

Annual Report

Mountjoy Visiting Committee 2015

Mary Fennessy Chairperson

Joe Ahern

Pat McGee

Andrew Garvey

Pauline Conroy

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Section 1

Overview

1.1 The Visiting Committee wish to acknowledge the experiences of prisoners who were serving their sentence in Mountjoy Prison as told and described to Committee members during 2015. Many were eager to avail of services and support to assist with their rehabilitation and transition. Others were troubled with a life long history of trauma, deprivation and loss. Yet others appeared discontent with their conditions, lack of opportunity, timely access to support services and a drug free environment in prison. Other concerns which arose were:

- Transfer to other prison,
- Loss of clothing in context of transfer between prisons
- Early release in particular family circumstances,
- Restriction of family contact in context of screened visits,
- loss of contact with children in state care
- Lack of access to drug free accommodation pre and post release
- Timely access to follow up health services, occasional lack of attendance at counselling and other health and educational services due to staff resourcing issues
- Lack of access to gym, yard, and alternative recreational activities on occasion linked with issues of 'protection' prisoners and staff shortages.
- Time out of cell
- Being spoken to in a derogatory or demeaning manner
- Concern regarding lavatories in yard and other common areas

1.2 A number of prisoners had concerns and made complaints about aspects of their life and treatment in prison. Increasing numbers expressed satisfaction and were glad of the opportunity to avail of programmes including education, music, and craft work, treatment for substance abuse, skill development and rehabilitation.

1.3 The Committee members were facilitated by management and staff who were committed to providing safe and secure care with an increasing emphasis on rehabilitation, integration with support services in preparation for transition to the community.

1.4 The year of 2015 saw a positive development for the Mountjoy Visiting Committee in that our numbers expanded from four to five persons. This has enabled us to visit the prison in pairs, generally every week of the year including sometimes at night or on Sundays. Our visits were facilitated by the Governor and his staff. We had helpful meetings with the Governor once a month and informal meetings with senior management on a frequent basis.

1.5 During the year we had the opportunity to meet prison officers and staff in the library, the Integrated Sentence Management Programme, medical personnel, teachers, permanent and temporary members of the Chaplaincy, Workshop Instructors, and the Probation Service and Prison Service trainers. Our

Chairman attended all meetings of the Chairpersons Committee and reported back to us on the proceedings.

1.6 The Committee made a written and oral submission to the Inspector of Prisons Report on the *Culture of Prisons* and attended the launch of the Report in Dublin. We are aware that the inspection and monitoring of prisons are under discussion and that a proposed legislative instrument – The Inspection of Places of Detention Bill (unpublished) - could alter our reporting system and the statute on which our work is based.

1.7 During 2015 there were two deaths in custody. An older prisoner sadly died in hospital of a health condition. A second prisoner tragically died. We extend our sympathies to their families.

1.8 We have taken into account that the number of Prison Officers available for duty on a given day may be significantly less than the number of posts allocated to Mountjoy. Prison Officers may experience occupational injuries and adverse health conditions arising from their work. Prison Officers may also be outside the Prison at Courts further reducing numbers. It is the strong view of the Visiting Committee that it would be helpful, and in the interest of prisoner welfare and rehabilitation, if additional staff were allocated to Mountjoy Prison so that all prisoners can be escorted to their physical and mental health appointments, classes, activities, and specialised prison services.

1.9 The Visiting Committee wish to comment on the dedication and commitment of staff often in challenging circumstances, at times where there is a threat to their health and safety.

1.10 The Committee wishes to acknowledge the professional attitude of senior staff on wings who liaise regarding prisoners concerns and welfare and also the many staff who facilitate and support meetings between Committee members and prisoners.

1.11 A general level of trust and good relationships between prisoners and staff is evident, an acknowledgement by staff of suffering and hardship in lives of some prisoners and appropriate support ,offered in circumstances of family illness and bereavement, is commendable.

Section 2

Accommodation

2.1 The bed capacity of Mountjoy Prison was 554 in December 2015 and this was all single-cell accommodation. This would not have been possible without the placement of prisoners on temporary release, educational and work experience programmes outside the prison.

The prison is frequently at 98% or 99% of its capacity. Refurbished accommodation has been undertaken with single cell use, and will be opened in 2016 if new staff are available.

2.2 The Visiting Committee found that accommodation was generally being maintained at an acceptable standard of hygiene and cleanliness. Some prisoners continued to comment on the significant change to in-cell sanitation.

2.3 We note that the committal of prisoners to Mountjoy for non-payment of fines continued to use up human resources during 2015. This situation was supposed to end in 2015 through the Courts Service outsourcing the collection of fines.

2.4 The Committals area is not used exclusively for committal prisoners and sometimes has to be used for other prisoners. The Committee considers that a dedicated committals area is essential for the assessment of prisoners on arrival and for the necessary research as to where their sentence might best be served.

2.5 The Irish Prison Service has placed a high priority on the number of hours out of cell, which can be afforded to protection prisoners. The majority of protection prisoners are there at their own request and can be described as in 'Voluntary' separation from other prisoners. The number of closed groups in separate protection can vary day by day. We note that protection prisoners as a whole socialise as a category and do not integrate with the general prison population.

The number of protection prisoners rose in Mountjoy over the period of 2015.

Table 1 Protection Prisoners Mountjoy 2015

IPS Census 1)	Cell Occupancy 2)	of whom Protection prisoners 3)	Protection as % of cell occupants 4)	of whom Voluntary 5)
January	531	91	17%	78
April	548	90	16%	82
July	528	119	23%	113
October	500	133	27%	126

Source: Extracted from: Irish Prison Service Statistics 2015.

2.6 The need for ‘protection’ in prison, identified both by prisoners and by management, arises in the context of challenges about how best to provide secure and safe care for prisoners, where the gang culture (linked with substance abuse) prevalent in society is mirrored in the prison population. The proportion of protection prisoners as a share of the total number of prisoners in Mountjoy rose from 17% in January 2015 to 27% in October 2015. More than one in four prisoners were reported to be under a restricted prison regime. In European terms, Ireland is unique with more than 15 per cent of the prison population under security measures, according to the Council of Europe.¹

2.7 Many prisoners on a ‘protection regime’ spend most of their day and night in isolation from other prisoners, without being able to avail of meaningful activity in learning, sport, work, music or art which are available in the prison. Lack of human contact can give rise to feelings of alienation, isolation, dehumanisation, depression and may contribute to poor mental health. The impact can include loss of autonomy; depersonalisation and feelings of paranoia. There are many reports in the research literature of prisoners who are held for prolonged periods in isolated confinement and can also experience physical health difficulties.

2.8 While the numbers of prisoners on 23 hour lock up is small (5 in July 2015) the numbers on 21 hour lock up increased over the year to 84 out of 119 protected prisoners in July 2015. When asked, the Visiting Committee visits protected prisoners as well as observing their surroundings. We have been shown the monitoring of the number of times and duration that individual prisoners are out of their cells. Prisoners in protection status may request to leave that status and join the general prison population. However this may only occur if there is no threat to their safety from other prisoners, as assessed by prison management, in leaving protected status. The Visiting Committee considers that the situation of prisoners in the so-called ‘protection’ system be reviewed as a priority and lessons learned and implemented in the interests of both prisoner and staff.

2.9 The Visiting Committee appreciates that prison officers and other professionals can experience violence, including of a traumatic nature, in these circumstances. The training and support for all staff and debriefing for staff who have experienced harm is a significant part of the duty of care of the Irish Prison Service.

2.10 We welcome the readiness of prison officers and other professionals to volunteer to escort protection prisoners outside the prison to significant events in their family lives.

2.11 The Visiting Committee considers, as do many others, that Mountjoy prison is not a suitable place of detention for prisoners with acute or chronic mental illness or psychological difficulties arising from addiction, brain injury or cognitive impairment. There is generally a waiting list for places in the Central Mental Hospital and for follow up in the community.

¹ Council of Europe, *Annual Penal Statistics SPACE 1 Survey 2013* Final Report, Strasbourg, University of Lausanne Switzerland, Table 5.2 page 101. A footnote notes the ‘voluntary’ character of much of the restriction.

2.12 We note with interest that a challenge to aspects of ‘solitary confinement’ of individuals or ‘segregation’ of individuals in the UK prison system was successful in an appeal to the House of Lords during 2015.² The Committee would welcome clarification as to whether the Court ruling on ‘open exercise yards’ of May 1 2015 has implications for Mountjoy prison.

2.13 The Committee looks forward to and recommends the opening of a programme of refurbishment of the indoor and outdoor recreational facilities in Mountjoy. The Visiting Committee considers the current facilities should be modernised.

2.14 The Visiting Committee would like to comment on the documentary ‘The Joy’ that aired on TV3 this year. Over a four week period the documentary gave an account of the day to day running of the prison, focusing on many areas including the reception area for new committals, court system, conflict resolution, the training unit and general prison population. The Committee is of the opinion that it gave an overview of the prison not only from the management and staff perspective but also from the prisoner’s perspective and the committee found it generally encapsulated many aspects of prison life. The committee found it to be a fair reflection on the prison and hope that such awareness might dispel some of the myths about the prison and prison life that can exist in society.

2.15 The Committee would also like to comment on media reporting of issues from within the prison during 2015. Where the Committee understands it is inevitable that incidents, such as assaults, will be reported on in the media, we are somewhat concerned as to the detail in some of these reports. The Committee regards this as of concern and can lead to a breach of the prisoner’s right to privacy.

² Judgment of 29 July 2015 in R and another (Appellants) v Secretary of State for Justice (Respondent) before Lord Neuberger, Lady Hale, Lord Sumption, Lord Reed and Lord Hodge heard on 16 and 17 February 2015.

Section 3

Education Services

3.1 With the re-vamp of wings of Mountjoy now almost complete, the population of prisoners will increase to close to 700. Most of the inmates will be over 21 and the lengths of their respective sentences will vary from a few months to life imprisonment. This will see an increased demand for education services in the prison.

3.2 The Education Centre offers wide choice of subjects. During 2015 over 500 students were interviewed to establish literacy levels. To assist in this regard education staff conducted a sample survey with some heartening results. Using the Adult Basic Education (ABE) assessment resource pack, which was designed by prison teachers for use in Irish prisons, a testing process was carried out one day per week. Compliance levels were high with the majority of new students agreeing to take part.

3.3 For the prison's Education Unit it is crucial for both staff and learners that respective education needs are identified in order to provide an individual Learning Plan for each student. This is particularly relevant for newcomers entering the school who are often unsure of their own skills and competencies and areas where there are learning gaps.

3.4 The prison Education Unit offers a wide range of subjects including Art, Computer Applications, Health and Fitness, Horticulture, Numeracy and Maths, Music and Parenting Skills. Throughout the year c.192 students gained certification in a range of Exams and subjects. The bulk of the certification is now through QQI with the range of modules varying from Level 2 to Level 5. They covered a range of subject areas from basic literacy and numeracy to social studies. The Visiting Committee welcomed the opportunity to witness the achievements of the music students.

3.5 In the Mountjoy West Wing education programmes have become more structured with classes held in several different locations within the prison. In the main school building a full timetable incorporating a range of subjects is available.

3.6. The detention of *protection* prisoners in the West Wing can present difficulties in providing educational programmes to cater for all students. Classes are provided 5 days a week, both morning and afternoon. Timetables have been designed to accommodate individual groups that require segregation. The Visiting Committee considers that there is a lack of resources and classroom space. We recommend that the investment in additional space for education be explored.

3.7 Participation in education programmes continues to show an increase. The choice of educational courses available contributes in no small way to this progress. A number of students are studying at third level by means of the Open University/3rd Level Student Support. Currently, efforts are being made to enable students to submit interactive computer marked assignments.

3.8 The Visiting Committee notes that there is still reluctance among certain prisoners to get involved in education programmes. Further research into understanding the prisoners' perspective should be implemented in this regard.

3.9 Throughout the year a number of special events were held in the schools. These included Physical Education Competitions, Red Cross Programmes, presentation of The President's Gaisce Award and College student placements.

3.10 The Visiting Committee recognises the difficulties of accommodation and resources, which are necessary to allow for enhancement of education services in the prison. The Visiting Committee acknowledges and commends the professionalism and work of the teaching and prison staff and recognises the continued support of the Governor and management for education.

Section 4

Drugs in Mountjoy

4.1 The Visiting Committee have observed when on visits with prisoners that there can be a culture of ‘them and us’ between prisoners and staff as is commonly reported on in prisons worldwide. Individual acts of kindness and gestures of goodwill on the part of staff and management of all grades has also been observed. Respect is, to at least some extent, based on trust and this can be absent on occasion between staff and prisoners.

4.2 The pervasiveness of a drug culture within the prison can be unsettling to prisoners, prison management and staff. The drug culture undermines many aspects of daily life for prisoners and creates significant challenges for prisoners who wish to be rehabilitated, avail of education and other positive opportunities in a safe environment. The extensive use of ‘protection prisoner regimes’, the need to separate prisoners for their own safety, the policy of no-handling/physical contact with family, including children, verbal and physical aggression to prisoner and staff all reflect the impact of drug abuse in the prison.

4.3 Prisoners who have successfully availed of prison therapeutic regimes and overcome their addictions with the assistance of available drug treatment programmes can become threatened and threatening when drug using/selling prisoners are placed in proximity on their landing or in adjoining cells. This tension can contribute to actual acts of violence and put staff and prisoners at risk.

4.4 The Governor and management attempt to provide drug-free prisoners with a drug-free environment but with the current high number of prisoners this is not always possible. This is a complex issue for management and there is a risk that this limits prisoners’ rights to a safe and secure environment. The overall impact of drugs entering the prison, regular and ongoing drug abuse tend to contribute to a more custodial culture rather than one of therapeutic intervention, rehabilitation or community integration. The Visiting Committee is concerned at the widespread availability of a variety of drugs in the prison.

4.5 The Visiting Committee notes that illicit drug use is an upward trend in prisons in Europe.³ In this context the plan for more treatment places for prisoners in preparation in Mountjoy is a positive development.

³ Prevalence of drug use and blood borne viruses in Irish prisons 2011, *Drugnet Ireland*, Health Research Board, Dublin. p.7.

Section 5

Health and Medical Services

5.1 The health problems of prisoners are varied including addiction, infectious disease, mental illness, acute and chronic physical illness and in the context of poverty, isolation and homelessness, often their health has been seriously neglected. A US research report ⁴ noted that 45 per cent of prisoners were treated for mental illness. The report also noted *‘the prison environment is one marked by disease transmission (and this) is environmentally exacerbated’* and that as health declines, there is a higher risk of mental illness. Prison officers, in a facility like that of Mountjoy prison, are interacting daily with significant numbers of prisoners with a diverse and complex range of disabilities and health status. Prison staff that spend time in direct contact with prisoners on a daily basis are best placed to see, hear and note changes in prisoner demeanour, behaviour or mood that may be related to health issues.

5.2 Further and ongoing training is essential in order to equip staff to recognise the need to refer on and consult with management about individual prisoner health needs, to assess initial risk and to ensure safe care of prisoner and staff. Increased staff training could increase knowledge, understanding and confidence to observe signs of poor physical and mental health. In the context of widespread consumption of illicit substances an underlying mental health condition may be triggered leading to a breakdown in a prisoner’s mental health. In order to assist staff respond to prisoners presenting with changes in behaviour, mood or emotional distress, ongoing support and debriefing is critical in the interest of prisoners and staff.

5.3 The Visiting Committee notes the WHO recommendation that:

‘all staff working in prison should have further training in health issues so that they can have a better understanding of what the health team is doing and can support those efforts through their duties concerning the prison environment and regime’.

The Report also recommends that the responsibility of the prison health service should be the responsibility of the Minister for Health. ⁵

A member of the Visiting Committee continues to attend, at the invitation of the Governor, the Mountjoy Campus Steering Group on Prevention of Self Harm and Death in Custody. The challenge for the prison service to meet the mental health needs of prisoners who are vulnerable, whose individual needs are different and who are at risk is being met by a multidisciplinary approach to assessment, risk management and analysis. Review and monitoring is emphasized with a particular focus on implementing lessons learned.

⁴ Report by Stanford Law School Three Strikes Project *‘When did prisons become acceptable healthcare facilities?’* Using data from the California Department of Corrections and Rehabilitation, March 2014.

⁵ WHO/UNOCD 2013 *Good Governance for Prison Health in 21st Century*, Copenhagen, Denmark.

5.4 The commitment of the mental health team from Central Mental Hospital to safe treatment, risk management and review of lessons learned from adverse incidents in conjunction with prison staff to ensure a safe environment is ongoing. The complexity of need of vulnerable prisoners particularly those at risk of self harm, with a history of ill health or drug abuse increasingly requires skilled assessment and intervention.

5.5. The issue of adequate staff resources to address drug testing, screening /search and further staff training needs further serious consideration. The Visiting Committee recommends staff support, oversight and training in mental health be further resourced and prioritised through protected time, as we recommended in 2014.

5.6 The referral on and transfer of prisoners to community mental health services will be enhanced by the appointment of two social workers to the CMH mental health in reach team however the availability of appropriate services in the community needs ongoing evaluation and resourcing.

Section 6

Integrated Sentence Management

6.1 The Visiting Committee regards the ISM as a fundamental and powerful method of enabling prisoners to use their time in prison positively and prepare themselves for return to the community. The ISM in Mountjoy Prison is currently staffed by three Assistant Staff Officers (ACOs) who are fully trained in ISM procedures. Prisoners with a sentence of more than one year are eligible to take part in the process. From the initial ‘First Contact Assessment’ and the development of a ‘Personal Integration Plan (PIP)’ through to periodic reviews of the prisoners progress and finally to a pre-release programme, the process is complex and time consuming for staff members. The tasks involve continuing face to face contact with the clients on the programme, detailed paper work to update the PIP records, and a great deal of liaison with other services within the prison such as Education, or Work and Training and numerous outside agencies who provide a range of in-reach services.

6.2 Throughout the year, the number of prisoners detained in Mountjoy always exceeded 500 prisoners and while they are not all participants in the programme for a variety of reasons, such as those on very short sentences, it appears to the Committee that the workload borne by the ISM team is challenging. The full time employment of three officers of ACO rank in this role against a background of staff shortages shows that the Management of the prison gives a high priority to the effective implementation of the process. However, considering the numbers in the client base and the complexity of each individual case, there is a likelihood that some prisoners might not be fully served by system.

6.3 The Visiting Committee is satisfied that all prisoners undergo the ‘First Contact Assessment’ within the specified 72 hour period after committal. As a matter of routine, when talking to prisoners, the members of the committee discuss with them, their knowledge of, and involvement with, ISM. The response varies from those who are very aware of the opportunities offered and are proud of their participation and achievement, to those who are either disinterested or profess to be unaware of the system. The Visiting Committee is concerned that the current resources in terms of staffing and time might not be available to reach out to the more disaffected or disinterested prisoners.

6.4 The period immediately before the end of sentence presents particular difficulties. Within the prison the various services such as the Probation and Psychology services, the Chaplaincy help the prisoner develop a Community Integration Plan. In addition there is a wide range of in-reach services, which cater for particular needs such as accommodation, drugs rehabilitation, job placement etc. Many of the organisations providing these services operate in the voluntary and community sector, are based in particular areas of Dublin, and are limited in the number and type of prisoner that they deal with. They have formed on an ad hoc basis to meet specific needs. It would seem that there is ample scope for a released prisoner who does not fit the service offered by a niche provider, to fall between the cracks. Prisoners coming near release frequently express their fear of having to live in hostels where they would be offered illegal drugs and be exposed to criminality.

6.5 The Visiting Committee suggests that there should be a comprehensive review of the ISM system with a view to developing appropriate effectiveness measures for the function and ensuring that it is adequately resourced.

6.6 The Committee would also suggest that there should be a more coordinated approach to the care of prisoners after they have left prison at the end of their sentences and that the services offered by the various after care organisations might benefit from a degree of rationalisation leading to the provision of more comprehensive services by larger, better resourced organisations.

Family Contact

6.7 In an environment where regular and ongoing drug abuse continues, family members, including parents, grandparents and young children can be vulnerable and subject to pressures.

6.8 The Visiting Committee recommends education and drug risk awareness programmes for families which could potentially have positive benefit for all. Random appropriate testing and searching of prisoners, searches for visitors and staff need to be further researched, supported and resourced to focus on limiting inflow of illegal and dangerous substances.

6.9 The Council of Europe Article 15.6 recommends that on visits there should be ‘an acceptable minimum level of contact’ between family members so that prisoners can ‘maintain and develop family relationships in as normal a manner as possible’. The current family visiting arrangements need to be reconsidered as a matter of urgency in the interests of prisoners and their children. Direct contact between parent and child is generally not allowed and a high barrier in the visiting room makes communication with children difficult. Unrestricted family visits where parents and child can interact is valued by fathers and are generally in the child’s interest. Prisoners have described the positive value of such contact as part of their rehabilitation. Members of the Visiting Committee observed firsthand the joy for young people and for fathers of experiencing brief direct contact when attending the party for children at Halloween. In order to avoid family fragmentation, alienation and to assist reintegration more appropriate facilities for family visits for those prisoners on an enhanced regime and those moving towards release could benefit all.

Section 7

Kitchen/Bakery

7.1 The kitchen and bakery area of the prison was visited numerous times during the period 01.01.2015-31.12.15. On all of these occasions both the bakery and kitchen were seen to be operating to a high standard. Both the hygiene of the areas and quality of product was noted to be good. On each occasion a member of the committee was invited to sample the food being prepared and found it to be of a good standard.

7.2 The bakery employs 15 prisoners from 8:15am to 5:30pm seven days a week. The day is split between baking and packing. Baking usually starts at 8:15am until 2:00pm and then the produce is packed ready for distribution both within the prison and also to the other prisons in the Dublin area.

7.3 The kitchen in the main prison employs 22 prisoners and is functional seven days a week. There is also a smaller kitchen in Mountjoy West employing five prisoners.

7.4 The Visiting Committee considers that both the bakery and kitchens give great opportunity for prisoners to gain skills in the catering area which they could hopefully use in gaining employment on their release.

7.5 It has been noted by the staff in the kitchens that prisoners are becoming more aware of their food and are focusing more on their meals to aid time spent training. With this in mind a review of the 28 day menu has been initiated, focusing on increasing certain food types, protein for example. The Visiting Committee views this as a progressive development.

Section 8

Recommendations

The Visiting Committee recommends staff support, oversight and training be further resourced and prioritised.

The Visiting Committee looks forward to and recommends the opening of a programme of refurbishment of the indoor and outdoor recreational facilities in Mountjoy. The Visiting Committee considers the current facilities require modernisation.

The Visiting Committee considers that the situation of prisoners in the so-called 'protection' system should be reviewed and lessons learned and implemented in the interests of both prisoner and staff.

The Visiting Committee is of the view that the lack of education resources and classroom space for some prisoners should be addressed in the context of enlarging rehabilitative models of custody.

The Visiting Committee recommends education and drug risk awareness programmes for families which could potentially have positive benefit for all.

The Committee is of the view that the current family visiting arrangements need to be reconsidered as a matter of urgency in the interests of prisoners and their children.

The Visiting Committee considers that there should be a comprehensive review of the ISM system with a view to developing appropriate effectiveness measures for the function and ensuring that it is adequately resourced.

The Visiting Committee considers that the services offered by the various after care organisations might benefit from a degree of rationalisation leading to the provision of more comprehensive services by larger, better resourced organisations.