

Progress in the Penal System (PIPS)

The need for transparency
(2021)

Summary



The Irish Penal Reform Trust is an independent non-governmental organisation campaigning for the rights of everyone in the penal system, with prison as a last resort.

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Summary Document:

This is a summary document. The full text of *Progress in the Penal System: The need for transparency (2021)* is available online at www.iprt.ie

Print copies of all editions of the *Progress in the Penal System* series are available on request from the IPRT office.

Summary

This is a summary of the fifth edition of *Progress in the Penal System (PIPS)*.

Since the first *PIPS* publication in October 2017, the Irish Penal Reform Trust (IPRT) has seen significant changes in the Irish penal system, some positive and some negative. Most notably, of course, there has been the global COVID-19 pandemic, which has had a devastating impact on people in prison in Ireland.¹

During this time, IPRT has also faced challenges in fulfilling the core purpose of the *PIPS* project, namely to monitor and assess progress towards achieving best practice in Ireland's penal system. These challenges have arisen primarily because of the fundamental information and data gaps regarding the Irish criminal justice and penal system. Our experience is one of positive engagement from the agencies from whom we request data, in particular the Irish Prison Service. However, criminal justice data should be available for public scrutiny at all times and not only on request.

Working on *PIPS* over the past 5 years has made very clear the lack of transparency from key agencies in the penal system; the inadequacies and delays in respect of those bodies responsible for monitoring prisons; and the failure of the State to provide consistent, robust and publicly available data on how people who come into contact with the criminal justice system are dealt with and treated. In the second year of the COVID-19 pandemic, now more than ever, this gap in information has become a major concern.

Last year, *PIPS 2020* focused on reviewing 12 of the 35 IPRT standards for the penal system. The fifth edition of *PIPS* has continued in the same direction and focuses on 13 salient standards. Unlike previous years, *PIPS 2021* performs a review of the overall progress of these specific standards since the project started in 2017. Where information relating to 2021 was readily available, it was included in the review. However, IPRT did not engage in the volume of direct data requests as in previous years. Our view is that comprehensive data should be published routinely by all relevant stakeholders.

Therefore, *PIPS 2021* highlights key information gaps and sets data expectations for stakeholders to meet in order to address these barriers under the overarching theme of '*the need for transparency in the penal system in Ireland*'. The report further sets out four thematic areas under which the standards under review are grouped and discussed.

Chapter 1: Monitoring the Use of Imprisonment

Imprisonment as a last resort should be the underlying principle of penal policy in Ireland yet there was regress in *Standard 2 – Imprisonment as a last resort* between 2017–2021 as people were continually sentenced to short terms of imprisonment rather than being diverted to alternative sanctions in the community. The lack of publicly available data that might help explain why the courts are choosing not to use alternative sanctions over prison sentences is concerning.

Between 2017 and 2021, the lack of information about the number of people in prison experiencing mental illness, coupled with the long waiting times for prison psychology services and the consistently high numbers on the waiting list for the Central Mental Hospital (CMH), indicates no change towards meeting *Standard 13 – Mental Healthcare*.

There was insufficient information on drug and alcohol use / treatment services in Irish prisons to make an adequate assessment of progress under *Standard 14 – Drug and Alcohol Treatment*. On the basis of the little information *PIPS* did manage to gather, however, there appeared to be no change in this standard between 2017 and 2021.

There was a mix of progress and regress under *Standard 32.1 – Women in Prison*, with an overall reduction in the period 2018–2021 in annual committals of women as well as the daily average of women in custody. However, there continues to be a lack of information on the availability and use of gender-sensitive community sanctions, and a general lack of research on the experience of women in the criminal justice system.

¹ See, Office of the Inspector of Prisons (OIP) & Maynooth University (MU), (2020). *Ameliorating the impact of cocooning on people in custody – a briefing*. [Online]. OIP. Available from: <https://www.OIP.ie/wp-content/uploads/2020/07/Ameliorating-the-impact-of-cocooning-on-people-in-custody-a-briefing.pdf>. [07 December 2021]. Also See, Office of the Inspector of Prisons (OIP), (2021). *Thematic and Functional Reports*. [Online]. OIP. Available from: <https://www.OIP.ie/publications/inspection-reports/thematic-and-functional-reports/>. [08 December 2021].

A table showing the assessment of standards in this chapter is on page 4.

Data expectations in this chapter include: improved data from the IPS on the number of people repeatedly being committed to prison; improved recording of judicial decisions by the Courts Service (with a view to their possible publication); and publication of the Department of Justice planned review of the Criminal Justice (Community Service) (Amendment) Act 2011 and the use of short custodial sentences.

Chapter 2: Assessing the Operation of the Prison

There was overall regress in this chapter, which examined how life operates in Irish prisons. There was no change in *Standard 6 – Open Prison Provision*, with no development or expansion of open prison provision in Ireland in the period 2017–2021.

Single-cell accommodation is a long-term objective of the Irish Prison Service (IPS).² However, cell-sharing was common practice across the estate between 2017 and 2021 and the IPS has no designated policy on cell-sharing.³ This indicates regress in *Standard 9 – Single-Cell Accommodation*.

On *Standard 16 – Out-Of-Cell-Time*, there was regress between 2017 and 2021. The IPS is far from achieving the standard of ensuring 12 hours out-of-cell time per day for people in prison and there is very little information available on the activities people on restricted regimes can access during the short amount of time they spend out of their cells.

Despite the IPS committing to the elimination of solitary confinement in 2017, the use of solitary confinement remained common practice across the estate in the period 2017–2021, indicating regress in *Standard 26 – Solitary Confinement*.

A table showing the assessment of standards in this chapter is on page 4.

Data expectations in this chapter include: the publication of plans for the development of open prisons across the estate; publication of the number of available single cells in each prison in the Irish Prison Service quarterly *Census Report on Cell Occupancy and In-Cell Sanitation*; the development and publication of a quarterly *Census of Out-Of-Cell Time*; and publication of data on the lengths of time that people are held in isolation or separation by the Irish Prison Service.

Chapter 3: Ensuring the Focus is on Desistance

Overall, there was a mix of progress and regress in this thematic area between 2017–2021. For example, *Standard 11 – Family Contact* saw both progress and regress, with some developments across the prison estate in family visiting conditions and visiting hours (albeit these developments were slow and inconsistent). The COVID-19 pandemic, however, had a devastating impact on family contact. Despite the IPS rolling out progressive alternative methods of contact, such as in-cell phones and video calls, in-person physical visits were cancelled for long periods in 2020 and 2021. Furthermore, there continues to be a lack of recognition and support for children and families affected by imprisonment in Ireland.

Standard 18 – Life Skills saw an overall modest increase in the number of Independent Living Skills Units (ILSUs) across the estate since 2017, but this period also saw an unfortunate decrease in access to communal dining for people in prison.

Between 2017 and 2019, there was information provided about successful community engagement initiatives across the prison estate, indicating some progress under *Standard 20 – Community Engagement and Involvement*. However, apart from information provided by the Irish Red Cross, there was scant information on the operation of such initiatives during the pandemic, which indicates regress.

Between 2017 and 2021, the recurring issue arising in respect of *Standard 19 – Education* was the persistent lack of data on education in Irish prisons. This has made it impossible to assess the progress of this PIPS standard.

A table showing the assessment of standards in this chapter is on page 5.

Data expectations in this chapter include: the development and publication of a quarterly *Census on Visits and Contact* by the Irish Prison Service; improved monitoring and publication of data on education and life skills courses across the Irish Prison estate; and the development and publication of a mapping exercise of all community engagement initiatives in operation across the estate.

2 Single-cell occupancy as an estate-wide norm is cited as one of the 8 core and concurrent strategic objectives of the IPS. See, Irish Prison Service (2020). *Capital Strategy 2016-2021*. [Online]. IPS. Available from: http://www.irishprisons.ie/wp-content/uploads/documents_pdf/capital_strategy_2016.pdf. [06 December 2021]

3 Information obtained from the Irish Prison Service on 18 November 2021.

Chapter 4: Supporting Return to the Community

There was progress between 2017 and 2021 in [Standards 34 & 35 – Reintegration](#), with particular progress (albeit slow) towards improving the Irish spent convictions regime. The Criminal Justice (Rehabilitative Periods) Bill 2018, which aims to expand the circumstances in which a person’s convictions may become spent, has successfully passed through the Seanad and is now making its way through the Dáil, with Government support.

The work of the *Interagency Group for a Fairer and Safer Ireland* in monitoring interagency co-operation around supporting people on release from prison is a further sign of progress under this standard.

A table showing the assessment of standards in this chapter is on page 5.

Data expectations in this chapter include: the development and publication of research into employment opportunities available to people upon release from prison; further in-depth and detailed analysis of recidivism rates, which would inform an action plan for addressing the root causes of recidivism; improved mapping, monitoring and publication of data regarding accommodation available to people upon release from prison; and improved collation and publication of data relating to convictions and sentences.

Conclusion:

Review of progress since 2017 across the 13 IPRT standards paints a fairly disheartening picture, with clear progress achieved in respect of only one of the standards ([Standards 34 & 35 – Reintegration](#)) and the remainder showing regress, no change, a mixed picture or insufficient data to make an assessment. More recent updates in respect of the progress of these standards in 2021 (summarised at pp.6–10) further indicates little change or regress with the worsening of many aspects of prison life such as out-of-cell time and the use of solitary confinement, family contact, education and life skills. There has been strong commitment to addressing the issue of mental healthcare in prisons and the diversion of people with severe mental health issues from prison, but this commitment has yet to be met with action.

These concerns are further amplified by the numerous gaps in data and information arising in respect of each standard, which have made it difficult to monitor progress in the penal system and are indicative of the significant transparency gaps arising in our criminal justice system. The importance of good, robust, comprehensive data that is routinely made publicly available cannot be overstated. Such information enables monitoring bodies (both national and international) and civil society organisations, as well as the wider public, to understand what is happening in our prisons and the wider criminal justice system. The collection of such data in turn assists those agencies charged with delivering services to do so on an informed basis, with concrete evidence to help them identify problems and start devising solutions.

It will clearly take time to build capacity for the collection and dissemination of such data. In setting out our data expectations for the 13 standards addressed in PIPS 2021, we hope to contribute to improvements in this area by setting out some initial examples of the type of information that is needed.

Overall Progress 2017–2021

Thematic Area 1: Monitoring the Use of Imprisonment

Standard	Theme	Assessment	Rationale
S2	Imprisonment as a Last Resort	Regress	The principle of imprisonment as a last resort has seen no legislative commitment. There has been a decrease in short-term sentences but no comparable increase in the use of Community Service Orders (CSOs). The average number of people in prison has risen since 2017.
S13	Mental Healthcare	No Change	There has been no improvement in the number of people awaiting transfer to the Central Mental Hospital. There has also been no improvement in the ratio of psychologists to people in prison. While the new High Level Task Force may increase the number of people with serious mental health issues being diverted from prison, they have yet to publish their high-level implementation plan.
S14	Drug and Alcohol Treatment	No Change	There is a consistent lack of data on drug and alcohol treatment options or harm reduction options available to people in prison.
S32.1	Women in Prison	Mixed	There has been a reduction in annual committals of women to prison. However, the average daily number of women in custody has increased. A step-down facility for women has been established but there is a consistent lack of data on the availability of gender-specific community sanctions and research on women in prison.

Thematic Area 2: Assessing the Operation of the Prison

Standard	Theme	Assessment	Rationale
S6	Open Prison Provision	No Change	There has been no change in the provision of open prisons in Ireland and there is still no open prison facility for women.
S9	Single-Cell Accommodation	Regress	Despite COVID-19, the number of people in prison in single cells has remained largely the same. Despite continued cell-sharing across the estate, the IPS has no designated policy on cell-sharing.
S16	Out-of-Cell Time	Regress	There has been a reduction in out-of-cell time for all people in prison and an increase in people held on a restricted regime. There is also a lack of information on educational, vocational, and work programmes for people in prison.
S26	Solitary Confinement	Regress	The number of people in prison on 22–24-hour lock-up has increased. There is a lack of data on the lengths of time that people in prison are held in solitary confinement.

Thematic Area 3: Ensuring the Focus is on Desistance

Standard	Theme	Assessment	Rationale
S11	Family Contact	Mixed	There have been some improvements in child-friendly visiting conditions in prisons. Weekend visiting hours are available across some of the prison estate. COVID-19 has led to an increase in the use of video and phone calls, but a decrease in in-person visits. There is still a lack of support for children affected by parental imprisonment.
S18	Life Skills	Mixed	A number of Independent Living Skills Units have been provided in prisons. However, there has been a decrease in access to communal dining for people in prison.
S19	Education	Insufficient Data	Participation rates in education have fluctuated, with a decrease in in-person participation. There is little information on access to education for those on restricted regimes, or for prisoners completing higher education.
S20	Community Engagement and Involvement	Mixed	A number of external community-linked projects have been put in place in prisons, but there is insufficient data on the number of these operating across the prison estate, or how they have been affected by COVID-19.

Thematic Area 4: Supporting Return to the Community

Standard	Theme	Assessment	Rationale
S34 /S35	Reintegration	Progress	There has been some progress in the expansion of spent convictions legislation. Improvements have also been seen in terms of reintegration, with medical card applications encouraged before release, and an education and training pilot scheme in the works. However, concerns around issues such as housing provision and mental health services post-release remain.

Summary of key developments in 2021

PIPS 2021 examines the overall progress towards human rights and best practice in Ireland's penal system since the first edition in 2017. However, here we present a short summary of key updates and developments during 2021, drawn from information available publicly. The updates are organised according to the 13 standards under review.

Monitoring the Use of Imprisonment:

Standard 2: Imprisonment as a Last Resort

On 10 December 2021, there were 3,779 people in custody in Irish prisons⁴ – this has not changed significantly since 2020 (there were 3,762 people in custody on 10 December 2020).⁵

In 2020, a cross-sectoral group was established including the Head of Criminal Justice Policy, the Director-General of the Irish Prison Service and the Director of the Probation Service. This group has been tasked with the review of the Criminal Justice (Community Service) (Amendment) Act 2011 and the use of short custodial sentences. The review is underway and due for completion by the end of 2021.⁶

The Parole Act has been commenced, establishing an independent Parole Board and increasing the amount of time before life-sentenced prisoners may be considered for parole from 7 years to 12 years.⁷

Standard 13: Mental healthcare

In April 2021, IPRT welcomed the establishment of a High-Level Task Force (HLTF) to consider the mental health and addiction challenges of people interacting with the criminal justice system by four Ministers: Ministers for Justice and Health and the Ministers of State with responsibility for Mental Health and the National Drugs Strategy.⁸ IPRT welcomed the opportunity to present our initial observations on the Terms of Reference of the HLTF in July 2021.⁹

On 23rd December 2021, there were 23 people in prison on the waiting list for transfer to The Central Mental Hospital (CMH) with a yearly average of 21 people on the waiting list for transfer to the CMH in 2021.¹⁰ In 2021, there were 43 people diverted from prison to supports in the community by the Prison In-reach and Court Liaison Service (PICLS) and 14 people diverted from prison to the CMH by PICLS.¹¹

On 23rd November 2021, the national ratio of psychologists to people in prison was 1 psychologist to every 257 prison beds.¹² Also, on 23rd November 2021, the range of wait times for assessment/intervention by the IPS Psychology Service was between 0 (for psychological first aid) and 1,732 days (4 years) (for the *Pathways to Change* Group).¹³ According to the Irish Prison Service, the range in waiting times is skewed as the intervention is

4 Irish Prison Service (IPS), (2021). *Prisoner Population on Friday 10th December 2021*. [Online]. IPS. Available from: https://www.irishprisons.ie/wp-content/uploads/documents_pdf/10-December-2021.pdf. [20 December 2021].

5 Ibid.

6 Houses of the Oireachtas, (2021) *Sentencing Policy: Dáil Éireann Debate, Wednesday - 24 November 2021*. [Online]. Houses of the Oireachtas. Available from: https://www.oireachtas.ie/en/debates/question/2021-11-24/155/#pq_155. [20 December 2021].

7 Parole Act 2019, <https://www.irishstatutebook.ie/eli/2019/act/28/enacted/en/html> [20 December 2021].

8 Department of Justice (DoJ), (2021). *Establishment of a High Level Taskforce to consider the mental health and addiction challenges of persons interacting with the criminal justice system*. [Online]. DoJ. Available from: <https://www.justice.ie/en/JELR/Pages/PR21000071>. [20 December 2021].

9 Irish Penal Reform Trust (IPRT), (2021). [Press Release] *IPRT presentation to High Level Task Force on mental health and addiction*. [Online]. IPRT. Available from: <https://www.iprt.ie/latest-news/iprt-to-present-to-high-level-task-force-on-mental-health-and-addiction/>. [20 December 2021].

10 *Information obtained from the National Forensic Mental Health Service on 23rd December 2021*.

11 Ibid.

12 *Information obtained from the Irish Prison Service*.

13 Ibid.

planned around sentence management decisions i.e. readiness and other treatments required and the length of sentence.

A recent report by the Mental Health Commission (MHC) found that those in the prison system who are mentally ill often do not receive the treatment they need in order to recover.¹⁴ The lack of diversion services was highlighted as a particular issue.

Standard 14: Drug and alcohol treatments

In 2021, patients who wished to avail of drug treatment services in Irish prisons had access to counselling, treatment and training. However, there were limited harm reduction options available to people in prison. The primary harm reduction intervention in Irish prisons was in the form of consultations with healthcare professionals around drug use and the prescription, dispensing and administering of opioid substitution treatment.¹⁵ Further to this, harm reduction education was carried out by the Irish Red Cross. However, people in Irish prisons had no access to needle exchange facilities or naloxone (except for on release from prison and in emergency situations).¹⁶

Standard 32.1: Women in prison

In 2021, there were still no plans for an open prison for women. The development of a new facility for women in Limerick Prison is underway and due to be completed in Q2 of 2022.¹⁷ According to the Minister for Justice, the design of the new women's prison has been based on international best practice, to support normalisation, rehabilitation and reintegration and will have a medium security level.

Assessing the Operation of a Prison:

Standard 6: Open prison provision

In 2021, there were still no plans to develop a new open prison in Dublin. However, according to the *National Development Plan 2021 – 2030*, the Government intends to upgrade, improve and provide additional capacity at the already established open prisons between 2022 and 2025.¹⁸ IPRT will be monitoring the progress of this commitment.

Standard 9: Single-cell accommodation

In 2021, 54% of people in custody in Irish prisons were accommodated in a single cell.¹⁹ Mountjoy Male Prison maintained their standard of single-cell accommodation across the prison in 2021.²⁰ The Irish Prison Service reported having no designated policy on cell-sharing despite 46% of people in prison sharing cells.²¹

COVID-19 Thematic Inspection Reports by the Office of the Inspector of Prisons (OIP) highlighted that some prisoners were concerned about having to share a cell throughout quarantine due to health conditions and “*the stress of the unknown*” i.e. that the person with whom they are sharing a cell could have COVID-19.²²

14 Mental Health Commission, (2021). *Access to Mental Health Services for People in the Criminal Justice System - Dr Susan Finnerty, Inspector of Mental Health Services With special support from Ms Patricia Gilheaney, Inspector of Prisons*. [Online]. MHC. Available from: <https://www.mhcirl.ie/publications/access-mental-health-services-people-criminal-justice-system>. [13 December 2021].

15 Kildare Street, (2021). *Written answers: Thursday, 25 November 2021 - Department of Justice and Equality Prison Service*. [Online]. Kildare Street. Available from: <https://www.kildarestreet.com/wrans/?id=2021-11-25a.818>. [20 December 2021].

16 Ibid

17 Houses of the Oireachtas, (2021). *National Development Plan - Dáil Éireann Debate*, Tuesday - 12 October 2021. [Online]. Available from: <https://www.oireachtas.ie/en/debates/question/2021-10-12/414/>. [20 December 2021].

18 Government of Ireland, (2021). *National Development Plan 2021-2030*. [Online]. Available from: <https://www.gov.ie/en/publication/774e2-national-development-plan-2021-2030/>. [14 October 2021]. P.154

19 Irish Prison Service (IPS), (2021). *Census Prison Population July 2021 – Cell occupancy – In-Cell Sanitation*. [Online]. IPS. Available from: https://www.irishprisons.ie/wp-content/uploads/documents_pdf/July-2021-In-Cell.pdf. [20 December 2021].

20 Ibid

21 *Information provided by the Irish Prison Service on 18 November 2021 following a data request by IPRT*.

22 Office of the Inspector of Prisons (OIP), (2021). *Covid-19 Thematic Inspection of Limerick Prison*. [Online]. OIP. Available from: <https://www.OIP.ie/wp-content/uploads/2021/08/Limerick-Prison-COVID-19-Thematic-Inspection-Report-2021.pdf>. [13 December 2021]. P.31.

Standard 16: Out-of-cell time

In 2021, the average out-of-cell time for prisoners in closed prisons (not including prisoners on restricted regimes or in solitary confinement) was less than 6 hours per day – this is just one hour more than those on restricted regimes and 50% less than the PIPS standard of 12 hours per day. The table below provides a breakdown of the average out-of-cell time for prisoners in each of the closed prisons:

Prison	Estimated daily average time out-of-cell for prisoners (excluding prisoners on a restricted regime) in 2021
Arbour Hill	8
Castlerea	5
Cloverhill	5.4
Cork	5
Limerick	8
Midlands	5.5
Mountjoy Male	4.5
Mountjoy Female	5
Portlaoise	6
Wheatfield	7
Average Out-of-Cell Time	<6

Census snapshot data for 2021 suggests an average of 759 people (20% of the average number of people in custody) were held on a restricted regime, a 4% increase on 2020.²³ Published data for 2021 indicates that, at any time, between 166 and 298 people were held under Rule 103 relating to COVID-19 isolation and quarantine.²⁴ However, the majority (approx. 70%) were held under Rule 63 for reasons of protection.

Standard 26: Solitary confinement

In 2021, an average of 317 people were held on either 22-hour (average of 156 people) or 23-hour (average of 161 people) lock-up.²⁵ Furthermore, in 2021, there was an average of 32 people on 24-hour lock up (ranging between 15 people and 74 people).²⁶ These figures are derived from snapshot data published by the IPS. Information on the number of people in prolonged solitary confinement (for more than 15 days) was not available.

In the COVID-19 Thematic Inspection reports published in 2021, the OIP expressed concern over people in prison being subject to de facto solitary confinement as a COVID-19 quarantine measure as they were confined for 23 hours or more each day and had less than two hours meaningful human contact. The Inspector reinforced that solitary confinement should not be used as a means to prevent transmission of COVID-19 in prisons when safer alternatives exist in the community.²⁷

23 Irish Prison Service, (2021). *Census of Restricted Regimes Reports (January to October 2021)*. [Online]. IPS. Available from: <https://www.irishprisons.ie/information-centre/statistics-information/census-reports/>. [14 January 2022]

24 Ibid. See January 2021: 289 people under Rule 103; April 2021: 167 people under Rule 103; July 2021: 166 people under Rule 103; October 2021: 196 people under Rule 103.

25 Irish Prison Service (IPS), (2021). *Census of Restricted Regimes Reports (January to October)*. [Online]. IPS. Available from: <https://www.irishprisons.ie/information-centre/statistics-information/census-reports/>. [14 January 2022].

26 Ibid.

27 Office of the Inspector of Prisons (OIP), (2021). *Covid-19 Thematic Inspection of Limerick Prison*. [Online]. OIP. Available from: <https://www.OIP.ie/wp-content/uploads/2021/08/Limerick-Prison-COVID-19-Thematic-Inspection-Report-2021.pdf>. [13 December 2021]. P.31.

Ensuring the Focus is on Desistance

Standard 11: Family contact

As of November 2021, 2,238 children had physically visited an adult in prison during 2021.²⁸ This represents an almost 80% decrease on the earlier stage of the pandemic, with 11,079 children physically visiting prison in 2020, despite information in August 2021 indicating that 71% of the prison population were fully vaccinated at this point.²⁹

Physical visits were suspended from 23 December 2020 until July 2021. From July 2021, they were restored on a phased basis,³⁰ were shorter in duration, were limited to a maximum of two people including one child, and were non-contact only with additional restrictive measures such as screens and mask-wearing.³¹ In 2021, the Irish Prison Service committed to the continuation and expansion of additional measures introduced during COVID-19 such as the provision of in-cell telephones and additional calls and video visits.³² On 18 November 2021, all cells in Cork, Cloverhill, Castlerea and Limerick Prisons (excluding special observation cells and close supervision cells) were equipped with in-cell phones.³³

Standard 18: Life skills

There was no update published or received on the status of life skills courses in Irish prisons in 2021.

Information received from the IPS in November 2021 showed that fewer than 200 people had

access to communal dining across the prison estate (all 88 prisoners in Loughan House, all 92 prisoners in Shelton Abbey³⁴ and 17 prisoners in Wheatfield Prison), a regress on previous years.³⁵ According to the IPS, there are no plans to expand communal dining facilities across the estate.³⁶

Standard 20: Community engagement and involvement

The Probation Service made a commitment in its *Action Plan 2021–2023* to strengthen collaboration and engagement with statutory, voluntary and community partners.³⁷

Standard 19: Education

In November 2021, the participation rate in education in Irish prisons was 31.2%.³⁸ The participation rate in virtual education was not available.

In 2021, schools in prisons were closed from the beginning of January to mid-April due to COVID-19 national guidelines.³⁹ However, from the beginning of March 2021, teachers had access to students who were studying for the Leaving Certificate to support exam preparation. During the period in which schools were closed due to COVID-19, there were in-cell education services offered to some students. Literacy students were provided with material so that they could continue with their reading and writing skills and students engaged in the Junior/Leaving Certificate process or Open University courses were provided with educational materials to support their progression with their studies. Further to this, an in-cell TV channel was developed with short courses which had

28 Kildare Street, (2021). *Written answers: Wednesday, 24 November 2021 - Department of Justice and Equality*. [Online]. Kildare Street. Available from: <https://www.kildarestreet.com/wrans/?id=2021-11-24a.313> [20 December 2021].

29 The Irish Times, (2021). *Coronavirus: All prisoners have now been offered vaccine (14 August 2021)*. [Online]. The Irish Times. Available from: <https://www.irishtimes.com/news/crime-and-law/coronavirus-all-prisoners-have-now-been-offered-vaccine-1.4646541> [20 December 2021].

30 Kildare Street, (2021). *Written answers: Wednesday, 24 November 2021 - Department of Justice and Equality*. [Online]. Kildare Street. Available from: <https://www.kildarestreet.com/wrans/?id=2021-11-24a.313> [20 December 2021].

31 Irish Prison Service (IPS), (2021). *The Recommencement of Physical Visits - September 14th, 2021*. [Online]. IPS. Available from: <https://www.irishprisons.ie/recommencement-physical-visits/> [20 December 2021].

32 *Information received in a meeting between the Action for Children and Families of Prisoners Network and the Irish Prison Service on 8 September 2021*

33 *Information obtained from the Irish Prison Service on 18 November 2021*.

34 There were 92 people in Shelton Abbey in November 2021. See, *Irish Prison Service (IPS), (2021). Irish Prison Service Monthly Information Note – November 2021*. [Online]. IPS. Available from: https://www.irishprisons.ie/wp-content/uploads/documents_pdf/November-2021.pdf [13 January 2022].

35 *Information obtained from the Irish Prison Service on 18 November 2021*.

36 Ibid.

37 The Probation Service, (2021). *Strategic Statement 2021-2023 Action Plan – Probation Works for Community Safety*. [Online]. DoJ. Available from: <https://www.justice.ie/en/JELR/Probation-Service-Strategy-Statement-2021-23.pdf/Files/Probation-Service-Strategy-Statement-2021-23.pdf> [13 December 2021].

38 *Information obtained from the Irish Prison Service on 18th November 2021*.

39 *Information obtained from the Irish Prison Service on 14th January 2022*.

been created by teachers to support continued learning.⁴⁰

In 2021, there were also a number of school closures across the prison estate due to staff shortages with the highest numbers of school closures related to staff shortages in Limerick Prison (30 days), Mountjoy Male Prison (30 days) and Mountjoy Progression Unit (19 days), based on information made available by the IPS.⁴¹

In 2021, the Mountjoy and Maynooth University (MJMU) partnership was launched by Minister for Justice, Helen McEntee TD and Minister for Further and Higher Education, Research, Innovation and Science, Simon Harris TD. This partnership aims to promote access to third-level education for people in prison and in turn, support their reintegration upon release.⁴²

Accountability Post-Release

Standards 34 and 35: Reintegration

In November 2020, the Department of Justice in collaboration with the Probation Service and the Irish Prison Service, published the *Working to Change Social Enterprise Strategy – 2021–2023* which aims to increase access to employment for people with criminal convictions through social enterprise, general employment and entrepreneurship. The strategy underpins the importance of interdepartmental and interagency co-operation in achieving the goals of the strategy.⁴³

In June 2021, the Criminal Justice (Rehabilitative Periods) Bill 2018 passed through the Seanad.⁴⁴ The next step is for the Bill to be considered, examined, and debated in the Dáil. Minister of State Hildegard Naughton stated “*in principle, the Government and the Minister are very supportive of the Bill and I note that this support is shared by all sides in this House*”.⁴⁵ If the Bill is passed through the Dáil in its current form, not only will thousands of people who have been impacted by minor old convictions benefit, but society will benefit from people who have previously been excluded from the workforce and from active participation in society across many fronts.

40 Ibid.

41 Ibid.

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43 Government of Ireland, (2020). *Working to Change: Social Enterprise and Employment Strategy 2021 – 2023*. [Online]. Gov.ie. Available from: <https://www.gov.ie/en/publication/76b9e-working-to-change-social-enterprise-and-employment-strategy-2021-2023/>. [20 December 2021].

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45 Ibid.

Short-Term Actions:

Each PIPS report has set out a number of actions for stakeholders. These actions are steps that can be taken towards achievement of a standard and are intended to facilitate continued progress in Ireland's penal system.

The following pages contain a list of short-term actions, recommended in PIPS 2021, which would help stakeholders to meet the standards in question.

Chapter 1 Monitoring the Use of Imprisonment

Action 1.1



Standard 2 Imprisonment as a Last Resort. The Department of Justice should complete the planned review of the Criminal Justice (Community Service) (Amendment Act) 2011 without further delay.

Action 1.2



Standard 13 Mental Healthcare. The High Level Task Force on the mental health and drug addiction challenges for persons interacting with the criminal justice system (HLTF) should publish the High-Level Implementation Plan promised by the end of first quarter, 2022.

Action 1.3



Standard 14 Drug and Alcohol Treatment. The Probation Service should publish the review of the Integrated Community Service Programme which was due to be formally evaluated in 2019.

Action 1.4



Standard 14 Drug and Alcohol Treatment. The Irish Prison Service should update and publish its drugs policy. This drugs policy should adopt a health-led approach to responding to drug use in prison and be based around harm reduction principles in line with the National Drugs Strategy.

Action 1.5



Standard 32.1 Women in Prison. On review of the Criminal Justice (Community Service) (Amendment) Act 2011, the Department of Justice should take specific measures to address why short sentences continue to be handed down to women in place of community-based alternatives.

Chapter 2

Assessing the Operation of the Prison

Action 2.1



Standard 6 Open Prison Provision: The Irish Prison Service, before the end of 2022, should develop and publish a plan for reducing the number of closed prison spaces across the Irish Prison estate and replacing them with open prison spaces.

Action 2.2



Standard 9 Single-Cell Accommodation: The Irish Prison Service, before the end of 2022, should carry out a review of the use of single-cell accommodation across the Irish prison estate. This review should consider international standards and best practice in accommodating people in prison, examine the quantity and quality of usable single cells across the estate, and examine the reasons behind continued cell-sharing in Irish prisons and measures to address this.

Action 2.3



Standard 16 Out-Of-Cell Time: In 2016, the IPS Strategic Plan committed to publishing a dedicated strategy for reducing the use of restricted regimes across the prison estate. The Irish Prison Service should publish this strategy without delay.

Action 2.4



Standard 26 Solitary Confinement: The Irish Prison Service should, by the end of 2022, reduce the number of people being held in solitary confinement across the prison estate to the lower numbers seen in 2017.

Action 2.5



Standard 26 Solitary Confinement: The Irish Prison Service should, by the end of 2022, eliminate prolonged solitary confinement (i.e. conditions of solitary confinement being used for a period of 15 continuous days or more in respect of an individual prisoner).

Chapter 3 Ensuring the Focus is on Desistance

Action 3.1

Standard 11 Family Contact: The Irish Prison Service should complete the installation of in-cell telephones in all cells and rooms across the prison estate by the end of 2022.

Action 3.2

Standard 18 Life Skills: Following the review of the existing Independent Living Skills Units (set out in data expectations under Standard 18) across the Irish prison estate, the Irish Prison Service should publish plans for the further development of progression paths across the estate.

Action 3.3

Standard 19 Education: The Irish Prison Service and Education Training Board Ireland should follow through on their earlier commitment to the digitalisation of education and ensure that all prisoners, particularly those on restricted regimes, have access to in-cell e-learning by the end of 2022. This action should be accompanied by a commitment to supporting prisoners with their technological literacy.

Action 3.4

Standard 20 Community Engagement and Involvement: The Irish Prison Service should ensure that by the end of 2022, at the very minimum, all community engagement initiatives in operation across the prison estate return to pre-pandemic practices, which include allowing for day release of people in prison.

Chapter 4 Supporting Return to the Community

Action 4.1

Standards 34 & 35 Reintegration: The Department of Justice, by the end of 2022, should develop a strategy which identifies the key departments and agencies responsible for ensuring the successful reintegration of people post-release, and the potential for legislative action in this regard. This strategy should set goals and actions for these departments and agencies to co-operate in ensuring access to housing, social welfare, healthcare (including mental health and addiction support), employment, education and family support for people on release from prison.

Action 4.2

Standards 34 & 35 Reintegration: The Government should progress the Criminal Justice (Rehabilitative Periods) Bill 2018 through the Dáil without further delay, and without removing the progressive amendments made at Committee Stage.

