeting of the United Kingdom National Preventive Mechanism (NPM)*, Belfast, 13 April 2023



Figure 15: Members of the United Kingdom National Preventive Mechanism (NPM) with Mark Kelly, Chief Inspector and Dr Ciara O'Connell, Senior Inspector, OIP

- *Progress in the Penal System (PIPS): A Framework for Penal Reform (2022)*, Irish Penal Reform Trust report launch, Dublin, 26 May 2023.



Figure 16: Mark Kelly, Chief Inspector, OIP, John O’Callaghan, Deputy Secretary General, Department of Justice, Paul Grace, Solas Project, Dr Cormac Behan, TU Dublin and Vice Chairperson of IPRT, Mark Wilson, Director, Probation Service and Caron McCaffrey, Director General, IPS

- Sensory Garden Opening. Wheatfield Prison, 8 May 2023
- *Association for Criminal Justice Research and Development (ACJRD) Annual Conference*, Dublin, 9 June 2023
- *Launch of the Inspectorate’s Thematic Inspection Report on Education and Work Training*, Dublin, 23 June 2023
- Opening of the Garden of Tranquillity at Arbour Hill Arbour Hill Prison, Dublin, 7 July 2023
- Open Day - Shelton Abbey, County Wicklow, 11 July 2023
- Inspectorate staff team building day, Glencree Reconciliation Centre, 7 September 2023



Figure 17: Office of the Inspectorate of Prisons Team at Glencree

- Pieta House Amber flag Award Presentation to IPS, 13 September 2023
- *Justice Roundtable event*, Farnleigh, 28 September 2023

- Opening of Limerick Prison for Women, 18 - 19 October 2023



Figure 18: Mark Kelly, Chief Inspector, OIP, Caron McCaffrey, Director General, IPS, Mark Kennedy, Governor, Limerick Prison

- International Corrections and Prisons Association (ICPA) Annual Conference 2023 - Panel on Independent Prison Oversight Conference on Humane Corrections, Antwerp, 26 October 2023



Figure 19: Dr Ivan Zinger, Correctional Investigator, Office of the Correctional Investigator of Canada, Howard Sapers, Visiting Professor, University of Ottawa Canada, Mark Kelly, Chief Inspector, OIP and Barbara Bernath, Secretary General, Association for the Prevention of Torture (Geneva)

- Regional Meeting of NPMs and Civil Society Organisations (CSOs) of the OSCE Region, Copenhagen, 9-11 November 2023
- The Optional Protocol to the UN Convention against Torture: Developing a Criminal Justice National Preventive Mechanism in Ireland, high-level international conference hosted by the Office of the Inspector of Prisons, 6 December 2023
- Roundtable on Women at Risk of Self-Harm in Prison, hosted by UK NPM - 13 December 2023

7.3 Stakeholder Engagement

The Office of the Inspector of Prisons continued to work alongside, and in dialogue with the Department of Justice, the Irish Prison Service and other key stakeholders. Throughout 2023, the Office of the Inspectorate of Prisons met with a number of stakeholders to exchange views and foster relationships.

- Meeting with the Office of the Ombudsman, 26 January 2023
- Meeting with HM Chief Inspector of Prisons Scotland, Wendy Sinclair-Gieben, 27 January 2023
- Meeting with Head of UK NPM, Sam Gluckstein, 1 February 2023
- Meeting with the Chief Inspector, Department of Education Inspectorate, 21 February 2023



Figure 20: Yvonne Keating, Chief Inspector, Department of Education Inspectorate and Mark Kelly, Chief Inspector, OIP

- Meeting with the Chief Executive of the Policing Authority, Dublin, 10 May 2023
- Meeting with Head of Criminal Legislation, Department of Justice, Dublin, 11 May 2023
- Meeting with Chief Commissioner and Chief Executive of the Irish Human Rights and Equality Commission, Dublin, 18 May 2023, 16 June 2023, 16 October 2023
- Meeting with the Office of the Ombudsman, Irish Prison Service and Department of Justice, Dublin, 13 June 2023
- Meeting with the President and General Secretary of the Irish Prison Officers Association, Dublin, 24 August 2023



Figure 21: Helen Casey, Deputy Chief Inspector, Dr Ciara O'Connell, Senior Inspector OIP, Mark Kelly, Chief Inspector, OIP, Karl Dalton, General Secretary, Prison Officers' Association and Gabriel Keaveny, Deputy General Secretary, Prison Officers' Association

- Meeting with the Chairs of Visiting Committees, Portlaoise, 25 October 2023
- Meeting with the Irish Prison Service Senior Leadership Team, Dublin, 11 December 2023

The Inspectorate delivered presentations about the role and functions of the Office of the Inspector of Prisons to recruit prison officers during the year on 9 March, 27 April, 3 August and 31 August.

8 CORPORATE INFORMATION

8.1 Review of Internal Controls

A review of Internal Controls in the Inspectorate was carried out by the Internal Audit Unit of the Department of Justice during the first quarter of 2023. It involved examination of the controls in place in various areas of the corporate function, including Governance, Purchasing/Procurement, Budgetary Controls and IT Matters (not exhaustive).

Arising from the Review, eleven low priority recommendations were made to further improve the existing system of internal controls. At year end, nine of these had been fully implemented in the Inspectorate. The remaining two will be fully implemented in early 2024.

8.2 Financial Matters

The Office of the Inspectorate of Prisons is funded under the Justice Vote (24), for which the Secretary General of the Department is the Accounting Officer. The budget allocation for 2023 was €2.394m.

All procurement activities undertaken by the Office in 2023 were carried out in accordance with public procurement guidelines.

8.3 Accommodation Matters

The Inspectorate's Office in Nenagh, County Tipperary, was closed in May 2023.

By year end, the Inspectorate had identified suitable premises for its new Headquarters in Dublin, which will replace the serviced offices in which it is currently located.

A small regional hub has also been established in Cork, currently co-located with the Probation Service. It is anticipated that the regional hub will be further developed during the course of 2024.

The Inspectorate is most grateful to the Corporate Services Division of the Department of Justice, the Office of Public Works and the Probation Service for their invaluable assistance in putting in place these new accommodation arrangements.

8.4 Protected Disclosures

As the Inspectorate is currently structured as an executive office of the Department of Justice, the Inspectorate follows departmental policy in relation to Protected Disclosures. The Office of the Inspector of Prisons did not receive any Protected Disclosures during the year 2023.

8.5 Public Sector Equality and Human Rights Duty

The Office of the Inspector of Prisons is committed to ensuring that its responsibilities under Section 42 of the Irish Human Rights and Equality Commission Act 2014 are fully discharged. The Office recognises its responsibility to eliminate discrimination, promote equality of opportunity, and protect the human rights of public sector staff and service users.

In order to meet its obligations, a Public Sector Duty working group was set up in the Office of the Inspectorate of Prisons in July 2023. This consisted of representatives from all units within the Office. The objectives of the working group are to promote awareness of Public Sector Duty obligations, identify relevant training opportunities and supports, and to develop and monitor the Inspectorate's Public Sector Duty action plan.

At the end of 2023, 50% of staff completed the One Learning course in Public Sector Duty. Two staff also undertook a professional diploma in Human Rights and Equality. In addition, the working group has been developing a repository of relevant training resources for Inspectorate staff.

The Public Sector Duty working group met with several agencies throughout 2023 to inform the development and implementation of its action plan. The working group met with IHREC in September 2023 to seek guidance on undertaking the assessment process and how to create an effective action plan. In November 2023, it met with two other criminal justice agencies to learn from the experiences and actions of other PSD working groups in this sector.

In November 2023, the working group gave a presentation to all Inspectorate staff outlining Public Sector Duty obligations and informing them of the role and objectives of the working group. In December 2023, all Inspectorate staff participated in a survey administered by the Public Sector Duty working group. The survey gathered feedback on how current work functions within the Inspectorate can best support the needs of groups represented under the legislation. It is envisaged that, in 2024, the results of this survey, along with an internal policy analysis, will help to formulate a Public Sector Duty Action Plan for the Inspectorate.

8.6 Freedom of Information / GDPR

One request under FOI Legislation was received during the year.

8.7 Integrity at Work

The Inspectorate has an Integrity at Work Membership Agreement with Transparency International (Ireland). In maintaining this membership, the Inspectorate recognises the importance of an ethical workplace.

8.8 Training

Members of the Inspectorate Team attended a number of training courses during 2023 including the following:

- Professional Diploma in Human Rights & Equality, Institute of Public Administration
- Introduction to Data Protection, Department of Justice OneLearning
- Human Rights and Equality Module, Department of Justice OneLearning
- Equality and Human Rights Understanding Your Role, Department of Justice OneLearning
- Fundamentals of Detention Monitoring, Association for the Prevention of Torture
- Gender-Sensitive Detention Monitoring, Association for the Prevention of Torture

9 GOVERNANCE

9.1 Internal Controls

The “comply or explain” provision of the Code of Practice for the Governance of State Bodies (2016) has been applied to the Office of the Inspectorate of Prisons. As the Office currently falls under the Justice Vote (Vote 24), it does not yet have its own Internal Audit Unit or Audit and Risk Committee. Furthermore, it is not yet required to produce Annual Financial Statements. The Office has access to the Department’s Internal Audit and Internal Audit and Risk Committee in relation to financial governance. The Department’s Financial Management Unit reports on the Office’s income and expenditure in its monthly management reports. The monthly reports are reviewed by the Chief Inspector and procedures are in place to ensure expenditure is authorised in accordance with the Department’s policies and procedures. The Office is compliant with tax law obligations.

All Irish public bodies are obliged to treat public funds with care, and to ensure that the best possible value for money is obtained whenever public money is being spent or invested. The Public Spending Code is the set of rules and procedures that ensure that these standards are upheld across the Irish public service. The Office of the Inspector of Prisons has adhered to all relevant aspects of the Public Spending Code.

The Code of Governance for State Bodies 2016, requires the provision of a Statement of Internal Controls (SIC). The SIC applies to all controls operating in the Office of the Inspector of Prisons, including ICT matters. On 16 January, 2023, the IM&T Division in the Department of Justice confirmed that to the best of its knowledge and belief, adequate ICT controls, as set out in a Statement of Assurance, are in place and operating effectively.

The Office of the Inspectorate of Prisons maintains a Risk Register which is kept under continuing review. This Register sets out current controls to mitigate risks and actions to improve controls. Updated versions of the Risk Register were provided to the Department of Justice during the course of 2023.

Procurement activity undertaken by the Office during 2023 was carried out in accordance public procurement guidelines.

9.2 Oversight Agreement

In accordance with the 2016 edition of Code of Practice for the Governance of State Bodies, an Oversight Agreement between the Office of the Inspector of Prisons and the Department of Justice was agreed in May 2023 setting out the broad governance and accountability framework within which the Inspectorate operates and defined the key roles and mutual responsibilities which underpin the relationship between the Office of the Inspector of Prisons and the Department of Justice. The Agreement covers the period to the end of 2024.

In compliance with the Agreement, formal governance meetings between officials from the Department of Justice and the Office of the Inspector of Prisons took place on 24 January 2023, 30 May 2023 and 16 November 2023.

9.3 Performance Agreement

A Performance Delivery Agreement for 2023, which is complementary to the Oversight Agreement, was agreed between the Department and the Office of the Inspector of Prisons on 30 May 2023. See **Tables 9 and 10** below.

Table 9: Performance Agreement Targets

Output area or initiative	Metric	Associated strategic objective	2023 Target	2023 Outturn	Comment
<i>Prison Inspection</i>	Full General Inspection Reports transmitted to the Irish Prison Service (Prior to Submission to the Minister)	1, 3	4	0	Four unannounced full general inspections were completed during the year – Cork Prison, Cloverhill Prison, Dóchas Centre and Shelton Abbey. At year end, final editing of all four reports was being carried out prior to submission to the IPS for factual review and development of Recommendation Action Plan
<i>Thematic/Focused Inspections</i>	Thematic/Focused inspections conducted	1, 3	2	1	One Thematic Inspection on the Provision of Psychiatric Care in the Irish Prison System was completed in February and March. The report was submitted to the Minister in August. A second Thematic Inspection on a Review of Death in Custody Investigations published between 2012 and 2022 was commenced during the year and will be completed in 2024
<i>Death-in-Custody investigations</i>	Reduction in average time taken between notification of death and submission of DiC Report to the IPS	4	45%	3%	In 2022, the length of time it took to submit a report to the IPS was 469 days, and in 2023 this was reduced to 455 days.
	Percentage of standard DiC investigation reports completed and submitted to the IPS within three months of notification of a death in custody	4	50%	-	No standard DiC investigation reports were completed within three months

<i>Letters received from prisoners under Rule 44 of the Prison Rules</i>	% of correspondence received from prisoners under Rule 44 acknowledged within five working days	1	100%	98%	Of the 122 Letters received during the year, this target was missed in two cases.
	% of final replies issued within 20 working days	1	90%	93%	Of the letters received that required full, written response, the target was missed in eight cases. This arose out of the need to have letters and responses translated.
<i>Review of Category A prisoner complaints</i>	% of Category A complaints reviewed within 20 days of receipt	7	100%	97%	Of the 64 finalised complaint investigation reports received, the target was missed in two cases. This arose out of additional processes being added to the existing procedure.

Table 10: Other Targets and Outturns 2023

Output area or initiative	Target and timeframe	Outturn
<i>Establishment of an Expert Panel following financial sanction received from DPER</i>	Q.2	Following an advertisement campaign in Q.2, An Expert panel of 71 Members was established during Q3.
<i>Full review of death in custody procedures and adoption of new streamlined procedures, in cooperation with the IPS</i>	Q.3	Review of death in custody procedures and adoption of new streamlined procedures was completed by Q4 2023.
<i>Full costing, drawing on appropriate external professional expertise, of the additional human and financial resources required for the OIP to assume its functions as the Inspectorate of Places of detention (OIPD).</i>	Q.3	<p>In 2023, the Inspectorate prepared a detailed and costed Business Case setting out its anticipated resource needs for 2024 and 2025. This was submitted to the Department of Justice in the context of the Budgetary Estimates process.</p> <p>A Request for Tender for a full organisational design review will be published by the Inspectorate in Q2 2024.</p>
<i>Review of the Framework for the Inspection of Prisons in Ireland, including expansion of the Framework to include a new Framework for monitoring detention by an Garda Síochána (AGS), in consultation AGS and other relevant stakeholders.</i>	Q.4	<p>In late 2023, the Inspectorate commenced a review of <u>A Framework for the Inspection of Prisons in Ireland</u> (2020). The review will be completed in 2024, and will include consultation with people directly involved in OIP prison inspection as well as with a broad range of other stakeholders.</p>

10 APPENDICES

Appendix A. Cork Prison - Immediate Action Notification



Oifig An Chigire Príosún
Office of the Inspector of Prisons

IMMEDIATE ACTION NOTIFICATION

FROM:	Mark KELLY, Chief Inspector of Prisons
TO:	Caron McCAFFREY, Director General of the Irish Prison Service Ger MANLEY, Acting Governor II, Cork Prison
DATE:	3 April 2023, revised and reissued, 4 April 2023 ¹
REFERENCE:	OIP/IAN/CK/1/2023_rev1
SUBJECT:	Cork Prison: Serious concern regarding call bell system

LIKELY IMPACT:	CRITICAL
PROBABILITY:	LIKELY
RISK LEVEL:	VERY HIGH

The *Framework for the Inspection of Prisons in Ireland* provides that: “In the event that an Inspection Team identifies concerns, around either current performance or the risk of adverse impact on future performance, of such significance and consequence that an immediate intervention to mitigate is required, then the Chief Inspector may raise an Immediate Action Notification (IAN)”.²

In the course of the current full unannounced inspection of Cork Prison, my Inspection team has identified a **serious concern regarding the call bell system at the prison.**

At present, if any prisoner in Cork Prison presses the ordinary call button in their cell, it is not possible for prison staff to cancel that intercom/priority call from the Class Office or the Control Centre without answering it. Moreover, for so long as prison staff do not answer that call, all other intercom/priority calls from every other cell in their accommodation Division (A or B) will remain stacked in a queue. This means that the current call bell system enables the refractory actions of a single prisoner to prevent prison staff in the Class Office and in the Control Centre from answering any other intercom or priority call from a prisoner living in the same Division until the first call in the queue has been answered.

¹ The precise technical operation of the call bell system at Cork Prison was clarified during a very useful meeting at Cork Prison on 4 April 2023 with Alan Strutt, Barrie Garland and Ronan Todd, as well as the Acting Governor II and Acting Chief Officer I. As a result, the description of the operation in practice of the system has been revised and updated in this version - OIP/IAN/CK/1/2023_rev1 - of the IAN. However, the OIP’s assessment of the risk concerned and the substantive content of the IAN remains unchanged.

² Framework for the Inspection of Prisons in Ireland, Office of the Inspectorate of Prisons, March 2020, paragraph 2.3.5.

For emergency calls, although these go directly to the Control Centre as well as to Class Offices, the first emergency call made will remain at the top of the queue until the cell from which it was made has been physically visited to carry out a reset. In the meantime, no other emergency call in the queue can be answered until the first emergency call in the queue has been answered.

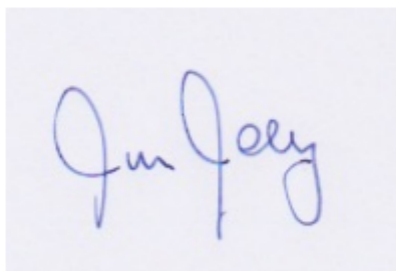
The dangers of this situation are obvious: it could easily be the case that a genuine emergency call goes unremarked and unanswered for a critical period of time, leading to a variety of avoidable harms, up to and including the death of a person living in the prison.

The Inspectorate of Prisons considers that the likely impact of this concern is **critical** and that the probability of this impact occurring is **likely**. Consequently, the Inspectorate deems the risk involved to be **very high**.

Given the gravity of this concern, I have decided to raise the following Immediate Action Notification:

*Having become aware of a serious concern regarding the call bell system at Cork Prison which is **likely** to have a **critical adverse impact** on people living in Cork Prison, the Chief Inspector of Prisons:*

- *Formally notifies the Director General of the Irish Prison Service and the Acting Governor II of Cork Prison that this concern has been deemed by the Inspectorate of Prisons to involve a **very high risk**;*
- *Requests the Director General of the Irish Prison Service and the Acting Governor II of Cork Prison to **intervene immediately** to mitigate the very high risk identified in this Immediate Action Notification;*
- *Requests the Director General of the Irish Prison Service and the Acting Governor II of Cork Prison to inform him, at the latest by 5pm on 17 April 2023, of the steps that they propose to take to **mitigate** the very high risk identified in this Immediate Action Notification.*



Mark Kelly
Chief Inspector of Prisons

Cork Prison, 4 April 2023



Oifig An Chigire Príosún
Office of the Inspector of Prisons

Director General Caron McCaffrey,
Irish Prison Service,
IDA Business Park,
Ballinalee Road,
Longford,
Co. Longford
N39 A308

Dublin, 2 May 2023

Dear Director General,

Thank you once again for the positive engagement of the Irish Prison Service with the recent Immediate Action Notification (IAN reference: OIP/IAN/CK/1/2023_rev1) that I raised with you and the Acting Governor II of Cork Prison.

I have now had the opportunity to consider the various detailed proposals advanced by your colleagues during their meeting on 14 April 2023 with Deputy Chief Inspector Helen Casey and Senior Inspector Ciara O'Connell. Whilst it is not the role of the Office of Inspector of Prisons to endorse any particular technical solution, the measures that are being proposed do appear to address the principal concerns raised in the Immediate Action Notification.

I would add only that fully addressing the issue raised in the IAN transcends a purely technical response and may also require careful reconsideration of the staffing levels and practices that are required to keep this particular risk at a manageable level.

It will also be crucial that both prison staff and people living in the prison are assisted to understand the full implications of any changes that are introduced.

The Office of the Inspectorate of Prisons remains committed to working with you and your team as you roll out your proposed actions and would appreciate being kept informed of the progress of this work.

Kind regards,



Mark Kelly
Chief Inspector

Oifig an Chigire Príosún, Oifigí Halla Pheambróg, 38-39 Cearnóg Mhic Liam Thiar, Baile Átha Cliath 2, D02 NX53

Office of the Inspector of Prisons, Pembroke Hall Offices, 38-39 Fitzwilliam Square West, Dublin 2, D02 NX53

Appendix B. Cloverhill Prison - Immediate Action Notification



Oifig An Chigire Príosún
Office of the Inspector of Prisons

Ms Helen McEntee TD
Minister for Justice
Department of Justice
51 St Stephen's Green
Dublin 2

Dublin, 1 June 2023

**Re: Immediate Action Notification - Cloverhill Prison - OIP/IAN/CH/1/2023:
Serious concern regarding degrading conditions in cells**

Dear Minister McEntee,

Warm congratulations on resuming your duties as Minister for Justice. My colleagues and I are very much looking forward to working with you again.

This is a very challenging time for the Irish prison system, as the Inspectorate of Prisons has again observed during its most recent unannounced full inspection, of Cloverhill Prison in Dublin, from 15-25 May 2023.

It is with regret that I am obliged to mark the resumption of your tenure as Minister by raising an Immediate Action Notification (IAN, attached)¹ regarding the degrading conditions observed by my team at Cloverhill. This concern relates, in particular, to numerous cells designed for three persons which are currently accommodating four prisoners, one of whom is obliged to sleep on a mattress on the floor.

Inter-prisoner violence is the inevitable result of confining four adult men in the degrading conditions described in the attached IAN. At least one serious in-cell assault took place during the Cloverhill inspection and it is almost certain that further severe attacks of this nature will result if prisoners continue to be held in these conditions during the summer months.

¹ Immediate Action Notifications are made under section 31(1) of the Prisons Act 2007 and paragraphs 2.3.5 – 2.3.9 of the Framework for the Inspection of Prisons in Ireland.

Oifig an Chigire Príosún, Oifigí Halla Pheambróg, 38-39 Cearnóg Mhic Liam Thiar, Baile Átha Cliath 2, D02 NX53

Office of the Inspector of Prisons, Pembroke Hall Offices, 38-39 Fitzwilliam Square West, Dublin 2, D02 NX53

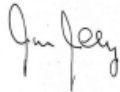
Your officials may recall that I wrote to Minister Harris at the end of last year, expressing concern about the overcrowded conditions observed by the Inspectorate's team in Mountjoy Men's Prison. In that letter (also attached, for ease of reference), I recognised that the root cause of this problem is the rising number of people being held in prison in Ireland. Increases in the capacity of the prison estate might, in time, partially alleviate the problem; however, international experience has demonstrated that overcrowding cannot be tackled solely by building new prison places.

Consequently, the Inspectorate welcomes the Government's commitment to prioritise alternatives to imprisonment, such as those set out in the Review of Policy Options for Prison and Penal Reform 2022-2024. However, immediate action, such as imposing an enforceable ceiling on the number of people who can be held in each prison, is also required to de-escalate Ireland's burgeoning prison overcrowding crisis.

I should very much appreciate it if you could respond to the Inspectorate's Immediate Action Notification regarding Cloverhill Prison by close of business on 14 June 2023.

Of course, as ever, I am at your entire disposal should you wish to discuss this issue in greater depth.

Yours sincerely,



Mark Kelly
Chief Inspector of Prisons

Enclosed: Immediate Action Notification - Cloverhill Prison - OIP/IAN/CH/1/2023
Letter dated 23 December 2022 to Minister Simon Harris

Oifig an Chigire Príosún, Oifigí Halla Pheambróg, 38-39 Cearnóg Mhic Liam Thiar, Baile Átha Cliath 2, D02 NX53

Office of the Inspector of Prisons, Pembroke Hall Offices, 38-39 Fitzwilliam Square West, Dublin 2, D02 NX53



Oifig An Chigire Príosún
Office of the Inspector of Prisons

IMMEDIATE ACTION NOTIFICATION

FROM:	Mark KELLY, Chief Inspector of Prisons
TO:	Helen McENTEE TD, Minister for Justice Caron McCaffrey, Director General of the Irish Prison Service
DATE:	1 June 2023
REFERENCE:	OIP/IAN/CH/1/2023
SUBJECT:	Cloverhill Prison: Serious concern regarding degrading conditions in the cells

LIKELY IMPACT:	CRITICAL
PROBABILITY:	ALMOST CERTAIN
RISK LEVEL:	VERY HIGH

1. Section 31 (1) of the *Prisons Act 2007* provides that the Chief Inspector of Prisons “shall carry out regular inspections of prisons and for that purpose may—
[...]
(c) in the course of an inspection or arising out of an inspection bring any issues of concern to him or her to the notice of the Governor of the prison concerned, the Director-General of the Irish Prison Service, or the Minister or of each one of them, as the Inspector considers appropriate.”
2. In addition, the *Framework for the Inspection of Prisons in Ireland* provides that: “In the event that an Inspection Team identifies concerns, around either current performance or the risk of adverse impact on future performance, of such significance and consequence that an immediate intervention to mitigate is required, then the Chief Inspector may raise an Immediate Action Notification (IAN).”¹
3. In the course of the full unannounced inspection of Cloverhill Prison, completed last week, my Inspection team has identified a **serious concern regarding degrading conditions in the cells.**

This concern relates, in particular, to conditions in the cells designed for three persons, certain of which are currently accommodating four prisoners, one of whom is obliged to sleep on a mattress on the floor.

¹ Framework for the Inspection of Prisons in Ireland, Office of the Inspectorate of Prisons, March 2020, paragraph 2.3.5.

4. At the beginning of the Inspectorate's visit to Cloverhill Prison, 152 people (one third of the prison's population) were being held four to a cell measuring less than 12 square metres, with one occupant sleeping on a mattress on the floor in each of these 38 cells. The in-cell lavatories are not partitioned and prisoners also eat breakfast, lunch and dinner in this highly-confined space.

The design of the windows limits airflow in the cells, which are stuffy and malodorous. They are also excessively warm (temperatures in excess of 27C were recorded during the inspection) and reportedly become intolerably hot in high summer.

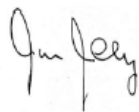
Inter-prisoner violence is the inevitable result of confining four adult men in degrading conditions of this nature. At least one serious in-cell assault took place during the inspection and it is almost certain that further severe attacks of this nature will result if prisoners continue to be held in these conditions at Cloverhill Prison during the summer months.

5. The Inspectorate of Prisons considers that the likely impact of this concern is **critical** and that the probability of this impact occurring is **almost certain**. Consequently, the Inspectorate deems the risk involved to be **very high**.

6. Given the gravity of this concern, I have decided to raise the following Immediate Action Notification:

*Having become aware of a serious concern regarding degrading conditions in the cells at Cloverhill Prison which is **almost certain** to have a **critical adverse impact** on people living there, the Chief Inspector of Prisons:*

- *Formally notifies the Minister for Justice and the Director General of the Irish Prison Service that this concern has been deemed by the Inspectorate of Prisons to involve a **very high risk**;*
- *Requests the Minister for Justice and the Director General of the Irish Prison Service to **intervene immediately** to mitigate the very high risk identified in this Immediate Action Notification;*
- *Requests the Minister for Justice and the Director General of the Irish Prison Service to inform him, at the latest by 5pm on 14 June 2023, of the steps that they propose to take to **mitigate** the very high risk identified in this Immediate Action Notification.*



Mark Kelly
Chief Inspector of Prisons

Dublin, 1 June 2023



Mr. Mark Kelly
Office of the Inspector of Prisons
Pembroke Hall Offices
38-39 Fitzwilliam Square West
Dublin 2
DO2NX 53

26 June 2023

Dear Mark,

I want to thank you for your letter of 1 June 2023, and to take the opportunity to acknowledge the important work that is being undertaken at pace by your Office. My officials have engaged with the Director General of the Irish Prison Service, who I understand has provided a comprehensive response to the matters raised in your letter.

As you acknowledge, this is a very challenging time for the Irish prison system. You may be aware that earlier this year, Minister Harris brought a Memo to Government outlining the significant pressure that the IPS continues to experience as a result of growing prisoner numbers, the measures being taken to address the capacity issues, and the need to increase capacity in the system. To that end, I will be engaging with my colleague, the Minister for Public Expenditure, NDP Delivery and Reform, shortly to progress the four priority construction projects identified, including in Cloverhill.

Of course we recognise further capital investment will only assist in the medium term and you will also be aware of the Review of Policy Options for Prison and Penal Reform 2022-2024 which was published in August 2022, and makes clear that prison should be a sanction of last resort for the courts, and contains a number of actions aimed at diverting offenders away from the prison system. As part of this consideration, proposals to broaden access to the Community Return Scheme (CRS) for those serving sentences up to and including 18 months, to allow prisoners serving a sentence of between 3-5 years to be considered to be eligible for the CRS at half-way through their remitted sentence and a proposal to expand the eligibility criteria for the Community Support Scheme from the existing 3 month to 12 months to a new eligibility of 3 months to 18 months, have recently been approved.



In addition, a new capital plan for prisons is to be developed before the end of this year. That plan will set out how we will ensure that over the coming years we have sufficient capacity to accommodate all those that the courts send to prison but also that those facilities are of an appropriate and humane standard to support rehabilitation.

Finally, I would be glad of an opportunity to meet with you in the next few weeks to discuss your work. In the meantime, you can be assured that the overcrowding issue is absolutely a priority for the Department, and is a matter that the Department is engaging on with the Director General on an on-going basis.

Yours sincerely,

Helen McEntee T.D
Minister for Justice



Mr. Mark Kelly,
Office of the Inspector of Prisons,
38-39 Fitzwilliam Square West,
Dublin 2,
D02 NX53

Dear Inspector of Prisons,

I refer to your Immediate Action Notification dated 1st June, 2023 in which you raise concerns regarding the unsatisfactory conditions in the cells of Cloverhill Prison.

I can assure you that I am committed to providing safe and secure custody for all people committed to prison and to ensure a safe working environment for my staff.

Additionally, I and my staff in the Irish Prison Service continuously work to identify short, medium and longer term proposals to help manage capacity issues in our prisons as they arise.

However, as you will be aware, we must accept all prisoners committed by the Courts and as such I have no control over the numbers committed to custody at any given time.

Where the number of prisoners exceeds the maximum capacity in any prison, we make every effort to deal with this through a combination of inter-prison transfers and structured temporary release.

Cloverhill Prison is the primary remand prison for the Leinster area and it has been affected more significantly in terms of the increased number of committals we have witnessed particularly in recent months, as you will see from the table below. You will also be aware that prisoners detained on remand or awaiting trial are not legally entitled to be considered for temporary release and so our options for this cohort of prisoner are particularly limited.

Cloverhill Committals from May 2022 to May 2023

Month	Total Committals
May 2023	271
April 2023	220
March 2023	286
February 2023	288
January 2023	235
December 2022	186
November 2022	232
October 2022	228
September 2022	212
August 2022	185
July 2022	251



June 2022	243
May 2022	237

Measures taken to reduce Prison Overcrowding

The Irish Prison Service has witnessed a sustained increase in the number in custody since early 2022 following a return to normal activity within the criminal justice system;

- Provisional Irish Prison Service figures show there were 7,055 committals to prison in 2022 which is an increase of 919 (15%) on committal figures in 2021 (6,136).
- Throughout 2022 and into 2023 the number of people committed to custody has increased from 3,708 at the start of 2022 to 4,246 on the 31st December 2022.
- On the 14th June 2023 there were 4,654 people in custody, the highest ever in the history of the State.
- The Irish Prison Service has a bed capacity of 4,487
- On the 14th June 2023 there were 163 people on mattress across the prison estate including 26 people accommodated on mattresses on the floor of a multi-occupancy cell in Cloverhill Prison.

In the past 12 months, following a submission from the Irish Prison Service, the Minister for Justice approved a number of measures aimed at reducing capacity pressures in the system. These include broadening the eligibility criteria for the Community Return and the Community Support Schemes; amending criteria for considering Temporary Release; and expediting the Department of Justice's review of sentence remission.

Through engagement with the Probation Service, we have also introduced a Community Return Low Intensity Supervision Protocol which allows for greater scope where a prisoner is being considered for Community Return. We are also assisting the Probation Service to develop a plan to provide two dedicated Supervised Temporary Release teams initially in Dublin and Munster (Cork/Limerick). The Unit will enable the flexibility to respond to prison pressures and seamless transition of cases to community teams. This would allow for the restructuring and expanding of the Community Return Scheme, increasing the rolling figure from its current level of 75 prisoners to potentially 400 prisoners, who would be under Probation Service supervision while undertaking Community Service tasks as a condition of their Supervised Temporary Release.

In the year to date, 617 prisoners have been released from prison on reviewable temporary release from prisons across the estate to relieve overcrowding.

Number of individuals releases on Reviewable Temporary Release (RTR) to date in Year 2023

Establishment	Total
Castlerea Prison	34



Cloverhill Remand Prison	15
Cork Prison	97
Limerick Prison (Female)	38
Limerick Prison (Male)	78
Loughan House	7
Midlands Prison	76
Mountjoy Prison (Female)	74
Mountjoy Prison (Male)	138
Portlaoise Prison	3
Shelton Abbey Place	2
Training Unit	2
Wheatfield Prison	53
Total	617

Capital Investment

You will also be aware that the Government has provided significant capital funding to the Irish Prison Service to enhance our existing prison infrastructure.

The commissioning of new male prison in Limerick has recently provided an additional 90 spaces and the female prison accommodation in Limerick Prison will provide 22 additional female cell spaces when it opens in July. In addition, the refurbishment of the Training Unit in Mountjoy last year provided an additional 96 spaces. In respect of Cloverhill Prison the F Block has recently opened to specifically alleviate the overcrowding issue in this location and there are currently 23 prisoners housed in this Block.

The need to ensure the continued availability of modern prison facilities with adequate capacity will continue to be central to the work of the Irish Prison Service and will be core to the development of the new Irish Prison Service Capital Plan. The Irish Prison Service intends to seek funding as part of the 2024 Estimates Process for an accelerated capital programme. This programme includes the provision of additional capacity in Cloverhill Prison.

In this regard, as required by the Public Spending Code rules for capital development, the Irish Prison Service have submitted a Strategic Assessment Report (SAR) to the Department of Justice on the needs and deliverables for additional accommodation at Cloverhill Prison. This SAR was approved by the Department and is now nearing the completion of the Preliminary Business Case (PBC) stage of the progress. This PBC will be submitted to the Department in the coming weeks and once approved the detail design stage of the progress will commence. At this point the IPS are working and exploring the scope for 120 additional cells with the potential to accommodate up to 190 additional prisoners, however this is subject to detail design and



planning requirements etc. This will allow for a significant reduction in the number of 3 man cells in operation within the prison.

Penal Policy Reform

As you are aware the review of Policy Options for Prison and Penal Reform 2022-2024 was approved by Government in August, 2022.

This review seeks to find the balance between ensuring that people who commit serious crimes receive a punishment and a period of incarceration proportionate to that crime, while at the same time acknowledging that sometimes community-based sanctions are more appropriate in diverting offenders away from future criminal activity and that they have a role to play in addressing criminality, reducing reoffending and providing protection to the public, while holding the individual accountable.

The Department of Justice has commenced a policy review of the Criminal Justice (Community Sanctions) Bill 2014. As part of this policy review, due consideration is being given to facilitating the effective and efficient use of community sanctions by the courts, and to ensuring the courts have a range of appropriate options for dealing with people who have committed minor offences. Consideration of this matter is ongoing.

In addition, as you will also be aware the final report and recommendations of the High Level Task Force to consider the mental health and addiction challenges of those who come into contact with the criminal justice sector was published by Minister McEntee and the Minister for Health in September 2022.

The recommendations made by the Task Force aim to ensure better support for people at the earliest point at which they come into contact with the criminal justice system. They seek to divert people away from the criminal justice system where possible, while supporting them in their rehabilitation from addiction and in the recovery and management of their illness.

I trust the above sets out the steps that are being taken to alleviate the current situation in Cloverhill Prison. Given the restrictions, as outlined, within which the Irish Prison Service operates it is regrettable that it is not possible for me to take any additional steps to mitigate the high risk identified in your Immediate Action Notification for Cloverhill Prison.

Yours sincerely,

A handwritten signature in black ink, which appears to read 'Caron McCaffrey', is positioned above a horizontal line.

Caron McCaffrey
Director General
14th June 2023

Appendix C. Event Photos - The OPCAT: Developing a Criminal Justice National Preventive Mechanism in Ireland - 6 December 2023



Tigran Karapetyan, Council of Europe, Michael Kellett, Vice President, Association for the Prevention of Torture, Geneva, Dr Julia Kozma, Member, UN Subcommittee on the Prevention of Torture (SPT) and Judge Mykola Gnatovskyy, European Court of Human Rights



Event Participants



Mark Kelly, Chief Inspector, OIP



Deirdre Malone, Director, Irish Human Rights and Equality Commission (IHREC)



Tom Harte, Inspector, OIP, Paul Cleary, Assistant Commissioner (Eastern Region), An Garda Síochána and Mark Kelly, Chief Inspector, OIP



Judge Mykola Gnatovskyy, European Court of Human Rights, former President of the European Committee for the Prevention of Torture (CPT)



Dr Julia Kozma, Member, UN Subcommittee on the Prevention of Torture (SPT)



Saoirse Brady, Executive Director, Irish Penal Reform Trust and Jacqui Durkin, Chief Inspector, Criminal Justice Inspection Northern Ireland



Sam Gluckstein, Head, United Kingdom National Preventive Mechanism



Helen Casey, Deputy Chief Inspector, OIP



Tigran Karapetyan, Head of Division, Transversal Challenges and Multilateral Projects Task Force Directorate General of Human Rights and Rule of Law, Council of Europe



Pia Janning, Senior Inspector, OIP



Dr Ciara O'Connell, Senior Inspector, OIP



Helen Hall, Chief Executive, Policing Authority