Irish Penal Reform Trust submission to the Consultation under Regulation 5(3) of S.I. No. 30 of 2019 on the use of ionising radiation in Irish prisons

April 2026

Irish Penal Reform Trust
Established in 1994, the Irish Penal Reform Trust (IPRT) is Ireland's principal independent non-governmental organisation working for systemic penal reform and change. Our vision is a just, humane Ireland where prison is used as a last resort. We advocate for a progressive criminal justice system that prioritises alternatives to prison, upholds human rights, and champions reintegration. We do this through conducting research, campaigning, and changing attitudes.

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Ref: Consultation under Regulation 5(3) of S.I. No. 30 of 2019 – Proposed new practice involving the use of ionising radiation to detect concealed objects within, on, or attached to the human body

Dear Ms O'Sullivan,

I am writing in response to your letter dated 31 March 2026 requesting the Irish Penal Reform Trust (IPRT)'s views as part of a statutory consultation on an application submitted by the Irish Prison Service (IPS). Please see below a brief analysis setting out IPRT's perspective on the use of ionising radiation to detect concealed objects within, on, or attached to the human body in line with the consultation sought.

1. Need for the practice

Does the proposed use of x-ray body scanners address an identified operational or security need?

The proposed use of x-ray body scanners is typically justified by authorities on the basis of enhancing security within custodial settings, particularly to detect contraband such as drugs or weapons. While there is a legitimate aim in maintaining safety within prisons, the necessity of this practice must be critically assessed against its intrusiveness, potential human rights implications and individual health concerns. International standards including the European Prison Rules emphasise that security measures should be proportionate and limited to what is strictly necessary, and that intrusive measures should not be applied routinely.[1] In this context, it must be clearly established that the introduction of x-ray body scanners is necessary to achieve the stated objective, particularly where less intrusive measures may be available. The need must be balanced against proportionality and rights considerations.[2] IPRT questions whether the need for this practice has been unequivocally demonstrated and shown to be carefully balanced against the principles of proportionality, dignity, and respect for fundamental rights.

2. Potential benefits and detriments

What benefits or potential detriments (health, social, economic, environmental) do you foresee from implementing or not implementing this practice?

The IPRT acknowledges that the proposed use of ionised X-ray scanners in Irish prisons may present certain operational benefits, particularly in light of an increase in deaths in custody related to internal concealment of drugs.[3] The Office of the Inspector of Prisons has made recommendations in a number of cases to the IPS, stating that it "should intensify its efforts to physically prevent contraband from entering prisons and

[1] Council of Europe, *European Prison Rules* (Recommendation Rec(2006)2) rules 1-2.
[2] European Committee for the Prevention of Torture, *11th General Report on the CPT's Activities* (CPT/Inf (2001) 16), para 32.
[3] For example, Office of the Inspector of Prisons, '*Death in Custody Investigation Report: Mr. K Cork Prison 14 March 2024*' (2024), available at: https://www.oip.ie/wp-content/uploads/2024/07/OIP-Death-in-Custody-Investigation-Report-Mr-K-2024.pdf; Office of the Inspector of Prisons, '*Death in Custody Investigation Report: Mr. I 2020 Limerick Prison 19 July 2020*' (2024), available at: https://www.oip.ie/wp-content/uploads/2024/05/Death-in-Custody-Investigation-Report-Mr-I-2020.pdf.

to detect its presence once on the premises, including through technological means" but does not specify what those are. The IPS has accepted this recommendation in its action plans.[4] However, the type of technology raises important human rights and health considerations. Potential benefits include an increased ability to detect internally concealed contraband, which may contribute to improved safety within prisons and avoid unnecessary deaths. Where used strictly as a necessary and proportionate alternative, such scanners could reduce reliance on strip searches and other highly intrusive practices including internal examinations by medical staff which can only be carried out when the risk to health outweighs the risk of carrying out such an intervention. In addition, this technology may provide a more efficient and potentially faster means for prison staff to identify internally concealed contraband. As a no-contact method of searching, it may also reduce the risk of confrontation, distress or use of force during physical searches.[5] Furthermore, the availability of scanners may lessen the need for prolonged observation or other restrictive monitoring measures in cases where concealment is suspected.

Notwithstanding these potential benefits, the IPRT has significant concerns regarding a number of potential detriments associated with the use of ionised X-ray scanners. While the exposure from individual scans may be low, the introduction of X-ray body scanners raises concerns regarding cumulative exposure, particularly in custodial settings where individuals may be subject to repeated scans. Without a robust policy framework on its use, monitoring and recording of individual exposure levels, there is a risk that total radiation doses may increase over time, potentially exceeding recommended limits. The health consequences of ionised radiation are not immediate and often cannot be directly linked back to these practices as it may take years for illnesses such as cancer to appear.[6]

If x-ray scanners are to be introduced, adequate policy on what is deemed to be appropriate, proportionate and necessary use of ionised x-rays, must be in place from the outset to avoid a risk of overuse of these practices, particularly "blanket scanning", which can result in significant overexposure to radiation. The UK Prisons and Probation Ombudsman (PPO) highlighted this issue while investigating and upholding a complaint made by an individual in detention.[7] Despite a Policy Framework in place on the use of ionised X-rays,[8] the PPO discovered from their investigations that "in some prisons, all prisoners were being scanned on entry to prison. However, the policy clearly states

[4] Office of the Inspector of Prisons, '*Death in Custody Action Plan: Mr. I 2020 Limerick Prison 19 July 2020*' (2024), https://www.oip.ie/wp-content/uploads/2024/05/IPS-Action-Plan-Death-in-Custody-Investigation-Report-Mr-I-2020.pdf.
[5] Barkworth, Chong and Howard, 'Full body x-ray scanners at NSW correctional centres: Staff and inmate perspectives (*NSW Inspector of Custodial Services, 2024), available at: https://correctiveservices.dcj.nsw.gov.au/content/dam/dcj/corrective-services-nsw/documents/research-and-statistics/research-brief/b18-x-ray-body-scanner-activity.pdf*.
[6] World Health Organization, '*Ionizing Radiation and Health Effects*' (WHO, 2023), available at: https://www.who.int/news-room/fact-sheets/detail/ionizing-radiation-and-health-effects#:~:text=If%20the%20radiation%20dose%20is,to%20radiation%20exposure%20than%20adults.
[7] 'X-ray Scanning: Complaint Upheld' (*Insidetime, 2 May 2023*), available at: https://insidetime.org/information/x-ray-scanning-complaint-upheld/.
[8] UK Ministry of Justice and HM Prison and Probation Service, *Use of X-Ray Body Scanners (Adult Male Prisons*) (18 May 2020), available at: https://assets.publishing.service.gov.uk/media/68ecffd582670806f9d5dfcf/xray-body-scanners.pdf.

that body scanners should only be used to combat an identified threat".[9] This resulted in an increased use of searches, as this measure became a routine procedure in the admission of people to prison.[10] This was a direct breach of the relevant Policy Framework, as there was no "intelligence or reasonable suspicion" that the individual was concealing contraband or assurance that the individuals annual microsieverts level will not exceed the stated safe level.[11] Similar complaints have been made subsequently to the PPO in 2025 which have also been upheld. This indicates that while a robust policy is in place, implementation remains a concern across the prison estate in England and Wales.

Routine use of this procedure increases the cumulative exposure and undermines the obligation to minimise radiation which poses a risk to the individual's health.
The UK policy on the use of X-ray body scanners in prison requires that their use be justified and based on appropriate risk assessment.[12] If X-rays are used routinely, this would leave little scope for individualised justification and poses the risk of disproportionately interfering with someone's health and wellbeing. In the UK, the PPO was critical that individuals were routinely subjected to X-rays during prison admission, it was clear that no intelligence or reasonable suspicion had been identified or recorded as set out in the policy.[13] To determine whether a body scan is necessary, a risk assessment should be conducted for each person being admitted or transferred to the prison.

In additional to physical health risks, the use of ionised X-ray scanners may give rise to psychological harms. Individuals may experience anxiety or distress relating to the potential long-term health implications of radiation exposure or the possibility of false positive results. There have been cases in other jurisdictions indicating that false positives and false negatives can occur, which may lead to further unnecessary searches, distress, or prolonged scrutiny.[14] Where scans are inconclusive, individuals may be subjected to repeated scanning in order to obtain a definitive result, thereby increasing cumulative exposure and associated risks.[15]

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[9] 'X-ray Scanning: Complaint Upheld' (*Insidetime, 2 May 2023*), available at: https://insidetime.org/information/x-ray-scanning-complaint-upheld/.
[10] *ibid*.
[11] UK Ministry of Justice and HM Prison and Probation Service, *Use of X-Ray Body Scanners (Adult Male Prisons*) (18 May 2020), at para 5.5, available at: https://assets.publishing.service.gov.uk/media/68ecffd582670806f9d5dfcf/xray-body-scanners.pdf.
[12] *ibid.*
[13] *ibid.*
[14] Ross, Barkworth and Howard, F*ull Body X-ray Scanners at NSW Correctional Centres: Staff and Inmate Perspectives (NSW Inspector of Custodial Services, 2019)*, available at: https://www.researchgate.net/profile/Mark-Howard-18/publication/386094748_Full_body_x-ray_scanners_at_NSW_correctional_centres_Staff_and_inmate_perspectives/links/67440388b5bd9d17d605e43e/Full-body-x-ray-scanners-at-NSW-correctional-centres-Staff-and-inmate-perspectives.pdf; Harris, 'Inmate families say prison drug-scanning tool finds false positives at 'alarming' rate (*CBC News*, 20 December 2016), available at: https://www.cbc.ca/news/politics/federal-prisons-drugs-ion-scanners-1.3905662; 'NI prisoner claim after body scanner detects 'organic material'' (*RTÉ News*, 20 March 2023), available at: https://www.rte.ie/news/ulster/2023/0320/1364313-court-prison-bodyscanner/.
[15] UK Ministry of Justice and HM Prison and Probation Service, *Use of X-Ray Body Scanners (Adult Male Prisons*) (18 May 2020), at para 5.112, available at: https://assets.publishing.service.gov.uk/media/68ecffd582670806f9d5dfcf/xray-body-scanners.pdf.

Notably, while scanners may improve detection rates, they do not address underlying drivers of contraband smuggling, such as addiction, coercion, or prison conditions, thereby limiting their long-term effectiveness. There is also a risk of displacement effects, whereby efforts to introduce contraband shift to alternative methods rather than being eliminated. This may include increased reliance on indirect supply routes, greater pressure placed on other individuals, or the use of more concealed and potentially harmful practices, which could exacerbate violence and health risks within the prison environment.

It is important to note that the introduction of ionised X-ray scanners carries considerable economic implications. These devices are costly, with prices of approximately £75,000 per scanner in the UK[16] and up to $200,000 per unit in the United States,[17] so they should be subject to a cost-benefit assessment.

Finally, IPRT believes it is essential that a welfare-led approach is taken to reduce the risk of repeated instances of internally concealed contraband, thereby reducing the instances of that person being exposed to ionised x-ray scanners and the risks of the cumulative harms caused. Policy governing the use of x-ray scanners must include an obligation to conduct a welfare check and, if necessary, referrals to the appropriate services such as addiction supports.

3. Alternative options

Have alternative approaches been adequately considered, or should additional options be evaluated?

There are a number of alternative options which may be used in body searches but we acknowledge their limitations on detecting internally concealed contraband. Millimetre-wave scanners, for example, use nonionised form of low-level radio waves to scan an individual's body. Two antennas are used to rotate around the person's body and creates a three-dimensional image. As this technology does not rely on X-rays, it does not subject a person to radiation.[18] To ensure privacy Automated Target Recognition (ATR) software can be installed on the scanners, which allows the scanner to generate a generic outline of the human body (same for both males and females) appears on the computer screen.[19] However, as noted by the IPS, this technology is not capable of detecting internally concealed drugs and should therefore be understood as a less intrusive screening tool rather than a substitute for methods intended to detect concealment.

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[16] Northern Ireland Department of Justice, '*New technology a 'game changer' against illegal contraband in prisons*' (1 March 2023), available at: https://www.justice-ni.gov.uk/news/new-technology-game-changer-against-illegal-contraband-prisons.

[17] HERCA '*Facts and figures concerning the use of Full body scanners using X-Rays for security reason*' (2010), available at: https://www.herca.org/wp-content/uploads//uploaditems/documents/Fact_figures_Body_scanners.pdf.

[18] U.S. Centers for Disease Control and Prevention, '*Facts about Radiation from Airport Security Screening*' (20 February 2024), available at: https://www.cdc.gov/radiation-health/data-research/facts-stats/airport-security-screening.html.

[19] Accardo and Chaudhry, '*Radiation exposure and privacy concerns surrounding full-body scanners in airports*' (Journal of Radiation Research and Applied Sciences, April 2014), at p. 198-200, available at: https://www.sciencedirect.com/science/article/pii/S1687850714000168.

In addition, canine dogs are widely utilised in drug detection searches and can provide an effective method of identifying the presence of illicit substances. However, their use can be intimidating to individuals particularly in a close contact setting or for vulnerable individuals and should therefore be subjected to appropriate safeguards. Other technologies, such as electromagnetic detection systems, can identify narcotics, explosives, and non-metallics in the environment through stationary systems.[20] Multi-frequency Systems can also offer a non-ionising alternative and are capable of detecting metallic contraband.[21]

Similarly, ferromagnetic detection systems are a type of metal detection device that can be used to uncover the internal components of a cell phone containing ferromagnetic materials which can detect cellular devices and metallics on a person or in a body cavity.[22] These technologies can be used alongside other methods, with metal detection systems used as an initial screening tool where internal concealment is suspected, in order to rule out the presence of metallic objects before escalating to more intrusive methods.

Beyond technological alternatives, it is also important to consider preventative and less intrusive approaches. Expanding access to drug treatment services and harm reduction measures, including addiction services and opioid substitution therapy, may address some of the underlying drivers of contraband smuggling. Furthermore, enhanced staff training can support improved staff-prisoner relationships, strengthen the early identification of risks, and reduce reliance on intrusive detection methods.

4. Legal or ethical considerations

Are there any further legal, regulatory, ethical, or policy matters that the EPA should take into account?

The proposed use of X-ray body scanners in custodial settings raises significant legal, regulatory, ethical, and policy considerations. From a human rights perspective, the use of ionising radiation must comply with the requirements of legality, necessity, and proportionality under the European Convention on Human Rights. In particular, Article 3 of the European Convention on Human Rights, which prohibits inhuman or degrading treatment, is engaged where scanning is applied routinely, coercively, or without adequate safeguards. Article 8 of the European Convention on Human Rights, which guarantees the right to respect for private life and bodily integrity, is also engaged due to the intrusive nature of internal body scanning.

The regulatory framework governing ionising radiation, including the European Union (Basic Safety Standards for Protection Against Dangers Arising from Medical Exposure to Ionising Radiation) Regulations 2018[23] and the Radiological Protection Act 1991

[20] Dix et al., *Contraband Detection Technology in Correctional Facilities: An Overview of Technologies for Screening People, Vehicles, and Correctional Settings* (U.S. Department of Justice, May 2021), available at: https://www.ojp.gov/pdffiles1/nij/grants/300856.pdf.
[21] *Ibid.*
[22] *Ibid.*
[23] European Union (Basic Safety Standards for Protection Against Dangers Arising from Medical Exposure to Ionising Radiation) Regulations 2018 (S.I. No. 256/2018), regulations 7-8.

(Ionising Radiation) Regulations 2019,[24] requires that all exposures be justified and optimised, with doses kept as low as reasonably achievable. In a custodial context, where individuals may be subject to repeated scanning, cumulative exposure must be carefully monitored through robust systems of record-keeping and review.

Ethical concerns also arise in relation to consent, as the inherent power imbalance in prison settings calls into question whether individuals can freely refuse scanning without adverse consequences. Strong safeguards are therefore required to prevent arbitrary or discriminatory use, including clearly defined criteria based on individualised risk assessment, independent oversight and an accessible complaints mechanism which is not currently in place.[25]

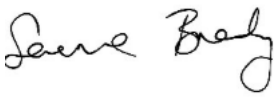
Data protection and privacy considerations must also be addressed in line with the General Data Protection Regulation and the Data Protection Act 2018, particularly regarding the storage, access, and retention of scan data. From a policy perspective, the introduction of such technology should also be considered in light of the European Prison Rules, which emphasise that security measures must be proportionate and limited to what is strictly necessary, and should not displace investment in less intrusive and more effective measures, including drug treatment services and staff training.

Overall, the use of x-ray body scanners should only be permitted where it can be clearly demonstrated to be necessary, proportionate, and subject to robust safeguards; otherwise, there is a risk of overuse leading to unsafe levels of exposure for individuals, normalisation of intrusive practices, and non-compliance with applicable human rights and radiation protection standards.

We note that the current application to introduce body-scanners would apply only to adult men detained in prison, but any policy framework must also be clear that it will not be used on visitors to prison. Also, the question on whether this type of screening would be extended to prison staff members in the future will also need to be addressed.

Please do not hesitate to contact me if IPRT can be of further assistance.

Yours sincerely,



Saoirse Brady
Executive Director

[24] Radiological Protection Act 1991 (Ionising Radiation) Regulations 2019 (S.I. No. 30/2019), regulations 8-9.

[25] Irish Penal Reform Trust, 'Progress in the Penal System (PIPS): A Framework for Penal Reform (2024)', available at: https://www.iprt.ie/site/assets/files/7726/iprt_pips_2024_report_final_digital.pdf highlights low level of confidence in the complaints system and delays in handling complaints with no tangible process made towards reform, while noting that the Office of the Ombudsman is expected to play an enhanced role in the future oversight.