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## COVID-19 Thematic Inspection of Cloverhill Prison, 18 - 19 March 2021

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OIFIG AN CHIGIRE PRÍOSÚN  
OFFICE OF THE INSPECTOR OF PRISONS

# COVID-19 Thematic Inspection of Cloverhill Prison

18 - 19 March 2021

IPS Review: 13 April - 4 May 2021  
Submitted to Minister: 5 May 2021

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# EXECUTIVE SUMMARY

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The Office of the Inspector of Prisons carried out the second of twelve COVID-19 Thematic Inspections in Cloverhill Prison on 18 - 19 March 2021. This inspection examined thirteen assessment areas across the Five Inspectorate Focus Areas: Respect & Dignity; Safety & Security; Health & Wellbeing; Rehabilitation & Development; and Resettlement.

Over the course of inspection, the prison was fully co-operative. Prison staff identified their concerns and communicated their ideas for how the prison might better respond to COVID-19 related restrictive measures.

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

- The prison has been successful in managing and responding to COVID-19 outbreaks in the prison.
- There is a common effort amongst prisoners and staff in the prison to prevent transmission of COVID-19.
- Measures have been taken to mitigate the impact of COVID-19 related restrictions, such as video calls and the addition of 'in-cell' activities such as a television channel with mindfulness and exercise videos, and Netflix.

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

- Triple occupancy cells do not meet the CPT minimum standards for cell dimensions (4m<sup>2</sup> per prisoner, not inclusive of sanitary facility), and this has a detrimental impact for prisoners in quarantine in the prison.
- Prisoners in quarantine and isolation are denied their right to a shower, and are not being provided with sufficient meaningful human contact.
- Solitary confinement is being used as a measure to prevent transmission of COVID-19.

The Office of the Inspector of Prisons is concerned that COVID-19 has created a situation where increased restriction is the new norm. The Inspectorate was informed of many innovative ideas for how to address, and urges Cloverhill Prison to consider, in consultation with prisoners and staff, new proactive initiatives to address the concerns raised in this report.

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

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

On the date of submission of this report to the Minister, the Inspectorate was informed that prisoners have not been provided with vaccines in line with the current eligibility criteria. This is of great concern to the Inspectorate. Given prisoners live in congregated settings, where the opportunity for spread of disease is great, the Inspectorate strongly supports COVID-19 vaccination of all prisoners and staff.

# 1 INTRODUCTION

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

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

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

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

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

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

## 1.2 COVID-19 Thematic Inspections

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

Figure 1: Framework Inspection Process

## COVID-19 Thematic Inspections: Process



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

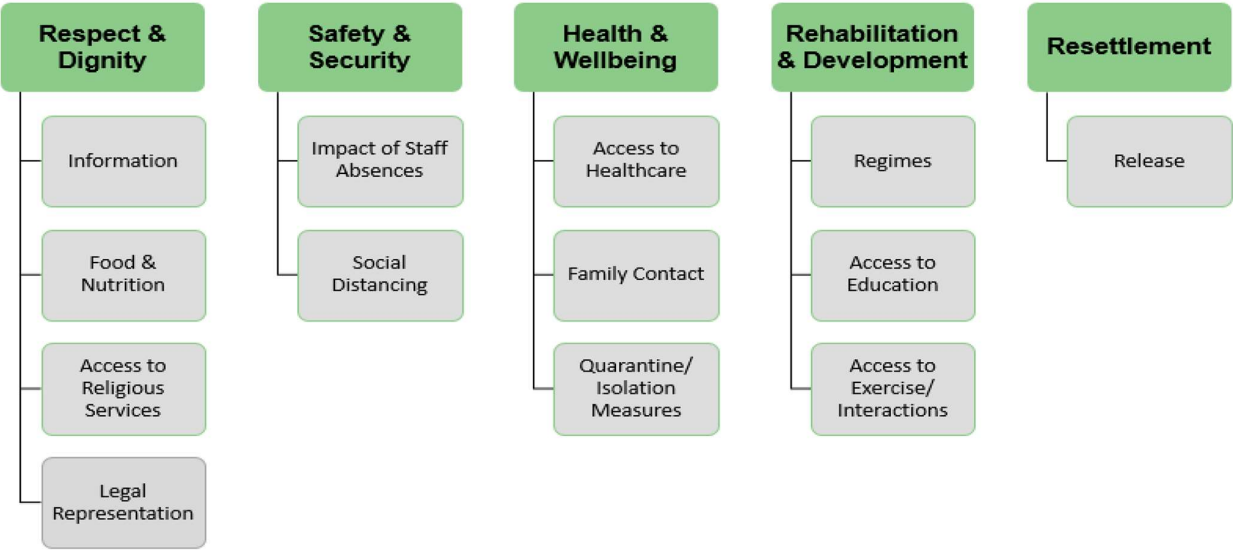
COVID-19 Thematic Inspections are carried out on a systematic and risk-informed basis, in line with the Office of the Inspector of Prisons Infection Control Protocol.<sup>2</sup> Based on internal information and information received from the IPS, the Inspectorate determines if a visit to a prison is (i) warranted given the risk, and (ii) in line with the principle of ‘do-no-harm’ (ensure that risk is offset by preventive action). COVID-19 Thematic Inspections are announced, with prisons provided with at least a 24-hour notice in advance of the inspection. The Inspection Team is reduced in size, with only two or three Inspectors carrying out the inspection of the prison over a two to three day time span. Upon completion of an inspection, Inspection Team members must wait 14 days before entering another prison.

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

<sup>1</sup> OIP. COVID-19 Call Template, available at: <https://www.oip.ie/wp-content/uploads/2021/05/COVID-Call-Template.pdf>  
<sup>2</sup> OIP. COVID-18 Infection Control Protocol, available at: <https://www.oip.ie/wp-content/uploads/2021/05/OIP-Infection-Control-Protocol.pdf>

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

## Cloverhill Prison Assessment Themes



The COVID-19 Thematic Inspection process involves the following:

- Observation of the prison environment;
- Discussions and informal interviews with prisoners and staff; and
- Documentation-review and tracing.

It should be noted that direct quotations from prisoners and staff are included in this report. These quotations describe the lived experience of prisoners and staff as shared with the Inspection Team.

The inspection visit to the prison is complemented by ongoing telephone communications with the prison. These calls are designed to: (i) identify COVID-19 related practices in the prison across the Focus Areas; (ii) highlight areas of concern that may require further attention as part of an inspection visit; (iii) monitor implementation status of IPS Action Plans developed to respond to Inspectorate Recommendations; and (iv) provide prison management with an opportunity to indicate positive advancements and challenges related to COVID-19 related restrictions in the prison. Two calls were made to Cloverhill Prison in advance of the inspection on 25 February 2021 and 9 March 2021.

Over the duration of the inspection process, the Inspectorate endeavours to raise awareness of the ongoing inspection and of the role of the Office of the Inspector of Prisons more generally. To this end, the Inspectorate has developed prisoner information booklets,<sup>3</sup> which were distributed on the first day of the COVID-19 Thematic Inspection. The information booklet is available on the Inspectorate website in a number of languages and has been provided to the Irish Prison Service for ongoing dissemination.

<sup>3</sup> OIP Information Booklets, available: <https://www.oip.ie/information-booklet/>, available in Irish, English, Cantonese, French, Polish, Romanian, Russian and Spanish. The OIP has also prepared an information video for display on the in-cell TV channel in prisons, where this facility is available: <https://prezi.com/v/cggicvqfvpz8/>

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

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

The Office of the Inspector of Prisons may provide a recommendation to assist the Irish Prison Service in bringing its procedures and practices in line with international human rights standards and best practice. As part of the Inspectorate's inspection and reporting processes, the Inspectorate engages the prison and the Irish Prison Service to review recommendations and determine recommendation Action Plans. The Irish Prison Service Action Plan in response to the COVID-19 Thematic Inspection in Cloverhill Prison is provided in Section 7. The Irish Prison Service review, as received by the Office of the Inspector of Prisons, is included in this report. At this time, the Office of the Inspector of Prisons is not in a position to verify the veracity of the information provided. Where the Irish Prison Service has made a statement contrary to the findings of the Inspection Team this will be monitored on an ongoing basis by the Office of the Inspector of Prisons. All IPS Review statements in this report are provided in the manner received.

The inspection of Cloverhill Prison was carried out over two days. This was the original schedule for the inspection. The Inspection Team had full access to all required information in a timely manner. There was a slight delay in access to the Prisoner Information Management System (PIMS) database, however this was addressed and rectified on day one.

The degree of co-operation received in the prison during the inspection was very good. The Inspection Team had immediate and open access to Cloverhill Prison, and all local requests for information were answered promptly. The Inspection Team would like to express appreciation to the designated Liaison Officer for the support provided to the Team during the inspection. The Inspector of Prisons (Inspectorate) and the Inspection Team presented its preliminary observations to the management staff of Cloverhill Prison at a virtual Closeout Meeting on 22 March 2021. The commentary received during this meeting was taken into account in the drafting of this report. The Inspectorate was impressed by many of the innovations and ideas proposed by the staff at Cloverhill Prison, and looks forward to ongoing dialogue and engagement.

### 1.3 Composition of the Inspection Team

The Inspection Team for the COVID-19 Thematic Inspection in Cloverhill Prison comprised Senior Inspector Dr Ciara O'Connell and Inspector Eve Farrelly. The Inspection Team was supported by Inspector Michelle Martyn and the Inspectorate Administrative Staff.

### 1.4 Overview of Cloverhill Prison

Cloverhill Prison is a closed, medium security prison for adult males that primarily caters for remand prisoners committed from the Leinster area. Cloverhill Prison has 119 triple-occupancy cells measuring approximately 3.9L x 2.9W x 2.7H (meters), inclusive of sanitary facility; 11.4 square meters. At the time of inspection, the A-wing of the prison was specifically designated to accommodate quarantine prisoners (Section 4.3). A separate unit was designated for COVID-19 positive prisoners and those displaying COVID-19 symptoms. Since the onset of the COVID-19 pandemic, and up until the first day of the inspection, there were 20 positive cases of COVID-19 amongst the prisoner population in

Cloverhill. Of the 20 cases that tested positive, 17 were identified at the committal stage of entry to the prison. In the same time period, 26 staff members had tested positive.

Cloverhill Prison accommodated 342 prisoners (275 people on remand) on 18 March and 347 prisoners (282 people on remand) on 19 March; 79% and 81% bed capacity, respectively. At the time of inspection there were 19 prisoners on D2 wing. There were 99 prisoners on protection and 11 prisoners on Rule 62.

Based on information provided by the Irish Prison Service, Table 1 provides the number of people in custody placed on COVID-19-related restricted regimes on the first day of the inspection, 18 March 2021.

**Table 1: People in Custody, COVID-19 Restricted Regimes**

Date	Quarantine	Isolation	Cocooning
<b>18 March 2021</b>	36	10	0

On the morning of the 18 March, the Inspection Team was informed there were 34 people in quarantine, ten precautionary isolations and one COVID-positive prisoner in F-block (the area of the prison designated for medical isolation). The quarantine number provided to the Team on the day was different to the number provided by the IPS (Table 1). The Inspection Team was also informed at this point that a prisoner had elected to cocoon in the day preceding the inspection; on the second day of the inspection this was clarified as a miscommunication and it was determined that no one in the prison was cocooning. On the second day of the inspection, the Inspection Team spoke with people in isolation, at which time there were five people.

The significant population of remand prisoners in Cloverhill Prison poses unique challenges for the management and prevention of COVID-19 transmission in the prison. People entering the prison, and prisoners who are close contacts of COVID-19 positive people or those presenting with COVID-19 symptoms are required to quarantine in A-wing. Upon completion of quarantine, prisoners move to B-wing (or C-wing for protection prisoners); prison staff informed the Inspection Team that this results in a situation where Cloverhill Prison is “bed rich, but cell poor.”

### 1.5 Immediate Action Notifications (IANs)

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

## 2 RESPECT & DIGNITY

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### 2.1 Information

Central to the Respect & Dignity Focus Area is the provision of information within the prison. As part of the inspection of Cloverhill Prison, the Inspection Team assessed how prisoners were provided with information on committal, with a particular focus on what information is provided to prisoners entering quarantine. As Cloverhill Prison has a relatively high number of Foreign National prisoners, the Inspection Team also assessed how the prison provided information to prisoners who speak languages other than English. In addition to this, the Inspection Team examined how people in prison perceived of the Prison Service's effort to provide COVID-19-related information, with the intention being to determine if prisoners felt well-informed.

#### 2.1.1 Compliance

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

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

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

Alongside, the Nelson Mandela Rules, the Revised European Prison Rules (2020) state that at admission, and as often as necessary afterwards, all prisoners shall be informed in writing and orally in a language they understand of the prison regulations and their rights and duties in the prison (Rule 30.1). The European Prison Rules also state that prisoners are allowed to keep in their possession written versions of the information they are given (Rule 30.2).

With specific regard to COVID-19, the European Committee for the Prevention of Torture (CPT) Statement of Principles Relating to the Treatment of Persons Deprived of their Liberty in the Context of the Coronavirus Disease (COVID-19) Pandemic (Principle 4) requires that any restrictive measures taken to prevent the spread of COVID-19 should have a legal basis and be necessary, proportionate,

respectful of human dignity and restricted in time. All persons deprived of liberty should receive comprehensive information, in a language they understand, about any such measures.

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

### 2.1.2 Environment

The Irish Prison Service, since the beginning of the pandemic, has developed Prisoner Newsletters designed to inform prisoners of the ongoing situation with COVID-19. The Inspectorate was provided with the booklets throughout 2020, with 26 newsletters developed between 20 March 2020 and 31 January 2021. Similarly, the Prison Service developed 13 Staff Newsletters between 20 March 2020 and 13 January 2021. Prison staff informed the Inspection Team that prisoners were provided with the latest edition of this newsletter on committal, and that these newsletters were available in different languages. The Inspection Team also observed a booklet at the location where prisoners are processed out of the prison, which provided information on preparing for release. The booklet also included information on how to prevent COVID-19 transmission, action to take if feeling unwell, and a list of services and contact details including: Citizens Information Service; IASIO (Irish Association for Social Inclusion Opportunities); Threshold; Merchants Quay Ireland and other addiction services. The booklet also provided signposts for those who may require further help with housing, medical cards, social welfare payments and education.

The Inspection Team observed information posters displayed on walls throughout the prison, which included information on COVID-19 related hygiene. As part of a pre-inspection call with the Governor of Cloverhill Prison, the Inspection Team was informed that the prison uses a general induction video to inform new committals about life in Cloverhill Prison. This video is available in different languages.

New committals to the prison, who all must enter quarantine upon committal, were provided with a COVID-19 information booklet.

During the inspection, a staff member reported to the Team that a survey was distributed to prisoners to ascertain what types of materials and information they would like to be provided with by the prison. Based on the findings from this survey, the Inspection Team was informed that leaflets were being provided on Fridays, which contain a variety of word searches, Sudoku puzzles and quizzes. A word puzzle booklet was also given to new committals.

### 2.1.3 Outcomes

The COVID-19 information booklet provided to prisoners upon committal sets out information about COVID-19 symptoms, but does not provide information about the quarantine process and regime. One prisoner, who had come to the prison in late-2020, stated, “I didn’t know it (quarantine) wasn’t the real jail.” Some prisoners reported they needed to rely on other prisoners to tell them what was going on during quarantine. The Inspection Team also learned from staff members and prisoners that prisoners did not receive written results from their COVID-19 tests. In the situation that a prisoner tested positive, this information was provided verbally.

The Inspection Team spoke with a number of Foreign National prisoners who reported that they relied on people who speak their language and English to give and receive information. This was an issue also highlighted by the CPT in its visit to Ireland in 2019.<sup>4</sup>

### 2.1.4 Recommendations

**Recommendation 1:** In line with Rule 54 of the Nelson Mandela Rules, the Irish Prison Service must ensure that written and oral information is provided to prisoners, in a form they can understand, upon entering quarantine and on an ongoing basis over the course of quarantine.

**Recommendation 2:** In line with Section 42 of the Public Sector Duty, the Irish Prison Service must ensure that Foreign National Prisoners have equal access to the provision of information.

## 2.2 Food & Nutrition

One of the measures implemented by the Irish Prison Service to prevent the transmission of COVID-19 in Irish prisons has been to change how food is delivered in the prison. At the outset of the pandemic, beginning in March 2020, the Prison Service provided food to people in custody who were cocooning by distributing boxed meals to cells. The Inspectorate noted in the July 2020 report, “Ameliorating the Impact of Cocooning on People in Custody – A Briefing,” that it is “important that people (...) are brought meals (and) informed about what is on offer and asked which portions they do and do not want.”<sup>5</sup> Further, the Inspectorate urged the Prison Service to commit to better consultation with people subjected to public health measures or restricted regimes about their food and to consider models used in hospitals for food selection. Given the recommendations made by the Inspectorate in regards to food provision for individuals cocooning, the Inspection Team considered as part of the COVID-19 Thematic Inspection how food is provided in Cloverhill Prison, with particular focus on food availability in the Tuck Shop and provision of food for people in quarantine.

### 2.2.1 Compliance

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

According to the Nelson Mandela Rules, prisoners should receive food that is healthy and at usual times (Rule 22). Prisoners should have drinking water whenever they need (Rule 22). Food should also be regularly inspected by a physician or competent public health body (Rule 35).

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

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<sup>4</sup> CPT. Report to the Government of Ireland on the visit to Ireland carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 23 September to 4 October 2019, <https://rm.coe.int/1680a078cf>

<sup>5</sup> Office of the Inspector of Prisons and Maynooth University, “Ameliorating the Impact of Cocooning on People in Custody – A Briefing” (July 2020) <https://www.oip.ie/wp-content/uploads/2020/07/Ameliorating-the-impact-of-cocooning-on-people-in-custody-a-briefing.pdf>.

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

### 2.2.2 Environment

The prison kitchen is located in the main part of the prison. On the day of inspection there were 11 prisoners working in the kitchen and five prison staff. As Cloverhill Prison is a remand prison, the turnover of prisoners working in the kitchen is high. Potential candidates to work in the kitchen were either identified on committal or by the class officer who may identify suitable applicants.

The kitchen runs a 28-day set menu. Meals are prepared in the kitchen and then delivered to the landings on trolleys. Prisoners who were not in quarantine or isolation collected all three meals from the servery on the landing. The Inspection Team observed a listing of special prisoner menus in the kitchen area, which included food preparation specificities based on dietary restrictions and cultural needs.

Breakfast was served at 8am in the morning. Dinner was served at 12 midday. This is when the main meal of the day is provided. The last meal of the day was served at 16:00 across the different wings, with the exception of F Block. According to the information provided, prisoners in isolation were provided with their dinner and tea at 12:00 midday. This meal is a smaller lunch type serving.

For people in quarantine or isolation, meals were delivered to the cell doors by staff in full PPE. The food was served in Kraft boxes prepared by staff at the servery on the landing. The Inspection Team heard mixed feedback about delivery of food, with some prisoners reporting that they could ask for specific food from the servery and other prisoners reporting that they could not request specific food.

The kitchen has a new industrial dishwasher to address the hygiene needs of COVID-19; the Inspection Team was informed this has been of great benefit to the prison.

All persons who enter the kitchen must don a kitchen uniform, but, at the time of the inspection there were no changing facilities for prisoners who work in the kitchen. Instead, prisoners were required to remove their clothing by the front entrance of the kitchen; this is an open area that can be seen by staff, other prisoners and CCTV. The Inspection Team was made aware of this problem by the prison Governor, who indicated this is an issue he intends to address.

The Tuck Shop is located in the main circle of the prison. In the pre-inspection calls with the prison it was explained that the Tuck Shop is available six days a week. The Tuck Shop Order Form provides a list of all items and prices and contains mostly minerals, biscuits and confectionary items within the €1 to €3 bracket. Toiletries and health products ranged between €2 and €6. Groceries items, including noodles, soups and tuna packs ranged between €1 and €3. The most expensive items on the list were cigarettes and tobacco, which ranged from between €12 and €20. Prisoners were provided with regular access to the Tuck Shop, and prisoners in quarantine or isolation received their Tuck Shop orders by delivery to their door in a bag; referred to as “Bag and Tag.”

### 2.2.3 Outcomes

Overall, prisoners across the prison informed the Inspection Team that the standard and quality of food was adequate. One prisoner, reported “it keeps you alive.” Another prisoner reported a lack of variety stating, “you get mashed potato every day.” The Inspection Team was informed by the Governor that Cloverhill Prison has the second highest food cost in the prison estate, and that it is a priority for the prison to ensure prisoners receive enough food; some prisoners reported this was the case and that

they could request larger portions of food. Despite this, as discussed in more detail in Section 4.3, people in quarantine and isolation reported being hungry in the evenings.

The set meal times in the prison create a situation whereby the final meal of the day, “tea” (a small lunch-type meal) was served at approximately 16:00; all meals were provided to prisoners between 8:00 and 16:00, with dinner being served at 12:00. This does not align with the normal times at which people in the general community eat their meals. In the Closeout Meeting the Governor agreed that the timing of the meals was not appropriate and welcomed institutional change related to this.

There were a number of reports that prisoners were overall happy with the variety and the accessibility of the Tuck Shop. Some prisoners reported that the Tuck Shop options were good, yet expensive, and that there was no leeway in situations where a prisoners may not have enough money.

#### 2.2.4 Recommendation

**Recommendation 3:** In line with the Nelson Mandela Rules, Rule 22 and European Prison Rules, Rule 22.4, the Inspectorate recommends that the scheduling around meal times be amended to ensure meals are served at reasonable intervals and at normal times: lunch (midday) and dinner (evening).

### 2.3 Access to Religious Services

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

#### 2.3.1 Compliance

The Irish Prison Rules 2007-2020 provide that each prisoner shall, in so far as is practicable and subject to the maintenance of good order and safe and secure custody, be permitted to practice and comply with the rules, observances and norms of behaviour of the religious denomination of which he or she is a follower or member (Rule 34(1)) and shall not be refused access to a chaplain of any religious denomination (including a chaplain of a religious denomination of which the prisoner is not a member) (Rule 34(6)).

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

#### 2.3.2 Environment

At the time of inspection, there were three Chaplains working in Cloverhill Prison. Two Chaplains were working on a full-time basis, and one was employed in the prison three days a week. Despite a short time period after Christmas, when COVID-19 transmission had increased in the general community, the Chaplaincy service in Cloverhill Prison has continued in-person contact with people in prison.

At the time of inspection, the Inspection Team was informed that the church in the prison was not currently in use for in-person religious services. To mitigate this, general mass was being recorded weekly at Midlands Prison and being shown on the in-cell TV channel across all prisons where this was possible. In the week preceding the inspection, the Chaplains in Cloverhill Prison had begun preparing their own Cloverhill Prison-specific recorded mass. There was also a Sunday morning service where

prisoners could submit their intentions. In a post inspection call, the Governor informed the Inspectorate that recordings for mass at Cloverhill Prison were underway.

To enable controlled contact, each of the three members of the Chaplaincy were designated particular landings in the prison for which they were responsible and physically present. The Chaplains visited the quarantine wing of the prison each morning and prisoners were permitted to make an appointment for a visit with the Chaplain. The Chaplaincy service could also arrange for books to be ordered for the prisoners, as well as for the provision of puzzles and religious supplies. In addition to their direct work with prisoners and their families, the Chaplaincy service also attended weekly meetings for the D2 wing and PICLS (Prison In-reach Court Liaison Service).

### 2.3.3 Outcomes

During the inspection, a prisoner asked a member of the Inspection Team if he could be provided with a Quran. At the Closeout Meeting on 22 March the Inspection Team was informed that this request would be immediately filled; the subsequent call made to the prison on 30 March confirmed the Quran had been provided to the prisoner.

The Chaplaincy Service provided in Cloverhill Prison over the course of the pandemic is to be commended. Constant presence on the landings has proven to be of value to the people in prison, with the Inspection Team being informed by prisoners and staff that the Chaplains were “always around” and accessible. The Chaplaincy services provided in Cloverhill Prison, in spite of and in response to the risk of COVID-19 transmission in the prison, are a good model for all Chaplaincy services in prisons in Ireland to follow.

## 2.4 Access to Court and Legal Representation

Given the nature of Cloverhill Prison, which is the country’s largest remand prison, access to the courts and legal representation was a central focal point of the COVID-19 Thematic Inspection. On the first day of the inspection, 80% (275 of 342) of the people in Cloverhill Prison were on remand.

### 2.4.1 Compliance

Under Article 6 of the European Convention on Human Rights, an individual has a right to a fair trial. In this respect, adequate access to legal representation is essential to allow an individual remanded into custody effectively participate in court proceedings. The United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules) outline a number of standards regarding access to legal representation. On admission, prisoners should receive written information on their rights to access legal advice including information on legal aid schemes (Rule 54). Prisoners should have adequate opportunity to communicate and consult with a legal adviser (Rule 61.1). Should they need interpretation during this process the prison should allow them access to an independent competent interpreter (Rule 61.2). A prisoner should be able to access legal aid and not be charged for this (Rule 61.3), which also applies to remand prisoners (119.2). Furthermore, remand prisoners should be provided with writing material for any defence preparation (Rule 120).

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

The Irish Prison Rules 2007-2017 largely align with international standards around legal representation. Prisoners are entitled to have privacy during visits with a legal advisor (Rule 38.1). Visits by a legal

adviser can take place at any reasonable time (Rule 38.2) and when needed an interpreter can be present (Rule 38.3). Prisoners are also entitled to send and receive letters from their legal adviser (Rule 44.1.a). A prisoner can send a letter to his legal adviser without it being opened before it is sent (Rule 44.3). Any letter sent to a prisoner by his legal adviser can only be opened in the presence of the prisoner. This is strictly to examine that it is such a letter (Rule 44.4). Prisoners are entitled to make a telephone call to his legal adviser (Rule 46.5). Legal documents cannot be retained by a prisoner officer or a member of An Garda Síochána during a search (Rule 7.2). Prisoners are also entitled to privacy when communicating with their legal advisor using videolink (Rule 42).

### 2.4.2 Environment

As a result of COVID-19 related restrictions imposed on in-person access to courts, Cloverhill Prison has designated specific videoconferencing rooms equipped with large (approximately 24") screens to enable access to court and meetings with legal counsel.

The Inspection Team observed six new video conferencing booths that were near completion at the time of the inspection. These booths will allow for increased privacy for prisoners as they engage with their legal representatives and court proceedings.

On the first day of inspection there were 22 prisoners engaged in videoconferencing activities across five courts. The Inspection Team were informed that this was not a busy day for the courts, and that a busy day could see as many as 70 prisoners being facilitated across 14 courts. The Inspection Team were informed that solicitors were allowed to come into the prison and have access to their clients, but that this is not being availed of by many solicitors.

Prisoners who are in isolation and quarantine have access to a phone and can speak with their legal counsel this way. Those in isolation are not permitted to attend video link courts and cannot see their legal team while in isolation, which typically lasts 14 days. Prisoners in quarantine were able to access their legal team through the phones in their cells, although these calls were only six minutes in duration.

### 2.4.3 Outcomes

The Inspection Team spoke with a number of prisoners with respect to access to legal representation and access to courts, many of whom stated that they did get access to legal services when needed. However, the Inspection Team was also informed of situations where prisoners had experienced extended periods of time awaiting court dates that had been pushed back. One prisoner stated his trial date was now set for 2022 due to COVID-19-related delays. The Inspection Team spoke with men who had been on remand for up to and including two years. Long remand times for prisoners as a result of COVID-19 have implications both from a human rights perspective for prisoners and for prison management. This was explained by the Governor in the Inspection Closeout Meeting, who stated that the prison is not designed to accommodate long term prisoners.

As highlighted by the CPT, considering the presumption of innocence principle, remand detention must be a measure of last resort.<sup>6</sup> It is of note that some European countries have maximum time periods for pre-trial detention.<sup>7</sup>

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<sup>6</sup> European Committee for the Prevention of Torture (2017) *Remand detention*, <https://rm.coe.int/168070d0c8>

<sup>7</sup> Children of Prisoners Europe, *Impacts of Pre-Trial Detention Procedures on Children with Parents in Conflict with the Law*, <https://childrenofprisonerseurope.wildapricot.org/resources/Impacts%20of%20pre-trial%20detention%20procedures%20on%20children%20with%20parents%20in%20conflict%20with%20the%20law> COPE.pdf

Videolink court access has assisted in ensuring timely access to the courts for many prisoners. However, the Inspectorate is concerned about the suitability of this mechanism by which to facilitate access to courts. Remote court hearings may result in increased unfairness/access to justice issues for prisoners.<sup>8</sup>

Prisoners reported to the Inspection Team that it is difficult to engage with the court proceedings through videolink, with prisoners explaining, “you can’t mount a defence from here,” “the conversation is just happening in front of me,” and “it feels like no one is standing in court for me.” Research on videolink access to courts has shown that these experiences diminish prisoners’ opportunities for engagement with and expressive participation in legal procedure.<sup>9</sup> These findings are important in the context of a person’s right to a fair trial. The European Court of Human Rights has highlighted the importance of effective participation in remote court proceedings:

Similarly, as regards the use of a video link in the proceedings, the Court has held that this form of participation in proceedings is not, as such, incompatible with the notion of a fair and public hearing. However, recourse to this measure in any given case must serve a legitimate aim and the arrangements for the giving of evidence must be compatible with the requirements of respect for due process, as laid down in Article 6. In particular, it must be ensured that the applicant is able to follow the proceedings and to be heard without technical impediments, and that effective and confidential communication with a lawyer is provided for.<sup>10</sup>

Various factors must be considered when using videolink in remote court hearings as identified in Irish law, such as the complexity of the hearing, the age of the individual, and his/her physical and mental capacity.<sup>11</sup>

Access to a solicitor by way of six minute phone calls and videolink sessions also pose potential barriers in accessing justice. One prisoner explained that face to face contact with his legal counsel was important because the “solicitor fights for you more when they’re standing in front of you.” Other prisoners expressed feeling at a disadvantage because they did not have opportunities to engage with their legal representation in person, or that they did not feel comfortable discussing legal matters over the phone.

#### 2.4.4 Recommendation

**Recommendation 4:** Videolink court access cannot be a long-term substitute for a prisoner’s right to attend court. In line with Article 6 of the European Convention on Human Rights, all measures must be taken to ensure that a prisoner can effectively participate in remote court hearings.

#### 2.4.5 IPS Review

*“Video link court sittings are where the accused (in custody) appears remotely before the Court from a location within a prison using secure technology allowing the accused and the Court to see and hear each other. This was originally legislated for under the 2007 Prison Act, and replaced in 2020 with the Civil Law and Criminal Law (Miscellaneous Provisions) Act, 2020.*

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<sup>8</sup> Written Evidence submitted by the Equality and Human Rights Commission, <http://data.parliament.uk/writtenevidence/committeeevidence.svc/evidencedocument/public-accounts-committee/transforming-courts-and-tribunals-progress-review/written/106341.html>

<sup>9</sup> C. McKay, “Videolinks from Prison: Court ‘Appearance’ within Carceral Space” (2018) 14(2) *Law, Culture and the Humanities*.

<sup>10</sup> European Court of Human Rights, *Guide on Article 6 of the European Convention on Human Rights*, [https://www.echr.coe.int/Documents/Guide\\_Art\\_6\\_criminal\\_ENG.pdf](https://www.echr.coe.int/Documents/Guide_Art_6_criminal_ENG.pdf)

<sup>11</sup> Irish Statute Book, Part 6, Section 33 2(d) of Prisons Act 2007.

*The 2007 Prisons Act, Section 33 legally underpinned the video link system where prisoners could appear in Courts via video link. It was however, limited in its scope, never really allowing the video link proportion of escorts to exceed 10% of the total escorts.*

*The Civil Law and Criminal Law (Miscellaneous Provisions) Act 2020 does not make video link appearances the default in criminal matters, but allows for the type of hearings permitted to be extended to include arraignments, returns for trial, sentencing hearings and certain hearings in relation to surrender proceedings for extradition. While video link is not the default, the Act gives this authority to the Courts allowing them to make certain proceedings of their choosing by default. This authority is vested firstly in the Presidents of the Courts and subsequently in the Judges themselves.*

*It is the case that the volume of Court escorts provided by the Irish Prison Service has increased exponentially in recent year and placed a huge draw on available resources. The Irish Prison Service is funded to conduct approximately 12,000 prisoner escorts per year however, prior to Covid-19 the Service was carrying out in excess of 33,000 prisoner escorts per year.*

*When there are insufficient resources in our Prison Service Escort Corp (PSEC), to carry out required escorts, there is a consequential impact on the provision of services as staff are drawn from prisons to support this task. This results in reduced staff available for the provision of necessary prison services and can result in the closure of important rehabilitative functions such as work and training and education.*

*The Irish Prison Service has been driving a planned roll out of video link technology for use across the Justice estate. With the onset of Covid-19, the Irish Prison Service with the Courts Service has accelerated this programme in order to protect those in custody. Currently, in excess of 60% of all Court escorts are now carried out via video link. Further investment and capital works are planned to further enhance the use of video link within the estate and a project to enhance video link services in Cloverhill is at an advance stage and will commence in the coming weeks.”*

## 2.5 Other Issues

In the process of inspecting Cloverhill Prison the Inspection Team made a number of observations that warrant inclusion in this inspection report.

### *Cell occupancy*

The CPT standard sets out 6m<sup>2</sup> for single cell occupancy and an additional sanitary facility and 4m<sup>2</sup> of living space per prisoner for multiple-cell occupancy, with a fully partitioned sanitary facility.<sup>12</sup> The majority of cells in Cloverhill Prison are triple-cell occupancy, measuring approximately 3.9L x 2.9W x 2.7H meters; 11.4m<sup>2</sup> (inclusive of sanitary facility). The team observed that the sanitary facility is only part partitioned. Therefore, many of the cells in Cloverhill Prison do not meet the minimum CPT requirements, which outline 12m<sup>2</sup> as the minimum standard and 14m<sup>2</sup> as the desirable standard size for a triple-occupancy cell.

### *Bedding standards*

Rule 21 of the Nelson Mandela Rules states that every prisoner shall, in accordance with local or national standards, be provided with a separate bed and with separate and sufficient bedding which shall be clean when issued, kept in good order and changed often enough to ensure its cleanliness. This is also outlined in Rule 21 of the European Prison Rules.

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<sup>12</sup> CPT, Living Space per Prisoner in Prison Establishments: CPT Standards, CPT/Inf (2015) 44, <https://rm.coe.int/16806cc449>

Rule 22 of the Irish Prison Rules, 2007 in Ireland state that each prisoner should be provided with separate bedding adequate for warmth and health which should be cleaned regularly. The Rules also state that: "A prisoner shall not be required to sleep without a mattress." This baseline does not currently align with minimum international human rights standards.

On inspection, the Team observed repeated incidences of poor and substandard bedding. Not all prisoners had pillows, and the pillows observed by the Team were aged and yellow. The mattresses provided to the prisoners were of particular concern; the Inspection Team observed a mattress that was nearly ripped in half and another that had a date tag of 2007 (14 years in circulation). The bed frames were made of a solid metal with the mattress base being designed in such a way that deep ridges push into the mattress. The Team observed that a prisoner had opted to move his mattress to the floor rather than sleep on the uncomfortable bed frame.

The Inspection Team raised concerns about the conditions of the bedding provided to prisoners with the prison management, who confirmed that funding for bedding materials was not sufficient. The Inspectorate was provided with documentation that outlined the expiration dates of mattresses as being two years from the point of distribution; this is not the current practice in Cloverhill Prison.

### *Ventilation*

The Inspection Team also noted an issue with the ventilation in the cells. Rule 13 of the Nelson Mandela Rules states all accommodation provided for the use of prisoners, and in particular all sleeping accommodation, shall meet all health requirements with due regard being paid to climatic conditions and particularly to cubic content of air, minimum floor space, lighting, heating and ventilation. Rule 18.1 of the European Prison Rules states the accommodation provided for prisoners, and in particular all sleeping accommodation, shall respect human dignity and, as far as possible, privacy, as well as meet the requirements of health and hygiene, with due regard being paid to climatic conditions and especially to floor space, cubic content of air, lighting, heating and ventilation.

Prisoners in Cloverhill Prison reported feeling uncomfortable in the cells, and that it was difficult to catch their breath at times. Given that prisoners only receive one set of clothes (this does not include a jacket), prisoners wash and dry their clothes in the sink and hang them on the radiator to dry. The combination of three men to a cell, for an increased amount of time, who must wash and dry their clothes in the cell, has resulted in stuffy overheated living quarters. The cells have also had new windows installed that further reduce ventilation and access to natural light. The Inspection Team noted that the windows do not allow for much fresh air to come into the cells. Prisoners were also permitted to smoke in cells. One prisoner reported he had given up smoking but had since started again because of the other men smoking in the cell.

### *Laundry*

Rule 19.2 of the Nelson Mandela Rules states that all clothing shall be clean and kept in proper condition. Underclothing shall be changed and washed as often as necessary for the maintenance of hygiene. Laundry services for the prison are provided by neighbouring Wheatfield Prison, and the Inspectorate was informed that COVID-19 has been cause for delays in the laundry service. There are plans to rectify this issue and to open the laundry facilities from 08:00 to 20:00 to allow for more efficient and timely washing of clothing. However, for prisoners who only had one set of clothing, there was no possibility to send out clothes for cleaning.

The issues outlined above, three men to a cell, substandard bedding and insufficient allocation of clothing was brought to the attention of senior management at the Inspection Closeout Meeting, who agreed that the current allocation of clothing for prisoners is insufficient and informed the Inspectorate

that the prison would like to be in a position to be able to provide prisoners with additional clothing and suitable bedding.

In 2019, there were a total of 5104 committals to Cloverhill Prison. The cost to provide clothing to each prisoner was noted by prison management as being €100; this included one pair of socks, one pair of underwear, one towel, one top and one bottom. Each mattress costs €200. The Inspectorate was informed that a significant increase in the budget for bedding and clothing would be needed to ensure adequate provision of these materials.

Cloverhill Prison accommodates a large number of new committals each year, and as such requires a budget that not only allows for adequate provision of materials but that also ensures the respect and dignity of people in prison, many of whom are unconvicted prisoners facing longer periods of remand detention. It is unacceptable that people in prison are forced to live in three person cells and to wash their one pair of underwear and clothing with no alternative clothing available to them. The response needed to address these concerns is multi-faceted. While an increase in funding allocated to Cloverhill Prison could address the material needs identified above, the more substantive and appropriate response is to reduce the number of new committals (a matter for the courts) and subsequently reduce the prison population. Reducing the number of people remanded to custody would alleviate overcrowded cells and substandard prison living conditions.<sup>13</sup>

### *Tension*

The Inspection Team observed that there was a level of tension between prison officers and prisoners on C1 wing. The team was also aware of a number of Category A complaints made by prisoners on this wing in recent months preceding the inspection. This was brought to the attention of senior management at the inspections Closeout Meeting.

## 2.5.1 Recommendations

**Recommendation 5:** The Irish Prison Service must ensure that all sanitary facilities in multi-occupancy cells are fully partitioned and that multiple-occupancy cells meet, at least, the minimum CPT cell size requirements.

**Recommendation 6:** In line with Rule 22 of the Irish Prisons Rules 2007- 2020 requires that, prisoners be issued with bedding that is adequate for warmth and health. In accordance with this Rule, the Inspectorate recommends a full inspection of all mattress and pillows be conducted.

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<sup>13</sup> European Committee for the Prevention of Torture (2017) *Remand detention*, <https://rm.coe.int/168070d0c8>

## 3 SAFETY & SECURITY

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### 3.1 Impact of Staff Absences

At the time of the Inspection, the Team was informed that a new COVID-19 related measure on prison escorts had recently been implemented across all prisons as a strategy to minimise the mixing of staff from different prisons across the estate. The new measure requires that the prison with the most prisoner escorts on the day holds responsibility for supplying the necessary staff for the escorts. Given that Cloverhill is a remand facility and therefore consistently has the most prisoner escorts, the responsibility to staff the escorts has a disproportionate impact on the prison and subsequently, on prisoner regimes.

#### 3.1.1 Compliance

The European Prison Rules, Rule 83(a), requires that prison authorities ensure prisons are adequately staffed at all times in order to maintain a safe and secure environment and to meet requirements of national and international law. With specific reference to the situation of COVID-19, the March 2020 CPT Principles provide that staff availability be reinforced and that staff should receive professional support (Principle 3).

#### 3.1.2 Environment

Staff absences directly impact on implementation of the Regime Management Plan (RMP) in the prison. The Regime Management Plan, which is unique to each prison and agreed upon by the Prison Service and the Prison Officer's Association, sets out posts of priority to be covered in a prison to ensure the security of the prison, safety of the staff and the safe custody of prisoners. The RMP outlines the priority of posts and services, and determines how and when officers need to be redeployed to provide escorts and cover other posts.

On the days of inspection there were a number of prison officers absent due to annual and sick leave. In addition to that there were six officers absent due to COVID-19 and 21 staff redeployed to cover court escorts. The Inspection Team observed the significant impact these absences had on how the prison was able to run on that day. Amongst the activities and services cancelled under the RMP were the library, the school (discussed further in Section 5.2), censors for post (discussed further in Section 4.2) and the C-gym (day two of the inspection).

There were three teachers on-site on the first day of the inspection. However, the teachers were sent home because the prison officer assigned to the school was redeployed under the RMP. In total, the school was closed for three days during the week of inspection.

The Inspectorate was informed at the Closeout Meeting that the prison had been allocated task hours to cover the court escorts, but that these hours may not be assigned and are instead voluntarily opted into at the discretion of prison staff. There were seven staff assigned to prisoner escorts on the second day of inspection. The ongoing impact of this new escort measure is continuously being monitored in calls made to the prison post-inspection. On 30 March (11 days after the inspection) the Inspectorate was informed that the prison had been given additional task hours and that the day after the inspection there were 17 staff allocated to Prison Service Escort Corp (PSEC) duties. The Inspectorate will continue to monitor this situation.

### 3.1.3 Outcomes

As discussed in section 3.1.2, the Regime Management Plan is impacted by staff absences and redeployments. Security is the focus of the RMP, with prisoner rehabilitation services often bearing the brunt of staff absences and redeployment. At the time of inspection, the censor's office and school had to close. There was no ISM service available in the prison as one ISM officer was on long-term sick leave and the other ISM officer was on certified sick leave. Additionally, at the time of inspection there were four staff redeployed from the gyms (Section 5.3). These staff absences and redeployments undermine the rehabilitative function of imprisonment.

It is worth noting that for many of the new recruits who joined the Prison Service since March 2020, the current regime and staff numbers/allocations/tasks are their norm; they have no experience of what the prison environment is like when it is fully operational. Senior management raised concerns about new recruits potentially leaving the job after COVID-19 restrictions are lifted because they will have never seen the prison "unlocked."

## 3.2 Social Distancing

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

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

Despite the Irish Prison Service efforts to implement social distancing in prisons, prisons are a difficult context in which to physically distance. Prisons are often overcrowded, poorly ventilated, and with limited space and resources, prisoners must share phones, showers and common areas.<sup>14</sup> Similarly, staff may share small offices and locker rooms, and eat in common areas. While social distancing is recognised as the most effective way to prevent transmission of COVID-19, it is not practicable at all times in the prison context; additional measures such as proper use of PPE and improved sanitation and hygiene practices are needed.

### 3.2.1 Compliance

Given that it is not always possible to social distance in prison settings, the World Health Organization recommends the continuous use of a medical mask for prison staff when making contact with detainees at distances of less than one metre, during security and health checks, and during transfer of COVID-19 cases to other prisons or hospitals. WHO guidance on management of masks<sup>15</sup> includes the following:

- Perform hand hygiene before putting on the mask.
- Inspect the mask for tears or holes, and do not use a damaged mask.

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<sup>14</sup> S. A., Kinner, et al, "Prisons and Custodial Settings are Part of a Comprehensive Response to COVID-19" (2020) 5 *Lancet Public Health*, e188-189.

<sup>15</sup> World Health Organization, "Preparedness, Prevention and Control of COVID-19 in Prisons and Other Places of Detention Interim Guidance" (8 February 2021) 25-27.

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

### 3.2.2 Environment

On inspection, the Team noted social distancing is not practiced by prisoners in Cloverhill Prison. However, staff are required to social distance, and on observation this was being practiced at a satisfactory level.

Prisoners in the general population were only provided with masks when they are leaving the landings. The Inspection Team were informed that prisoners could not request to be provided with a mask. As of 14 November 2020, all prison staff are required to wear surgical face masks; with staff who need to cross between landings wearing FFP2 masks. The Inspection Team observed one staff member whose mask was dirty and fraying.

Over the course of the inspection, the team did not encounter any empty hand sanitiser dispensers, and noted that the dispensers were filled and strategically placed. Social distancing markings were visible on the floor and walls of receptions and visiting areas. There were also biohazard bins available in the reception area and on A and F wings (quarantine and isolation wings). There were posters throughout the prison reinforcing the importance of social distancing, hand hygiene and respiratory etiquette.

### 3.2.3 Outcomes

A cause of concern for the Inspectorate is the increasing prison population in recent months. In the first months of the pandemic in 2020 the prisoner population in Cloverhill Prison was decreased from 427 people in prison (99% bed capacity) on 20 February 2020 to 335 people in the prison (77% bed capacity) on 22 June 2020. However, the current numbers indicate that early initiatives to reduce the population have waned (1 March 2021 = 393 people in custody (91% bed capacity) in Cloverhill Prison. An effective way to reduce transmission risk in the future is to decrease the numbers of people in prison.

Cloverhill Prison currently operates with largely triple cell occupancy. With cells measuring approximately 3.9L x 2.9W x 2.7H (meters) (inclusive of sanitary facility) there is no capacity to socially distance amongst prisoners. One prisoner displaying symptoms quickly places two other prisoners as close contacts. Higher prison populations lead to overcrowding which in turn creates bigger risks for COVID-19 management. A number of prisoners raised questions about inconsistencies in the

implementation of social distancing measures. For example, it was explained to the Inspection Team that large groups of people can mix in the yard, but that to enable social distancing measures on the landings only small numbers of people were allowed out at the same time and that evening out-of-cell time had been drastically reduced.

### 3.2.4 Recommendation

**Recommendation 7:** With concern for the increase in the prison population in recent months, the Inspectorate recommends that the Irish Prison Service engages with the Department of Justice to maximise all opportunities available for reducing the prison population. The reduction in prison numbers would reduce the number of people cell-sharing, minimise the risk of COVID-19 transmission, and enable prisoners to practice social distancing.

## 4 HEALTH & WELLBEING

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### 4.1 Access to Healthcare

Access to healthcare in Cloverhill Prison over the course of the pandemic has largely mirrored the situation in the general community, with medical appointments and procedures being significantly delayed or cancelled. Further to this, the D2 wing unit accommodates mentally ill prisoners, and as such requires special focus in all Cloverhill Prison inspections carried out by the Office of the Inspector of Prisons. In assessing access to healthcare, the Inspection Team examined the impact of COVID-19 and related measures (Part 1), as well as examined how the pandemic has impacted on services provided to prisoners in the D2 wing (Part 2).

#### 4.1.1 Compliance

Underpinning healthcare provision in the prison setting is the Principle of Equivalence. The CPT Standard on Health Care Services in Prisons mandates that “a prison health care service should be able to provide medical treatment and nursing care, as well as appropriate diets, physiotherapy, rehabilitation or any other necessary special facility, in conditions comparable to those enjoyed by patients in the outside community.”<sup>16</sup> The Principle of Equivalence operationalises the principle of non-discrimination, as enshrined in the Mandela Rules, Rule 2:

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

The provision of prisoner healthcare is a state responsibility, and therefore prisoners should receive the same standards of healthcare that are available in the general community. This would include an obligation to inform individuals of their infectious disease test results. This ethical obligation to give all relevant information to patients is enshrined in the Medical Council Guidance on Professional Conduct and Ethics.<sup>17</sup>

#### 4.1.2 Environment

The Irish Prison Service is currently operating based on its 28<sup>th</sup> version of the “IPS Risk Assessment for People Presenting to and in Prisons - Clinical Criteria for Prisoner(s) to be Tested.” The algorithm outlines the criteria as follows:

1. A prisoner with acute respiratory function - sudden onset of at least one of the following: cough, fever, shortness of breath (SOB). Consider other aetiology that may explain the clinical presentation. If general population only 1 swab is required on symptom onset; OR
2. Special consideration should be made for atypical presentations, particularly in our high risk prison population. Vigilance is required for the following: loss of sense of smell or taste, fever, cough, SOB, lethargy, confusion, loss of appetite, unexplained change in baseline condition. If general population only 1 swab is required on symptom onset. OR

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<sup>16</sup> CPT Standard on Health Care Services in Prisons (1993) CPT/Inf(93)12-part <https://www.refworld.org/pdfid/4d7882092.pdf>

<sup>17</sup> Medical Council, “Professional Conduct and Ethics” <https://www.medicalcouncil.ie/existing-registrants-/professional-conduct-and-ethics>, and <https://www.medicalcouncil.ie/news-and-publications/reports/guide-to-professional-conduct-and-ethics-for-registered-medical-practitioners-amended-pdf>, 33.5.

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

When a prisoner arrives at Cloverhill Prison for the first time they remain at the entrance gate in a transport van until a nurse meets them to carry out COVID-19 screening. If, through the course of the screening process, the prisoner is deemed to be potentially positive for COVID-19 they are placed directly into isolation in the F-block and tested for COVID-19. This process has proven effective, with 17 of the 20 positive cases in Cloverhill Prison being identified during the committal screening process. The Inspectorate would like to commend the nursing staff for their diligence in identifying potential COVID-19 patients before entering the prison.

If upon COVID-19 screening the prisoner is not identified as potentially positive for COVID-19, they are processed through the reception committal stage and then enter quarantine. They are tested for COVID-19 on their eighth day in custody. If a prisoner refuses to have a COVID-19 test administered they are required to remain in quarantine for 14 days. If a prisoner is tested and the test comes back positive the prisoner is sent to the isolation block.

In situations where a prisoner cannot communicate in English, this presents a communication barrier for the healthcare team tasked with conducting COVID-19 screenings. The Inspectorate was informed that in these situations the healthcare staff will attempt to communicate, and where possible bilingual staff may assist with this. However, if a prisoner does not understand the screening questions they are brought to the isolation block as the screening process cannot be completed.

The healthcare team check prisoners in isolation and quarantine daily. Should a prisoner declare any symptoms while in quarantine, a nurse will screen them and determine if they need to enter isolation.

The transient nature of Cloverhill Prison and the processes that must be adhered to in the ongoing management of COVID-19, require a certain level of nursing resource. At the time of the inspection, the Inspection Team was informed that the nursing department was having difficulties sourcing nursing staff. The Inspection Team was informed that there are eight defined nursing posts daily that must be filled. The Inspection Team was informed that filling these posts could be a challenge due to current staffing levels.

At the time of inspection, Cloverhill Prison had 18 nursing staff working Monday through Friday and eight nursing staff working on Saturday and Sunday. In the absence of adequate staffing resources, the nursing service has taken on two health care assistants to relieve some of the non-nursing duties. Currently the prison only has one nurse on night duty, while it was reported that it was an irregular occurrence, no nurse had been on duty the night before the inspection.

As regards other healthcare services in the prison, extensive waiting lists are a concern. As of 9 March 2021, there were 59 prisoners on the waiting list for psychology services and 40 prisoners on a waiting list for addiction services. Prisoners also reported long waits to see a dentist. The IPS has a protocol in

place for the Psychology Service Management of Transferred Clients. In this protocol when a prisoner is transferred to another prison, he will be placed on the waiting list and keep his original referral date for psychological intervention.

The Inspectorate commends the efforts of Cloverhill Prison in their preparatory work for the rollout of the vaccination programme for the prison. The Inspection Team observed the current visiting area of Cloverhill Prison which has been secured as the vaccination area for the prison. This is a large area that has been mapped out to facilitate the needs of vaccine administration. It was brought to the attention of the Inspection Team by senior management that Cloverhill Prison, as a remand prison, will likely serve as a long-term vaccination centre in the prison service.

#### 4.1.3 Outcomes

The efforts taken by the Irish Prison Service to develop effective COVID-19 testing strategies are commendable, and have proven to be effective. It should be noted that prisoners reported to the Inspection Team that they had not been made aware of their COVID-19 test results in writing. This was confirmed by the healthcare team who stated that prisoners only receive their test results verbally.

There were reports from prisoners of being subjected to prolonged and/or repeated quarantine regimes. The Inspection Team spoke to one prisoner who was experiencing his fourth time in quarantine (See Section 4.3.3).

The Inspection Team heard numerous reports of long delays to see a dentist. Prisoners reported long waiting times to speak with a psychologist with one prisoner reporting a waiting time of 15 months. In the absence of timely psychology services prison staff have a role to play in supporting the mental health of people in prison, as noted by the CPT, “detained persons should receive additional psychological support from staff at this time.”<sup>18</sup> Phone access to Samaritans is available. However, limited time out-of-cell time and low numbers of functional and available phones make it difficult for prisoners to avail of this service.

At the time of the inspection, people in Cloverhill Prison had not received the COVID-19 vaccine. In the general community, people eligible for the vaccine were (Groups 1 - 4):

- those aged 65 years and older who live in long-term care facilities;
- frontline healthcare workers;
- people aged 70 and older living in the community - at different stages; and
- people aged 16 to 69 who are at very high risk.<sup>19</sup>

Healthcare staff working in the prison received COVID-19 vaccinations (Group 2) in mid-February 2021. At the time of inspection, the general prison population fell under Group 9 of the COVID-19 vaccine priority allocations.

In line with the Principle of Equivalence, people in prison should, at the minimum, be provided with equal provision of healthcare, without discrimination based on grounds of their legal status. The Inspectorate welcomes the Irish Prison Service’s ongoing efforts to lobby the National Public Health Emergency Team (NPHE) for the prioritisation of COVID-19 vaccinations for people living and working in prisons. However, despite the Irish Prison Service efforts to acquire vaccinations, in finalising this report on 5 May 2021, the Inspectorate was informed by the IPS that 77 number of prisoners with serious underlying medical conditions had not yet received the COVID-19 vaccination. In the general

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<sup>18</sup> CPT Statement of Principles relating to the Treatment of Persons Deprived of their Liberty in the Context of the Coronavirus Disease (Covid-19) Pandemic (20 March 2020) CPT/Inf(2020)13, <https://rm.coe.int/16809cfa4b>, Principle 6.

<sup>19</sup> Provisional Vaccine Allocation Groups (Last updated 26 February 2021) <https://www.gov.ie/en/publication/39038-provisional-vaccine-allocation-groups/#>.

community, people in these groups had received vaccines; as such, the Principle of Equivalence is not being adhered to as related to COVID-19 vaccinations. As prisoners live in a congregated setting, the Inspectorate is of the view that this group as a whole should be prioritised.

#### 4.1.4 D2 wing

As part of the inspection, the Inspection Team visited D2 wing and met with members of the psychiatric team. D2 is the medical wing at Cloverhill Prison. There are 12 cells on one side of the landing and ten cells on the other side of the landing. It has a total bed capacity of 27, and at the time of inspection there were 19 prisoners on the D2 wing. The cells were a combination of both single and double occupancy. A prisoner's occupancy is determined through multi-agency meetings (MAMs). On inspection, the environment of the D2 wing was bright, with murals painted on the walls by a prisoner, and an air of openness upon first entering the wing. D2 was recently provided with pineapple furniture specifically designed to be safe, robust and with anti-ligature features. There was a small yard attached to the wing where prisoners can avail of fresh air and exercise. This yard was small and grey and had one mural on a wall. There was no shelter in the yard except for a small room off to the side that may be opened for the prisoners to use on occasion.

One of the measures taken to respond to the need to prevent transmission of COVID-19 in the prison was to modify the D2 interview room. This modification has allowed for the psychiatric team in the prison to continue engagement with the prisoners on the D2 wing. The room was modified to allow for separation of prisoner and medical staff by a Perspex window. The Inspection Team was informed that this modification was very important given the patients' complex histories and medical needs. The Inspection Team was also informed that the Irish Prison Service has agreed to install a speaker system in this area to facilitate clearer communication during reviews, and that this was awaiting approval at the time of writing.

The assessment of patients is done through a standardised approach. The team were informed that during the COVID-19 pandemic the IPS and the HSE worked collaboratively to grant mental health staff remote access to the prison healthcare management system. This allowed staff to continue to conduct reviews and assessments by video-interview or videophone remotely during this period. Additionally the Prison In-reach Court Liaison Service (PICLS) has a videophone in the PICLS office of Cloverhill District Court. This has facilitated the Housing Support Worker to continue to provide accommodation assistance through the pandemic.

As part of the 2019 CPT recommendations made to Ireland, the CPT suggested that with respect to D2 a programme of structured activities be developed for the men on this wing.<sup>20</sup> The Inspectorate was informed of plans to provide a library and games/recreation room on the wing; this is most welcome. In addition, three cells on D2 were refurbished with showers and ventilation systems. This is to facilitate prisoners who need to isolate.

Prisoners on D2 were unlocked for breakfast and medication around 08:40 and had access to the yard at 09:30. Prisoners were unlocked in groups, where they alternated between spending time in the yard and time to clean out their cell, shower and make phone calls. This unlocking system is repeated three times daily and is rotated across the groups during the week.

When the Inspection Team visited the D2 wing they met with a number of prisoners who, upon observation, were in need of significant mental health intervention. While spending time on the D2 wing the Team attempted to engage two prisoners in particular, each of whom had been identified by the

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<sup>20</sup> Report to the Government of Ireland on the visit to Ireland carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 23 September to 4 October 2019, 47.

psychiatric team as cases of concern. To preserve anonymity, this report will not provide detail about these men. However, the situation on D2 is of serious concern to the Inspectorate. Despite efforts by the Prison Service and the psychiatric team to care for these men, the prison cannot and should not be a holding facility for people in need of and awaiting treatment at the Central Mental Hospital. The Inspectorate agrees wholeheartedly with a statement made by an officer on D2 wing at the time of inspection: “We all know they should be in a hospital.”

There are long waiting periods for prisoners identified as needing CMH admission. At the time of inspection there were a number of prisoners awaiting both admission to the CMH and to approved centres.<sup>21</sup> Table 2 below gives further detail on the waiting times for these prisoners.

**Table 2: CMH and Approved Centre Waiting List Cloverhill Prison**

Name	Date of committal	Date placed on waiting list	Number of days on waiting list
<b>CMH waiting list</b>			
<b>A</b>	27/07/2020	07/08/2020	228
<b>B</b>	01/05/2020	22/05/2020	305
<b>C</b>	14/08/2020	21/08/2020	214
<b>D</b>	05/05/2020	02/06/2020	294
<b>E</b>	30/01/2021	08/02/2021	43
<b>Awaiting admission to Approved Centres</b>			
<b>F</b>	10/09/2020	05/10/2020	169
<b>G</b>	23/01/2021	19/02/2021	32
<b>H</b>	15/02/2021	05/03/2021	18

Both Cloverhill Prison medical staff and senior management were in agreement that Cloverhill Prison is not the appropriate institution for many of the prisoners on the D2 wing. The people on this wing have significant mental health problems that the prison is not designed or resourced to address. Homeless people are particularly vulnerable within this system. This issue has been highlighted by the Inspectorate in every Annual Report since 2018 and will continue to be highlighted until such time as vulnerable mentally ill prisoners receive appropriate care in appropriate therapeutic settings.

#### 4.1.5 Recommendations

**Recommendation 8:** In line with practice in the general community, and with the Principle of Equivalence, the IPS should ensure that people in prison are provided with written information about their test results.

**Recommendation 9:** The Inspectorate recommends that the Irish Prison Service continues its ongoing efforts to advocate for the prioritisation of COVID-19 vaccinations for people living and working in prisons.

<sup>21</sup> An approved centre is defined as a hospital or other in-patient facility for the care and treatment of persons suffering from mental illness or mental disorder that is registered by the mental Health Commission in accordance with Section 64, Mental Health Act 2001.

**Recommendation 10:** The Inspectorate reiterates the requirement for appropriate care and treatment for persons who are detained in Cloverhill Prison who require mental health care and treatment in an appropriate therapeutic environment. The Inspectorate welcomes the recent establishment of the High Level Taskforce to Consider the Mental Health and Addiction Challenges of Persons Interacting with the Criminal Justice System.

## 4.2 Family Contact

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

### 4.2.1 Compliance

In response to the need to prevent transmission of COVID-19 in prisons the Irish Prison Rules 2007-2017 were amended in 2020 to include Rule 36A. Rule 36A places a restriction on implementation of Rules 35 and 36 as a means to prevent the transmission of infectious disease in prisons. Rule 35 includes provisions for ordinary visits whereby convicted adult prisoners are entitled to receive not less than one visit from relatives or friends each week of not less than 30 minutes duration. For unconvicted prisoners, the visit entitlement under Rule 35 is one visit per day from relatives or friends of not less than 15 minutes in duration on each of six days of the week, where practicable, but in any event, on not less than on each of three days of the week. Rule 36 provides for the regulation of visits, including provisions on the designation and searching of visitors, visits from legal representatives and visits for foreign nationals. The 2020 Amendment to the Rules, under 36A, permit the Director General (36A(1)) or the Governor (36A(2)) to suspend the entitlement to visits or restrict or modify the entitlement to visits under Rule 35, as regards frequency, duration and arrangements, particularly in relation to the number and age of visitors permitted to make visits, for a specified period or periods. The lack of a sunset clause for the newly added Rule 36A is of concern to the Inspectorate.

Article 8.1 of the European Convention on Human Rights provides that “Everyone has the right to respect for his private and family life, his home and his correspondence.” Article 8.2 of the ECHR allows a public authority to interfere with implementation with Article 8.1 with in accordance with the law (national security, public safety, prevention of crime, etc).

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

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

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

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

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

Rule 46.4 of the Irish Prison Rules states that unconvicted prisoners are entitled to no less than five telephone calls per week to a friend or family member. Remand prisoners can also avail of the Irish Prison Service Incentivised Scheme. Prisoners on the Enhanced Level of this Scheme<sup>22</sup> are allocated more phone calls than that which is set out in rule 46.4 of the Irish Prison Rules. Given the restrictions imposed by Rule 36A of the 2020 Amendment to the Prison Rules, there exists an obligation for the Irish Government and the Irish Prison Service to ensure that COVID-19 related restrictions have a legal basis, are necessary, proportionate, respectful and restricted in time (CPT Principle 4).

#### 4.2.2 Environment

At the time of the COVID-19 Thematic Inspection in Cloverhill Prison, the country was under Level 5 restrictions. In alignment with restrictions in the general community, the Prison Service ceased all in-person visits to the prison. To compensate for this, the prison implemented 15-minute video calls for prisoners not quarantining or in isolation. These calls were being facilitated using phones with a small built-in video screen. As noted by prisoners, the launch of the video calls in Cloverhill Prison had a number of complications, with calls not connecting or dropping out in the early stages of the initiative. Some reports from prisoners stated that a dropped call being rescheduled was contingent on the prison officer that they were dealing with on that day.

Looking into the future, beyond COVID-19, the Governor spoke of the idea of potentially facilitating longer family visits. These visits would take place in a “nice room” that is not screened.

At the time of inspection, there were a number of phones on the landings, however it was reported to the Inspection team that not all were functional at any one given time. Cells in the main prison were not fitted with phones, however new phone lines were being installed in the cells to allow for phone accessibility; the Inspectorate welcomes this initiative. While the Inspectorate welcomes the addition of phones in the cells, it should be noted that cells in Cloverhill Prison are triple occupancy and therefore afford little privacy. The Inspectorate was informed of the prison’s intention to designate a single-cell on each landing for use by prisoners when engaging with services and family on private matters.

Prisoners are entitled to send and receive post while in prison. Letters, money and pictures can be sent into the prison. Once these items arrive at the prison they are opened, and any money sent in is lodged in the prisoner’s account. The post is then set aside for collection by the censor’s office, which is tasked with reviewing post before it is disseminated. In an effort to manage drug smuggling into the prison all letters and photographs are now photocopied, with the original document being destroyed and the photocopy given to the prisoner.

#### 4.2.3 Outcomes

There was no consensus amongst the prisoners spoken to by the Inspection Team as regards a preference for in-person or video family calls. Some prisoners reported that video calls are hard to get and can break down. Others found the video calls very positive and would like to see them stay. Whilst senior management stated that any dropped call would be rescheduled, a number of prisoners informed the Inspection Team that this was contingent on the prison officer tasked with the video calls on the day. One prisoner felt that there was no need to have visits if they were to continue to be screened. The team received multiple reports that phones on the landings did not work and therefore prisoners were not able to make their calls. This issue was further compounded by the fact that prisoners were

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<sup>22</sup> As of the 8 March 2021 26% of Cloverhill Prison population were on the Enhanced Level; 60% were on the Standard Level and 14% were on the Basic Level.

allowed onto the landings for decreased amounts of time (in smaller groups) and would therefore have less time available to make calls to family (and to support services). One prisoner queried why the video screens for family calls were very small when the video screens for legal representation were much bigger. The video screen measured approximately 7.5cm x 12.5cm (measurement estimated from observation as the Inspection Team was not able to measure the screen during the inspection). One prisoner reported having been committed to Cloverhill Prison at the end of January but stated that his first video call only took place on 17 March 2021.

The Inspectorate is of the view that video calls should not be used in the long-term as a replacement for in-person visits.

Delays to distribution of incoming post was a significant concern for the Inspection Team. A number of prisoners stated they were not receiving letters or that letters were delayed in getting to them. One prisoner reporting having to wait for three weeks to get pictures that his wife had sent in. The Team also received general reports from prisoners that letters were not being received by their families. The importance of facilitating timely postal delivery cannot be overstated, particularly given the restrictions imposed on family visits by Rule 36A. One prisoner explained the value of letters as being “the only way to really talk to each other.”

After receiving a number of reports from prisoners about delays in receiving post, the Inspection Team tracked the procedure for processing incoming post, with the objective being to determine how the post is processed through the prison and, to ascertain if, and where, any delay would reside. On the second day of the inspection, a Friday, the Inspection Team located 91 pieces of mail that had accumulated over the course of the week in the general office, and were awaiting collection by the censor’s office. When the Inspection Team studied the Regime Management Plan for that day the Censor’s office had been cut. The Team was informed this was often the case given that the censor’s office is the second post to be cut on the Regime Management Plan. The team were informed by the Governor at the Inspection Closeout Meeting that evening and weekend reserve periods would be designated immediately, and on an ongoing basis, to facilitate staffing of the censor office on a more systematic basis. The Inspectorate welcomes this.

In an effort to uphold Article 2 of the European Convention on Human Rights (Right to Life), the Irish Government has allowed for restrictions to be imposed on ECHR Article 8, both in the general community and for people in prison. While the law allows for this restriction in the context of prisons under Rule 36A of the Irish Prison Rules, the Prison Service has a positive obligation to ensure that the restrictions to the right to private and family life under Article 8 are necessary, proportionate, respectful and restricted in time. To this end, the Prison Service must ensure that people in prison are able to maintain family contact to the greatest extent possible. Delays/withholding post from prisoners, while simultaneously restricting access to in-person visits, is disproportionate.

#### 4.2.4 Recommendations

**Recommendation 11:** The Inspectorate welcomes measures such as the introduction of video calls and in-cell phone provision to facilitate family contact. These measures should be maintained as forms of family contact beyond the COVID-19 pandemic, but should not replace in-person family visits.

**Recommendation 12:** In line with Article 8 of the European Convention on Human Rights, the Inspectorate recommends that all postal communications are collected and delivered to prisoners in a timely manner by prioritising the censor’s office in the daily Regime Management Plan.

**Request for Information 1:** The Inspector of Prisons requests to be provided with information on the direction given to Cloverhill Prison by the Irish Prison Service to implement S.I. 250 - Prison (Amendment) Rules 2020 - Rule 36A of the Irish Prison Rules.

## 4.3 Quarantine/Isolation Measures

People placed in quarantine in the prison include: all committals to prison; prisoners returning from court; and prisoners returned to custody by An Garda Síochána under a Section 42 warrant. Those placed in isolation include: prisoners who tested positive for the COVID-19 virus; those showing symptoms of the COVID-19 virus, while awaiting test results; those who are close contacts of a person with COVID-19, while awaiting test results; and those who present with a travel history. On the first day of the inspection, the Team was informed there were ten prisoners isolating and 36 prisoners in quarantine in Cloverhill Prison. The Inspection Team spoke with prisoners under both regimes.

### 4.3.1 Compliance

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

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

In cases of isolation or placement in quarantine of a detained person who is infected or is suspected of being infected by the SARS-CoV-2 virus, the person concerned should be provided with meaningful human contact every day.<sup>23</sup>

In circumstances where prisoners are confined for more than 22 hours a day without meaningful human contact, this is solitary confinement; as defined by the 2020 European Prison Rules (Rule 60.6.a) and Mandela Rules (Rule 44).

While solitary confinement in itself is not a breach of Article 3 of the European Convention on Human Rights (prohibition on torture and inhuman or degrading treatment or punishment),<sup>24</sup> the preventive nature of the Inspectorate's work is cause to raise concern about the prolonged use of solitary confinement as a strategy by which to avoid transmission of COVID-19 in the prison context.

### 4.3.2 Environment

On the first day of the inspection there were 36 prisoners in quarantine and ten prisoners in isolation. There were five prisoners in isolation on the second day of inspection. The table below shows the number of prisoners in quarantine and isolation over different dates between February and March 2021.

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<sup>23</sup> CPT Statement of Principles (n 18) Principles 6 and 8.

<sup>24</sup> European Court of Human Rights, "Guide on the Case-law of the European Convention on Human Rights" (December 2020) [https://www.echr.coe.int/Documents/Guide\\_Prisoners\\_rights\\_ENG.pdf](https://www.echr.coe.int/Documents/Guide_Prisoners_rights_ENG.pdf), 49.

**Table 3: COVID-19 Information provided by the Irish Prison Service on Prisoners in Quarantine and Isolation in Cloverhill Prison**

Date	Quarantine	Isolation
12/2/21	56	19
16/2/21	55	19
19/2/21	41	7
22/2/21	45	8
24/2/21	38	10
25/2/21	47	12
11/3/21	44	10

The environment for people in isolation (F-block) and in quarantine (A-wing) differed significantly. As such, these are explained in two parts below.

### Isolation

At the time of inspection, F-block, a standalone building on the prison grounds, was designated as the COVID-19 isolation unit for the prison. F-Block was equipped with a donning and doffing station, inclusive of a sink, hand sanitiser and disinfectant, as well as a PPE storage room. Prior to the pandemic, F-block was an unused building that had been refurbished in 2018. F-Block was clean and quiet, with three staff visible at the time of inspection, all of whom were wearing full PPE. One prisoner described the staff as both helpful and understanding. At the time of inspection there were five prisoners in isolation; the Inspection Team spoke with the five prisoners. At all times the Team donned full PPE and adhered to the recommended two metre distance.

Prisoners in isolation for COVID-19 were accommodated alone in single cells. They were not provided with exercise or out-of-cell time while in isolation. Prisoners were not allowed visits from family or legal representatives, and they were not allowed to attend court. Prisoners reported spending less than twenty minutes each day speaking to people. Given the lack of access to out-of-cell time and the minimal amount of time people in isolation spend conversing with others, the people in COVID-19 isolation in Cloverhill Prison were being held in solitary confinement.

The Office of the Inspector of Prisons shares the well-documented position that solitary confinement causes psychological harm to people in prison,<sup>25</sup> regardless of reasoning for its imposition. As such, **solitary confinement should not be used as a means to prevent transmission of COVID-19 in prisons**; safer alternatives exist, such as community-based alternatives to custody and expansion and further application of early release criteria.<sup>26</sup>

<sup>25</sup> D. Cloud, et al, "Medical Isolation and Solitary Confinement: Balancing Health and Humanity in US Jails and Prisons During COVID-19" (2020) 35 *Journal of General Internal Medicine*, 2738-2742.

S. A., Kinner, et al, "Prisons and Custodial Settings are Part of a Comprehensive Response to COVID-19" (2020) 5 *Lancet Public Health*, e188-189.

<sup>26</sup> CPT Statement of Principles (n 18), Principle 5.

## Quarantine

All committals to Cloverhill Prison are placed in quarantine on the A-wing upon arrival (screening process is set out further above in Section 4.1). In addition, close contacts of COVID-19 positive or symptomatic prisoners are placed in quarantine. At the time of inspection, A-wing (A-1 and A-2) were dedicated quarantine cells situated in the main part of the prison. Prisoners committed to the prison on the same day were accommodated in the same cell, which is typically three men to a cell (that does not meet the CPT minimum standard for cell dimensions). Prisoners placed in quarantine as close contacts may be accommodated alone. All staff in A-wing wore full PPE and the landings were equipped with a donning and doffing station.

Quarantine prisoners received 30 minutes of fresh air each day. They were locked in their cells for the remaining 23.5 hours. Food was delivered to the cell door in Kraft boxes, with prisoners reporting these boxes were sometimes kicked into the cell. Prisoners were not allowed to shower and there were no shower facilities in the cell. Instead, prisoners were provided with a basin and a towel. In situations where prisoners were accommodated with up to two other prisoners (a common situation) they had to clean themselves in the presence of the other prisoners. This is a significant Respect and Dignity concern for the Inspectorate.

Prisoners received one set of clothing upon committal (one pair of socks and underwear, one top and one bottom). Prisoners who wished to clean their socks or underwear during their time in quarantine did so in the sink. Any clothes that were washed in the cell, were then dried in the cell on the radiators. The combination of three men in a cell, for an extended period of the day, washing and drying clothes, as well as smoking, led to reports of uncomfortable levels of heat and poor ventilation (Section 2.5).

### Quarantine - Section 42

Prisoners removed from the prison under Section 42 of the Criminal Justice Act, 1999 must undergo quarantine upon return from the Section 42-removal from prison. Prisoners regularly reported to the Inspection Team the following scenario:

A prisoner could be well into his quarantine period resulting from his status as a close contact in the prison and then be called out for a Section 42 interview at a Garda station. Upon his return to the prison, his quarantine period would re-set, resulting in an extended period of time in quarantine.

In the Closeout Meeting, senior management expressed concern with this practice. It was reported to the Inspectorate that people were being brought out on a Section 42 for low level offences; prison management queried if there was some legal reason as to why An Garda Síochána could not conduct these interviews in the prison.

Cloverhill Prison is also used by the Garda National Immigration Bureau (GNIB) to hold people who broke immigration laws before they were to be deported. At the Closeout Meeting, it was explained to the Inspectorate that Cloverhill Prison was being used “as a baby-sitting service” by the GNIB. Further, the Inspectorate was informed that the protocol for people to be brought to Cloverhill Prison should only apply in situations where people are remanded for 72+ hours. The Inspectorate was told that this was not current practice, with some people being held for less than 24 hours. Of note is one particular case, where An Garda Síochána collected a prisoner in isolation for GNIB removal. This prisoner’s COVID-19 test results came back just prior to his removal from the prison.

### 4.3.3 Outcomes

Prisoners subjected to isolation in single cells, as a COVID-19 preventive measure, were held in solitary confinement as they were confined for 23 hours or more each day and had significantly less than two hours of meaningful human contact each day (see Section 5.3).

Exacerbating an already concerning situation, all prisoners in quarantine and isolation were denied access to a shower for between eight and 14 days, which is not in accordance with Rule 19.4 of the European Prison Rules. The reported 30 minutes of fresh air provided to prisoners in quarantine does not align with the Mandela Rules (23.1) nor the European Prison Rules (27.1), which provide for at least one hour of exercise in the open air each day.

Of particular concern to the Inspectorate were reports from staff that the regime of quarantine and isolation may be used by prisoners as means to (i) spend time away in a single cell (isolation); and (ii) send fellow cell mates to quarantine (close contacts). At the Closeout Meeting, the Governor stated that this was highly anecdotal and that the data did not support this issue. While acknowledging this, the Inspectorate has the view that even the perception that COVID-19 restricted regimes may be used by prisoners to benefit themselves or to penalise others is worthy of consideration.

The Inspection Team heard from a number of prisoners across the prison, and in particular in quarantine, of their Kraft boxes being kicked into their cell by some prison officers. At the Closeout Meeting the Governor informed the Inspectorate that this issue had previously been addressed by the Chief Officer in an order made to staff, and that this would be followed-up on to ensure the practice was eliminated.

Prisoners in quarantine also reported they did not get enough food in the evening. One prisoner reported only getting a cold ham and cheese roll at approximately 16:00, which had to hold him over until the next day. The Inspection Team also received reports from prisoners in isolation in F-block.

To best capture the perspectives of prisoners, the following provides anonymised overviews of prisoners' experiences with isolation and quarantine.

#### Isolation

*Pat was in isolation for the first time and was anxious about an upcoming court date. However, because he would still be in isolation at that time of the scheduled court date he learned he would be 'sick noted' for court. Pat expressed upset over this delay. In isolation, Pat did not have a pillow. Instead, he stuffed his clothes into a pillow case. He had a cold roll for his last meal of the day, which was given to him at 16:00. He did not have anything else to eat until breakfast the next morning. Pat said he just lies in bed all day looking at the TV, "it's horrible on your own."*

#### Quarantine and Section 42

*Paul was currently serving his fourth stint in quarantine. He explained that his first quarantine took place when he was initially sent to Cloverhill Prison, but that after breaking bail he was placed in quarantine for a second time. When he completed his time in quarantine he was moved to the general population of the prison. At that time he was identified as a close contact and as per prison guidelines he was quarantined once again. Paul was then taken out on a Section 42 interview by An Garda Síochána. Under the current guidelines any prisoner who is taken out to be questioned by An Garda Síochána must begin a new quarantine regime upon return. Paul explained he had been at the police station for a total of two hours and he then had to spend 14 days in quarantine. Paul explained he had been in quarantine for eight days at this point in his current quarantine period, and that he expected to be moved to the general population once again in nine days.*

*Paul expressed significant hesitation about sharing a cell for 14 days with other prisoners, and was concerned about tensions in the cells because of the restricted regime. He explained that it is tough to eat out of a box every day, and he just eats tuna and biscuits from the Tuck Shop. He said the worst part was not being able to have a shower and that he only gets one towel for a period of eight days. He was due to have his video call with his child on Saturday, however the police took him out for questioning on Thursday. This meant that he had to begin a new quarantine regime upon his return which led to his call being cancelled. For Paul, the best way to cope with this situation has been not to think.*

### Isolation and Section 42

*Tom had been removed from the prison under Section 42 by An Garda Síochána for questioning. When he returned to the prison he had “a bit of a cough.” He first went into quarantine for three to four days, and he was alone in a single cell for that time. He was then transferred over to the isolation F-block for 12 days. Tom explained he used the sink for bathing and that he had not had a shower for approximately 15 days. All of Tom’s food was provided in a takeaway box. Over the course of a day, Tom only spoke with people for 15 to 20 minutes, although these were brief interactions and did not amount to a conversation. While in isolation, Tom was on punishment, so he was only allowed one six-minute phone call each week. For Tom, he just “gets on with it.”*

The experience of isolation and quarantine in Cloverhill Prison is daunting for a number of reasons, best encapsulated by prisoners:

*“I didn’t talk to anyone yesterday.”*

*“When you can’t shower for 14 days it gave me the idea; if you’re going to treat me like an animal, I will behave like one. That’s where I got the idea for the dirty protest.”*

*“I am a young lad; it was my first time in prison and I was in a cell with two older men. I was just too nervous to wash myself in front of them.”*

*“I have a routine; I work out, I read, I drink coffee, I have my dinner, I think about freedom.”*

### 4.3.4 Recommendations

**Recommendation 13:** In line with the European Prison Rules Rule 19.4, prisoners in quarantine/isolation must be permitted to shower, if not daily, at least two times in a seven day period.

**Recommendation 14:** Prisoners in quarantine/isolation must be provided with a daily change of clothing and a weekly change of bedding.

**Recommendation 15:** Two hours of meaningful human contact (as defined in section 5.3) must be facilitated each day for people in quarantine/isolation.

**Recommendation 16:** Prisoners in quarantine/isolation must have at least one hour in the open air each day.

**Recommendation 17:** Measures must be taken to mitigate the detrimental effects of isolation or quarantine, including psychological support during and after quarantine/isolation in order to assist prisoners in coping with the impact of COVID-19 and subsequently imposed restrictive measures.<sup>27</sup>

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<sup>27</sup> SPT. Advice of the Subcommittee to States Parties and National Preventive Mechanisms relating to the Coronavirus Disease (COVID-19) Pandemic (April 2020) <https://undocs.org/CAT/OP/10>, 10(g).

# 5 REHABILITATION & DEVELOPMENT

## 5.1 Regimes

The Irish Prison Service Prison Framework for Restrictive Measures (7 December 2020) outlines changes to the prison regime in accordance with the general community restriction levels defined under the National Framework for Living with COVID-19. Restrictive measures at each level of the IPS Framework impose varying degrees of change to the prison regime. As part of the COVID-19 Thematic Inspection of Cloverhill Prison, the Inspectorate focused on regime changes made in response to COVID-19 under Level 5 Restrictive Measures.

### 5.1.1 Compliance

The IPS Framework for Restrictive Measures, dated 7 December 2020,<sup>28</sup> outlines the following restrictions under Level 5 (not an inclusive list):

**Table 4: Level 5 Restrictive Measures**

	Level 5 Restrictions
Visits	Suspended
Education	Await NPHET/Government Advice
Work & Training	Open – Protective Measures
TR (for resocialisation, education/work purposes)	No AM/PM or Date to Date
Section 39 Applications	No – except for grave humanitarian reasons
Quadrants	Unlock by landing
Religious Services	Closed – services move online
Catering	** Operating – protective measures
IPS Clinical Services	* Yes
External Clinical Services	Yes on a case by case basis based on clinical need
Restoration of Services***	Yes – all clinical (including MQI and Red Cross), Statutory, Resettlement & Education
<p>* IPS Clinical Services: Dental emergencies only in levels 3-5</p> <p>** No Kraft Boxes to be supplied as we have developed an SOP to disinfect dishes</p> <p>*** As agreed by EPRT sub-group and Governor representatives</p> <p>NB - In the event of a Covid-19 outbreak at prison level, all of the above measures will be reviewed for the prison(s) concerned.</p>	

<sup>28</sup> The OIP was informed by IPS Headquarters on 12 March 2021 that Version 7 of the IPS Framework for Restrictive Measures was due for review on 19 March 2021. The Inspectorate was informed by the IPS that Version 8 will be provided to the OIP once adopted.

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

While it is legitimate and reasonable to suspend nonessential activities, the fundamental rights of detained persons during the pandemic must be fully respected.<sup>29</sup>

Further to this, in its Follow-up Statement<sup>30</sup> the CPT noted:

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

The IPS Framework for Restrictive Measures permits Governors to determine restoration of services, and aligns access to education with NPHE guidance for the general community.

### 5.1.2 Environment

In the course of inspection, the Inspection Team was informed that face-to-face interventions with prisoners had been curtailed for nearly a year, with the following programmes and activities suspended or reduced at the time of inspection:

- In person education – extensive education and personal development programmes
- In-person visits
- Face to face psychology programmes
- Drug treatment programme – limited drug counsellor phone contact
- Alternative to Violence Programme
- Red Cross group talks
- An Gaisce
- Library

There are six wings in the main prison. In addition there is one block, known as F-block, which is a standalone building on the grounds of Cloverhill Prison. “A” wing is set aside as the quarantine wing for the prison. ‘B’ wing holds the general population of the prison. There are two protection wings in Cloverhill Prison. On one protection wing the prisoners can mix (C2 wing). On the other protection wing (C1 wing) prisoners are grouped by colour (orange, red, green, blue); these groups cannot mix. D1 wing holds prisoners under Rule 62. D2 wing is the medical wing for Cloverhill Prison (Section 4.1). F Block holds prisoners who are in medical isolation for COVID-19.

At the time of the inspection the Team spoke to a number of prisoners on protection about their daily routine. Prisoners on C2 wing stated their cells were opened between 08:00-09:00 for breakfast. Prisoners collected their breakfast from the servery on the wing. At 09:30 cells were opened again for “slopping out” (cleaning cells) and the landings. At midday (12:00) the main meal of the day was served. Prisoners collected their meal and brought it back to their cell. From midday to 14:00 prisoners were in their cell. At 14:00 prisons are let out to clean (in small groups, where applicable). The cells were opened again at approximately 17:00 for yard time. All prisoners were locked back up at 19:00 for the evening.

On C1 wing the gym was timetabled to ensure segregated groups do not mix. Each group was slotted for one hour at least three times a week. The timetable was displayed on the wall of C1 wing. However,

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<sup>29</sup> CPT Statement of Principles (n 18) Principle 7.

<sup>30</sup> CPT Follow-up Statement regarding the Situation of Persons Deprived of their Liberty in the Context of the Ongoing COVID-19 Pandemic CPT/Inf(2020) 21 (9 July 2020).

the gym is not always open; on the second day of the inspection, 19 March 2019, for example, C1 gym was closed.

Cloverhill Prison operates a general regime that can be summarised in Table 5. Yard time is rotated across pods. When one group is unlocked and in the yard, another is unlocked to clean out cells, take showers and make phone calls.

**Table 5: Cloverhill General Regime**

General Regime	
Breakfast	8:00-8:30
Unlocked	9:30-10:00
Dinner	12.00 (dinner)
Yard Recreation	14:15
Unlocked	16:00 (tea)
Yard Recreation	17:15
Lock-back for Night	19:00

In relation to Incentivised Regimes, the Inspection Team learned that the percentage of prisoners on the Enhanced Privilege Level increased from 19% to 26% from March 2020 to March 2021.

**Table 6: Prisoner Privilege Levels one year apart between 2020 and 2021**

Regime	Total	Enhanced		Standard		Basic	
		Count	%	Count	%	Count	%
9/3/2020	432	79	19%	278	66%	66	16%
8/3/2021	357	93	26%	215	60%	49	14%

### 5.1.3 Outcomes

A number of prisoners on C1 landing reported that the reduced out-of-cell time did not allow for cleaning out of the cell, having a shower and making a phone call. With reduced out of cell time, and not every phone on the landing working, there is less facility for every prisoner to get his phone call. One prisoner said that the biggest problem was having to slop out (clean cell) in five minutes. Another prisoner said that before COVID-19 prisoners were allowed to mingle after showering and could have a chat but now prisoners have to choose between having a shower and making their phone call.

On B wing, prisoners reported alternated times on the wing to clean out their cells. These groups were alternated to facilitate social distancing. However, prisoners reported groups mixing during yard recreation time and gym time. On the day of inspection, one prisoner on B wing reported having one and a half hours of fresh air that day; he receives two hours every second day. He also informed the Inspection Team that there are three phones on B wing to facilitate over 80 prisoners. One prisoner informed the Inspection Team that one phone was broken and the wires were loose on the other two phones.

## 5.2 Access to Education

Two weeks prior to the inspection the prison school had opened to facilitate Leaving Certificate students. The Inspectorate welcomes this. However, on the day of the inspection it should be noted that due to staff shortages the school appointed prison officer was redeployed onto a wing. There were

only eight prison officers on court escort that day. Three teachers, due to give classes that day, were sent home due to the redeployment of the school prison officer. The Inspection Team was informed that the school had to close for three days the week of the inspection.

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

### 5.2.1 Compliance

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

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

In regards to library access, the Irish Prison Rules require the establishment of a library in each prison (Rule 110.6), to which prisons should be entitled to avail of at least once a week (Rule 110.7). The Mandela Rules (Rule 64) state “Every prison shall have a library for the use of all categories of prisoners, adequately stocked with both recreational and instructional books, and prisoners shall be encouraged to make full use of it.” Rule 28 of the European Prison Rules aligns with these provisions by recommending that “every institution shall have a library for the use of all prisoners, adequately stocked with a wide range of both recreational and educational resources, books and other media.” The European Prison Rules also include a provision that, wherever possible, the prison library should be organised in co-operation with community library services (Rule 28.6).

### 5.2.2 Environment

The Inspection Team was informed of a number of initiatives in place to ensure access to education in the prison. The prison operates an in-cell TV channel called Front Face Assistant. All types of videos can be uploaded to the channel. A prison officer uploads exercise videos that play between 12.00 and 14:00 when prisoners are “locked up” and again between 17:00-19.00 lock up time. The Inspection Team was informed by prison staff that these videos have been very popular with the prisoners. The prison also runs mindfulness videos throughout the night to cater for prisoners who cannot sleep.

At the time of the inspection, the school was piloting an education programme with 37 prisoners that included videos shown on the prison TV channel that were accompanied by educational booklets. The intention of the programme was that prisoners could watch the video and answer questions from the educational booklet.

The Inspectorate was provided with the materials for these blended learning courses. One course example was a series of lessons on the L.A Riots of 1992. This booklet had a total of five lesson plans and contained information that corresponded with the video. It had a series of exercises for each lesson that included questions, fill in the blank exercises, true or false statements and picture matches. There were other video and booklet packages available to address the more personal experiences faced by men in prison. One such booklet “Coming Home: Parenting and Family after Release” had five lessons that deal with managing feelings and expectations upon release, as well as information and exercises about how to connect with their children and how to co-parent.

This is an innovative way for prisoners to engage and learn. The standalone nature of each booklet caters to the transient nature of the prison. Cloverhill Prison is predominately a remand prison and therefore there is a constant movement of prisoners in and out of the prison. These booklets can be worked through in a relatively short space of time. This means that this booklet/video programme can be engaged in irrespective of the prisoner’s length of stay at the prison. It is the view of the Inspectorate that the prison should endeavour to facilitate this programme for all prisoners, especially those under the quarantine and isolation regime. The Inspectorate would also like to commend the prison’s efforts to address the educational needs of prisoners who work during the day in the prison. These educational programmes are run in the evening time so that prisoners who are assigned to work duties during the day can still access the same educational material.

### 5.2.3 Outcomes

The blended learning courses provide a unique and timely opportunity to think creatively about how access to education might be improved in Irish prisons.

One prisoner who was part of the pilot programme of blended learning with the video and booklet provided great feedback on the project. To eliminate the ongoing cost of the booklets and to facilitate prisoners with literacy issues, the Irish Prison Service could explore delivery of education by way of digital tablet. As is now practice in other jurisdictions,<sup>31</sup> access to education (and other services) can be increased, and made more substantive, through use of digital tablets. Education delivery by way of digital tablets would allow people to pause, take notes and repeatedly review materials. Learning through increased use of videos was one solution identified by the school prison officer at to reach prisoners with literacy issues.

The Inspectorate encourages the Prison Service to consider the positive implications of acquiring digital technology for use by prisoners: enable access to education, as well as more meaningful interactions with other services. Digital literacy is also an important skill for future employment prospects and to reduce re-offending. If digital tablets were to be introduced to deliver education, the teachers could reach previously unreachable prisoners, such as prisoners in quarantine and isolation or those who are on protection from others. The cost implications of purchasing digital tablets may be offset by the high costs associated with printing hundreds of booklets. The booklets outlined above cost €5 each to print.

The maximum amount of prisoners allowed in the school prior to COVID-19 was 35 prisoners. This is now reduced to a maximum of 19 to facilitate social distancing. Before COVID-19, there were 86 prisoners doing a variety of subjects across the school. This has been reduced to 55 since COVID-19. The low participation rate in Cloverhill School is further compounded by the regular movement of prisoners in and out of the prison. However, programmes like An Gaisce can be continued after release, out in the community. Some prisoners did report not being approached about school engagement,

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<sup>31</sup> Directorate of Norwegian Correctional Service, “Prevention Measures in European Prisons against COVID-19” (9 November 2020) <https://www.europris.org/directorate-of-norwegian-correctional-service-no/>.

whilst another prisoner, who was on protection at the time of inspection said that he “had no school, no activities, just the yard and gym.”

The team observed that libraries were closed on the landings in the prison; staff informed the team that this was to avoid prisoners congregating together in small spaces. Some prisoners reported they were unable to access the library. One prisoner who spoke with the Inspection Team on C1 landing said that if a prisoner requested a book from one of the prison officers that the prison officer would get it for them.

#### 5.2.4 Recommendations

**Recommendation 18:** To meet the education needs of prisoners (European Prison Rule 28.1), which include facilitating more substantive engagement with education (and other services), the Irish Prison Service should make digital tablets available for prisoner use. These digital tablets could be pre-loaded with education materials.

**Recommendation 19:** In line with Rule 110 of the Irish Prison Rules, Cloverhill Prison should consider how library services might be improved to encourage participation. Given the increased time that people are now required to remain in their cells, there is additional need to ensure people are able to avail of library services.

### 5.3 Access to Exercise/Interactions

Restrictions on meaningful human interaction and exercise were actions taken by the IPS to prevent transmission of COVID-19 in Irish Prisons. While recognising the utility of these restrictions, the Inspection Team focused on the impact of these measures on the people in Cloverhill Prison. As noted in Section 4.3, prisoners in quarantine, and especially those in isolation, in Cloverhill Prison experienced significant restrictions as regards exercise and human interaction. However, all prisoners in Cloverhill Prison have experienced a reduction in their access to exercise and interactions.

#### 5.3.1 Compliance

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

Although the Irish Prison Rules now allow for a restriction on exercise and physical recreation, international standards require that these restrictions be necessary, proportionate, respectful of human dignity and restricted in time. Further, international prison oversight bodies, such as the CPT, have determined that outdoor exercise facilities “should be reasonably spacious and whenever possible offer shelter from inclement weather.”<sup>32</sup>

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<sup>32</sup> CPT Standards, Revised 2010, <https://www.refworld.org/pdfid/4d7882092.pdf>, 16.

With regard to meaningful human interactions, the Irish Prison Rules, Rule 27, provides that “subject to any restrictions imposed under and in accordance with Part 3 of the Prisons Act 2007 and Part 4 of these Rules, each prisoner shall be allowed to spend at least two hours out of his or her cell with an opportunity during that time for meaningful human contact. “Meaningful human contact” is defined in Rule 27.4 as “an interaction between a prisoner and another person of sufficient proximity so as to allow both to communicate by way of conversation.”

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

While the Irish Prison Rules 2007-2020 provide a definition of “meaningful human contact”, the University of Essex and Penal Reform International’s *Initial Guidance on the Interpretation and Implementation of the UN Nelson Mandela Rules*<sup>33</sup> provides further substance to this principle as it is:

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

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

### 5.3.2 Environment

The Inspection Team observed several of the yards in the prison. The yards inspected were grey, concrete and quite bleak. The yard in D2 wing was small with no shelter, save for a small room off to the side. As part of the infection control measures, no footballs are allowed in the yards. The team visited yards on D2, C1 and D1. D1 has two available yards, one of those yards has a small shelter with four seating areas. Upon observation of the yards, the Inspection Team noted the only available activity for the prisoners is to walk in circles or sit on benches; this is not meaningful activity.

The gyms are of high value to prisoners. At the time of the inspection the C-gym was closed on Friday, 19 March. Another recreational outlet of high value to the prisoners are the pool tables (Section 3.2). While there are pool tables on the wings of the prison, playing has been curtailed as part of the prisons ongoing management of COVID-19 transmission prevention.

With respect to meaningful human interaction, suspended in-person services have, where possible, been replaced by phone call services. However, with three men to a cell and reduced access to the phones on the landing this replacement does not necessarily meet prisoner needs. The Inspectorate welcomes the prison’s initiative to allocate a private space on each wing to facilitate privacy for calls of

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<sup>33</sup> Essex Paper 3 Initial Guidance on the Interpretation and Implementation of the UN Nelson Mandela Rules (2017) <https://rm.coe.int/16806f6f50>.

a sensitive or private nature. This is essential to comply with Article 8 of the European Convention on Human Rights, the right to privacy and family life. In addition, the prison has continued to allow the Chaplaincy service access to the wings and the prisoners throughout the pandemic. This access has not compromised any infection control measures in the prison. The Chaplaincy in Cloverhill Prison has been a consistent and active presence (Section 2.3). The Chaplaincy service explained they would welcome and encourage the reopening of the recreation halls to facilitate better interactions with prisoners.

### 5.3.3 Outcomes

The environment of the exercise yards observed by the Inspection Team did not leave much to look forward to for the time the men have to avail of it. Cloverhill Prison should consider efforts to include green spaces in and around the yards; especially because research shows that even a 10% increase of green spaces can reduce prisoner-on-prisoner assaults, incidents of self-harm (which are higher among the remand population)<sup>34</sup> and incidents of assault on staff.<sup>35</sup> One prisoner reported being offered to go out to the yard when it was freezing cold and he had no suitable clothes to keep him warm, as a result declined his opportunity to go to the yard and avail of fresh air.

Regarding the closing of the gym on C wing. One prisoner stated he was frustrated that he had no access to the gym for the entire week. He informed the Inspection Team that his protection group was scheduled to have access to the gym on C Wing four times a week, but that its closure is due to it being the “end of the quarter”. He stated, the “gym is always the first thing to go,” and that he “needs the gym for mental stability.” A prison officer stated the same reason for the closure. The Inspectorate followed this up with the Governor post-inspection for clarity. He informed the team that although it was not the end of the quarter, the gym had been closed due to staff shortages. While C gym was closed on the day of the inspection, the Team also heard from prisoners that they had access to the gym most days.

The Inspection Team also learned that the pool tables and recreation areas in the prison were not in use since the emergence of the pandemic, as a result of the need to ensure social distancing. The Chaplains explained to the Inspectorate that the loss of the recreation areas not only impeded on their ability to meaningfully interact with prisoners, but also resulted in prisoners not having an alternative to outdoor exercise in periods of inclement weather.

### 5.3.4 Recommendations

**Recommendation 20:** In line with the requirement to ensure “meaningful human contact”, the Inspectorate recommends that Cloverhill Prison develops and implements measures designed to mitigate the impact of restrictions imposed on prisoner exercise and interactions by Rule 32A of the Irish Prison Rules; this should be done in consultation with prisoners and staff working in the prison.

**Recommendation 21:** The Inspectorate recommends that efforts be made to include green spaces in and around the yards.

**Request for Information 2:** The Inspector of Prisons requests to be provided with information on the direction given to Cloverhill Prison by the Irish Prison Service to implement S.I. 250 - Prison (Amendment) Rules 2020 - Rule 32A of the Irish Prison Rules.

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<sup>34</sup> Irish Prison Service (2018) Self-harm in Irish Prisons 2018, Second Report from the Self-Harm Assessment and Data (SADA) Project, [https://www.irishprisons.ie/wp-content/uploads/documents\\_pdf/Self-harm-in-Irish-Prisons-2018-Second-report-from-the-SADA-Project.pdf](https://www.irishprisons.ie/wp-content/uploads/documents_pdf/Self-harm-in-Irish-Prisons-2018-Second-report-from-the-SADA-Project.pdf)

<sup>35</sup> D. Moran, et al., “Does Nature Contact in Prison Improve Well-Being? Mapping Land Cover to Identify the Effect of Greenspace on Self-Harm and Violence in Prisons in England and Wales” (2021) *Annals of the American Association of Geographers*, published online.

## 6 RESETTLEMENT

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### 6.1 Release

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

#### 6.1.1 Compliance

The Irish Prison Service has committed itself to the management of custodial sentences in a way that “encourages and supports prisoners to live law abiding and purposeful lives as valued members of society”. To enable and operationalise this, the Irish Prison Service 2019-2022 Strategic Plan determines to “further develop the integration of prisoner care and support services to deliver more effective rehabilitation to prisoners.”<sup>36</sup> Alongside this, the IPS and the Probation Service have developed a multi-agency strategy to manage and rehabilitate “offenders” from pre- to post-imprisonment. This strategy involves Integrated Sentence Management (ISM); Community Return; Probation Service case management and post-release supervision; and engagement with the Irish Association for the Social Integration of Offenders (IASIO) Resettlement Service.

The stated aim of this multi-pronged strategic approach is to ensure “that all releases from Irish prisons and places of detention are planned releases to ensure the informed and effective transition of the offender from prison to the community, in compliance with statutory, legal and sentencing provisions.”<sup>37</sup>

The Irish Prison Rules include provisions which place responsibility on the Governor to “assist and encourage prisoners in (...) preparing for reintegration into society after release” (Rule 75(1)(ii)(d), and on the Prison Officer “to contribute to the rehabilitation and reintegration into the community (...) of prisoners” (Rule 85(3)(c)(iv). However, neither the Irish Prison Rules 2007-2020 nor the Prison Act 2007 place an obligation on the Prison Service to prepare people in prison for a planned and gradual return to life in society. An Inter-Agency Group was established to implement key recommendations made by the Penal Policy Review Group to support the rehabilitation of offenders and crime prevention.<sup>38</sup> However, the Group’s last published report was in 2018. Despite this absence in the national legislation, international human rights standards place great emphasis on this.

The Mandela Rules (Rule 87) state:

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

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

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<sup>36</sup> IPS, “Irish Prison Service Strategic Plan 2019-2022” [https://www.irishprisons.ie/wp-content/uploads/documents\\_pdf/Irish-Prison-Services-Strategy-2019-2022.pdf](https://www.irishprisons.ie/wp-content/uploads/documents_pdf/Irish-Prison-Services-Strategy-2019-2022.pdf).

<sup>37</sup> IPS, “Resettlement and Reintegration” <https://www.irishprisons.ie/prisoner-services/reintegration/>.

<sup>38</sup> Annual Report of the Interagency Group for a Fairer and Safer Ireland, [http://www.justice.ie/en/JELR/Annual\\_Report\\_of\\_the\\_Interagency\\_Group\\_for\\_a\\_Fairer\\_and\\_Safer\\_Ireland\\_2018.pdf/Files/Annual\\_Report\\_of\\_the\\_Interagency\\_Group\\_for\\_a\\_Fairer\\_and\\_Safer\\_Ireland\\_2018.pdf](http://www.justice.ie/en/JELR/Annual_Report_of_the_Interagency_Group_for_a_Fairer_and_Safer_Ireland_2018.pdf/Files/Annual_Report_of_the_Interagency_Group_for_a_Fairer_and_Safer_Ireland_2018.pdf)

- All prisoners shall have the benefit of arrangements designed to assist them in returning to free society after release (Rule 33.3);
- As soon as possible after such admission, reports shall be drawn up for sentenced prisoners about their personal situations, the proposed sentence plans for each of them and the strategy for preparation for their release (Rule 103.2);
- Sentenced prisoners shall be encouraged to participate in drawing up their individual sentence plans (Rule 103.3);
- Such plans shall as far as is practicable include: (a) work; (b) education; (c) other activities; and (d) preparation for release (Rule 103.4);
- Sentenced prisoners shall be assisted in good time prior to release by procedures and special programmes enabling them to make the transition from life in prison to a law-abiding life in the community (Rule 107.1);
- Prison authorities shall work closely with services and agencies that supervise and assist released prisoners to enable all sentenced prisoners to re-establish themselves in the community, in particular with regard to family life and employment (Rule 107.4); and
- Representatives of such social services or agencies shall be afforded all necessary access to the prison and to prisoners to allow them to assist with preparations for release and the planning of after-care programmes (Rule 107.5).

### 6.1.2 Environment

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

In follow up information the Inspection Team were informed that all sentenced prisoners who are eligible for ISM, and agree to take part, are initially assessed during what is known as a “first contact assessment.” This is a 20-minute interview which attempts to determine issues that the prisoner may have difficulties with, for example addiction, understanding offending behaviour and homelessness. The assessment then creates referrals for the various support agencies.

The FCA (First Contact Assessment) covers a number of areas including but not limited to sentence information; disabilities; social care needs; pre-prison living conditions; accommodation assistance needs; benefits and finance as well as child care and family resettlement needs. This is followed on by inviting a prisoner to take part in therapy or educational course work.

There are two ISM officers appointed to Cloverhill Prison. One ISM officer is on long term sick leave and the other ISM officer was on certified sick leave at the time of the inspection. As a result, the Inspection Team did not speak directly with any ISM officer. However, the Inspection Team did speak with the Industrial Manager who oversees ISM in Cloverhill Prison.

The Industrial Manager stated that the ISM programme is a problem because of the small amount of settled prisoners there are in Cloverhill Prison. This means that the ISM is used for new committals to help prisoners understand what prison is like, how to behave, the rules, information and what services are available. If a prisoner needs accommodation, the ISM officer will liaise with accommodation services. The Industrial Manager informed the Team that a great deal of prisoners need addiction counsellors and the ISM is used to liaise between the services and prisoners.

### 6.1.3 Outcomes

As required by the European Prison Rules, the Mandela Rules and the Irish Prison Rules (Section 6.1.1), there is an obligation on the Irish Prison Service and on Cloverhill Prison to ensure prisoners are prepared to re-integrate into society upon their release. The Inspection Team determined that, at present, Cloverhill Prison is not fulfilling this obligation.

The absence of ISM officers over the course of the inspection indicates that on those days this service was not available in the prison. The ISM officer post is placed low on the Regime Management Plan for the prison, despite the value it has for prisoners' rehabilitation and release. Senior Management acknowledged that the redeployment of ISM officers is an ongoing occurrence. The Inspectorate would welcome more priority be given to Integrated Sentence Management services in Cloverhill Prison.

The Inspection Team spoke with a number of prisoners who raised concerns about release, with one prisoner engaged in a number of courses, including Red Cross and the Leaving Certificate to give him a better chance when he finished his sentence. The prisoner explained to the Inspection Team that he had been staying in a hostel at the time of his committal and was concerned about his housing arrangements upon release. He told the team that he "didn't want a black bag at the gate." Another prisoner who was due for release in June of this year explained that no one had come to check on what he needs to be ready for release.

### 6.1.4 Recommendations

**Recommendation 22:** In line with the Mandela Rules and the European Prison Rules, the Irish Prison Service should strengthen, operationalise and broadly apply the Integrated Sentence Management process so that **all** prisoners are actively engaged and contributing to their sentence and re-integration plan.

## 7 RECOMMENDATIONS & IPS ACTION PLAN

No.	Recommendation	IPS Response	Action Required	Action Owner	Timeline
CHCT1	In line with Rule 54 of the Nelson Mandela Rules, the Irish Prison Service must ensure that written and oral information is provided to prisoners, in a form they can understand, upon entering quarantine and on an ongoing basis over the course of quarantine.	<p><b>Accepted</b> The Irish Prison Service provides a comprehensive Prisoner Information Book to all new committals to prison. The Book is printed in several languages and gives basic information about regimes and services within prisons.</p> <p>A bespoke booklet titled "Covid-19 – Living in Cell" was developed by the Red Cross Volunteers to provide detailed information to prisoners on isolation/quarantine and gives specific information on the Covid-19 testing process.</p>	<p>The Irish Prison Service will continue to review the information for new committals on an ongoing basis.</p> <p>Prison management will ensure that this booklet is given to all new committals</p>	<p>Corporate Services; Prison Management</p> <p>Prison management</p>	<p>In place and will be reviewed an augmented on an ongoing basis</p>
CHCT2	In line with Section 42 of the Public Sector Duty, the Irish Prison Service must ensure that Foreign National Prisoners have equal access to the provision of information.	<p><b>Accepted</b> The Irish Prison Service provides a comprehensive Prisoner Information Book to all new committals to prison. The Book is printed in several languages and gives basic information about regimes and services within prisons.</p> <p>A bespoke booklet titled "Covid-19 – Living in Cell" was developed by the Red Cross Volunteers to provide detailed information to prisoners on isolation/quarantine and gives specific information on the Covid-19 testing process. This information booklet has been translated into several languages.</p> <p>Prisoner Information Newsletters have been issued over the past 13 months, translated into multiple languages</p> <p>In Cloverhill Prison, the Assistant Governor also gives an oral briefing to all committals to try and facilitate improved understanding of the committal process for all Prisoners.</p>	<p>The Irish Prison Service will continue to provide translations of information provided.</p> <p>All Governors will provide an oral briefing to new committals.</p>	<p>Care and Rehabilitation</p> <p>Prison Management</p>	<p>Effective immediately</p>
CHCT3	In line with the Nelson Mandela Rules, Rule 22 and European Prison Rules, Rule 22.4, the Inspectorate recommends that the scheduling around meal times be amended to ensure meals are served at reasonable intervals and at normal times: lunch (midday) and dinner (evening).	<p><b>Accepted</b> In 2019, the Irish Prison Service introduced a pilot alteration to the schedule of meal times in Castlerea and Mountjoy Prison (Progression Unit). The purpose was to examine the impact of providing the main daily meal in the evening. The results of the pilot were positive and the IPS decided, in 2019, to roll out this meal schedule to all prisons.</p> <p>However, the roll out of this initiative has been prevented due to industrial relations issues.</p> <p>The current prison day is structured in prisons to take account of the need to open cells on a landing basis due to Level 5 restriction. Prisoners are released from cells to collect meals at the servery on a rotational/landing basis to prevent the mixing of larger group of people.</p> <p>The return to divisional unlock, following the lowering of the restriction level, will result in a return to more normal meal time schedule.</p>	<p>The Irish Prison Service will continue to engage with the staff representative association with regard to the alteration of the existing prisoner meal schedule</p> <p>The Irish Prison Service will reintroduce divisional unlock when Level 5 restrictions are eased.</p>	<p>Care and Rehabilitation</p> <p>Prison management</p>	<p>Ongoing</p> <p>Ongoing</p>

<p><b>CHCT4</b></p>	<p>Videolink court access cannot be a long-term substitute for a prisoner's right to attend court. In line with Article 6 of the European Convention on Human Rights, all measures must be taken to ensure that a prisoner can effectively participate in remote court hearings.</p>	<p><b>Part Accepted</b>  The <i>Civil Law and Criminal Law (Miscellaneous Provisions) Act 2020</i> allows for certain type of court hearings to be heard by video link. This includes arraignments, returns for trial, sentencing hearings and certain hearings in relation to surrender proceedings for extradition.</p> <p>While video link is not the default, the Act gives this authority to the Courts allowing them to make certain proceeding of their choosing by default. This authority is vested firstly in the Presidents of the Courts and subsequently in the Judges themselves.</p> <p>The Irish Prison Service and the Courts Service are working to increase the capacity of video link.</p> <p>Infection control measures introduced during Covid-19 have resulted in the widespread use of video link for Court appearances. Approximately 60% of Court appearances are now taking place via video link.</p> <p>The use of video link will allow the Service to redirect vital resources into the provision of prisoner services.</p>	<p>The Irish Prison Service will continue to engage with Court Services as necessary.</p> <p>The Irish Prison Service will continue to explore the use of video link for the provision of other services such as Probation interviews, prisoner case conferences, education and remote learning.</p>	<p>Operations</p>	<p>Reviewed on an ongoing basis</p>
<p><b>CHCT5</b></p>	<p>The Irish Prison Service must ensure that all sanitary facilities in multi-occupancy cells are fully partitioned and that multiple-occupancy cells meet, at least, the minimum CPT cell size requirements.</p>	<p><b>Accepted</b>  All cells in Cloverhill Prison (except Special Observations Cells) have in cell sanitation. Modesty screens are in place for privacy.</p> <p>Since 2017 the Irish prison system has seen an increase in the number of prisoners held on remand. The average number held on remand in 2017 was 584. This has increased to 677 in 2018 and in 2019 saw a further 4.5% increase to 707.</p> <p>As the State's only remand facility at Cloverhill Prison has a bed capacity of 431, this requires remand prisoners to be spread across the prison estate.</p> <p>A further recent feature of remand prisoners is the increasing seriousness of the criminal charges they face. Many of these remand prisoners are required to be detained for much longer periods than was previously the case for remand prisoners, with increasing numbers of them requiring imprisonment at higher levels of security.</p> <p>Reducing the occupancy level of triple occupancy cells in Cloverhill Prison would result in the bed capacity of that prison being reduced by up to 100 and would require more prisoners to be dispersed across the prison estate leading to additional pressure being put on prisoner accommodation in those locations and an increase in the number of remand prisoners being accommodated with the sentenced cohort.</p>	<p>The ability to reduce the capacity of existing cells in Cloverhill is dependent on the construction of an additional remand facility or additional accommodation. This will be considered in the next Irish Prison Service Capital Strategy.</p>	<p>Finances &amp; Estates Directorate; Department of Justice</p>	<p>End 2022</p>

CHCT6	In line with Rule 22 of the Irish Prisons Rules 2007- 2020 requires that, prisoners be issued with bedding that is adequate for warmth and health. In accordance with this Rule, the Inspectorate recommends a full inspection of all mattress and pillows be conducted.	<p><b>Accepted</b> Cloverhill Prison has commenced a quality audit of all mattresses and pillows.</p>		Prison Management	May 2021
CHCT7	With concern for the increase in the prison population in recent months, the Inspectorate recommends that the Irish Prison Service engages with the Department of Justice to maximise all opportunities available for reducing the prison population. The reduction in prison numbers would reduce the number of people cell-sharing, minimise the risk of COVID-19 transmission, and enable prisoners to practice social distancing.	<p><b>Part accepted</b> Cloverhill is a remand prison, resulting in limited control over prisoner numbers.</p> <p>In March 2020 the Irish Prison Service took decisive action to reduce the prison population to ensure effective infection control measures.</p> <p>The Irish Prison Service has continued to maintain the prison population at or below 3,800 to ensure safe custody. The IPS has completed an assessment of the prison estate to determine a “Covid-19 Capacity” to ensure appropriate infection control measures.</p> <p>The IPS has engaged with the Department of Justice to examine potential solutions to manage the prison population in a way that ensures effective infection control measures.</p> <p>In addition, the Criminal Justice Efficiencies Group has tasked data analysts from across the sector with examining the potential impacts on prison numbers over the next 12 months.</p>	<p>In consultation with the Department of Justice the IPS will introduce a new Covid-19 Capacity in all prisons.</p> <p>The IPS will continue to review the Prison Population Management Plan and will introduce new measures to address prison overcrowding as necessary.</p> <p>Data analysis on the impact of increased committals to be completed.</p>	<p>Operations Directorate</p> <p>Operations Directorate</p> <p>Criminal Justice Efficiencies committee</p>	<p>May 2021</p> <p>Ongoing</p>
CHCT8	In line with practice in the general community, and with the Principle of Equivalence, the IPS should ensure that people in prison are provided with written information about their test results.	<p><b>Not accepted</b> The Irish Prison Service has worked closely with the HSE/Public Health on the management of Covid-19 outbreaks in prisons. The completion of mass testing of all prisoners and staff is a huge logistical operation and this is completed twice per outbreak.</p> <p>People in the community are provided with test results via text message, which is not available to people in custody. The implementation of this recommendation would require the manual provision of individualised letters which is not currently feasible from IT and resource perspective.</p>			Not accepted
CHCT9	The Inspectorate recommends that the Irish Prison Service continues its ongoing efforts to advocate for the prioritisation of COVID-19 vaccinations for people living and working in prisons.	<p><b>Accepted</b> The IPS continues to engage with the relevant Departments and agencies with regard to access to the Covid-19 vaccine in line with the grouping published by the Government</p>	The IPS will continue to engage with the appropriate agencies with regard to access to the Covid-19 vaccination.	Care and Rehabilitation	Ongoing

CHCT10	<p>The Inspectorate reiterates the requirement for appropriate care and treatment for persons who are detained in Cloverhill Prison who require mental health care and treatment in an appropriate therapeutic environment. The Inspectorate welcomes the recent establishment of the High Level Taskforce to Consider the Mental Health and Addiction Challenges of Persons Interacting with the Criminal Justice System.</p>	<p><b>Accepted</b>  The IPS Headquarters engages on a continuing basis with the prison and the Central Mental Hospital /HSE so that prisoners receive appropriate care and admission as required. The IPS is represented on the recently established Interdepartmental Task Force on Mental Health in Prisons and will support its work.</p> <p>The IPS Psychology Service provide mental health care via a stepped / layered model of care in Cloverhill Prison. It is intended to run a meta-cognitive training (MCT) group on D2 to support the needs of this group of people with significant mental health needs.</p>	<p>IPS continues to engage with the prison and Central Mental Hospital and participate actively on the Task Force</p>	<p>Care &amp; Rehabilitation</p>	<p>Q3 2021</p>
CHCT11	<p>The Inspectorate welcomes measures such as the introduction of video calls and in-cell phone provision to facilitate family contact. These measures should be maintained as forms of family contact beyond the COVID-19 pandemic, but should not replace in-person family visits.</p>	<p><b>Accepted:</b>  In-person family visits have been temporarily suspended as a result of Level 5 Covid-19 restrictions.</p> <p>The Service will re-introduce physical family visits in line with the guidelines issued by the Government and the National Public Emergency Team.</p> <p>The IPS intends to retain the use of video visits post Covid-19 as an additional form of family visit. There are no plans for phone and video calls to replace in-person family visits.</p>	<p>To be reviewed as Covid-19 restrictions ease.</p>	<p>Operations; NICT</p>	<p>Ongoing</p>
CHCT12	<p>In line with Article 8 of the European Convention on Human Rights, the Inspectorate recommends that all postal communications are collected and delivered to prisoners in a timely manner by prioritising the censor's office in the daily Regime Management Plan.</p>	<p><b>Accepted</b>  The Governor has resolved the postal delays in Cloverhill Prison and has verified this resolution with the Inspector.</p>	<p>The Irish Prison Service is piloting the use of eCorrespondence for prisoner communications in Mountjoy Prison and Midlands Prison. If successful, consideration will be given to rolling out fully to other locations across the estate, which will allow for a more timely distribution of correspondence.</p>	<p>ICT/ Prison Management</p>	<p>End Q4 2021</p>

CHCT13	In line with the European Prison Rules Rule 19.4, prisoners in quarantine/ isolation must be permitted to shower, if not daily, at least two times in a seven day period.	<p><b>Part Accepted</b></p> <p>Cloverhill Prison's isolation/quarantine cells are not equipped with showers and, due to current Infection control restrictions, showering while in quarantine is not feasible due to the high risk it poses to prisoners and staff. The cells do however facilitate in cell sanitation.</p> <p>All prisoners confined to their cell for the purpose of quarantine have access to hot water and soap to maintain adequate hygiene.</p> <p>This is in line with the <i>European Committee for the Prevention of Torture (CPT), Statement of Principles relating to the treatment of persons deprived of their liberty in the context of the Coronavirus disease.</i></p> <p>The Irish Prison Service continues to review infection control measures on a weekly basis and any change to infection control measures is made in line with the Government decisions on the easing of restrictions, and in consultation with Public Health.</p>	The provision of showers during the quarantine period is under active consideration in light of reducing levels of community transmission.	Care and Rehabilitation; Human Resources	Ongoing
CHCT14	Prisoners in quarantine/isolation must be provided with a daily change of clothing and a weekly change of bedding.	<p><b>Part accepted</b></p> <p>It is not possible to provide laundered clothing to prisoners on a daily basis due to the capacity of the Cloverhill Prison laundry. Additional funding will be made available to Cloverhill Prison to facilitate provision of additional clothing to Prisoners.</p> <p>Prisoners in quarantine are already provided with a weekly change of bedding as recommended.</p>	Prison management and Care and Rehabilitation are actively monitoring this recommendation.	Care and Rehabilitation	Ongoing
CHCT15	Two hours of meaningful human contact (as defined in section 5.3) must be facilitated each day for people in quarantine/ isolation.	<p><b>Not accepted</b></p> <p>A critical infection control measure introduced by the Irish Prison Service has been the segregation of new committals from the general population for the purposes of quarantine.</p> <p>Prisoners in quarantine have restricted out of cell time, in accordance with Rule 32A of SI 250/2020 Prison Rules 2020.</p> <p>So far 54 prisoners, committed to custody from the community, have tested positive with Covid-19. There have been no prison based Covid-19 outbreaks, as a result of a new committal, due to the infection control measures introduced.</p> <p>All new prisoners are tested on day 1, with a 2<sup>nd</sup> test completed on day 7. If negative, and not symptomatic, prisoners exit quarantine after 8 days. The majority of quarantine prisoners have not required 14 days isolation.</p> <p>Prisoners in quarantine/isolation are managed in line with IPS national protocols developed by the Emergency Response Planning Team.</p> <p>Prisoners in quarantine in Cloverhill Prisons generally have at least one cellmate.</p> <p>Prisoners in quarantine/isolation have their door opened on a minimum of 2 occasions per day and are visited by the class officer, the Governor, medical staff, Chaplains.</p> <p>Restrictions on physical contact are necessary for infection control measures.</p>			Not accepted

CHCT16	Prisoners in quarantine/isolation must have at least one hour in the open air each day.	<p><b>Not accepted</b></p> <p>Due to the volume of committals into Cloverhill Prison and the current quarantine/isolation requirements, only 30 minutes of daily open air is achievable.</p> <p>Prisoners in quarantine have restricted out of cell time, in accordance with Rule 32A of SI 250/2020 Prison Rules 2020.</p>	To be reviewed as Covid-19 restrictions ease.	Prison management	
CHCT17	Measures must be taken to mitigate the detrimental effects of isolation or quarantine, including psychological support during and after quarantine/isolation in order to assist prisoners in coping with the impact of COVID-19 and subsequently imposed restrictive measures.	<p><b>Accepted</b></p> <p>A Covid outbreak-specific mental health protocol has been developed by the IPS Psychology Service. The approach incorporates a three-tiered layered care model which includes preventative, enhanced and acute mental health care interventions. This includes the use of iPads to proactively engage people on significantly restrictive measures, where required. The use of iPads will be piloted by the Cloverhill Psychology Service in the coming 7-10 days.</p>	The use of tablet computers for video link with psychology to be trialled in Cloverhill and rolled out across the estate if successful.	Care and Rehabilitation; Psychology Service	End June 2021
CHCT18	To meet the education needs of prisoners (European Prison Rule 28.1), which include facilitating more substantive engagement with education (and other services), the Irish Prison Service should make digital tablets available for prisoner use. These digital tablets could be pre-loaded with education materials.	<p><b>Recommendation is under review</b></p> <p>The Irish Prison Service is developing an in-cell learning strategy to enhance learning from prison cells.</p> <p>A new prisoner TV Channel has been developed and is being rolled out across the estate. This allows for the broadcasting of local and national information and for the provision of educational material.</p> <p>CDETb have developed a substantial quantity of audio-visual course materials to be viewed on the TV channel and will provide accompanying supporting hard copy documentation to facilitate blended learning.</p>	<p>An in-cell technology plan is being developed to enhance learning capacities for prisoners and increase information and learning for those confined to cell.</p> <p>Care and Rehabilitation Directorate are examining technology solutions to allow prisoners to access educational materials on the education network from within cells.</p>	Care and Rehabilitation	Q4 2021  Q2 2021
CHCT19	In line with Rule 110 of the Irish Prison Rules, Cloverhill Prison should consider how library services might be improved to encourage participation. Given the increased time that people are now required to remain in their cells, there is additional need to ensure people are able to avail of library services.	<p><b>Accepted</b></p> <p>Prison management are engaging with the library services with a view to enhancing service provision.</p>		Prison management	End Q2 2021

CHCT20	In line with the requirement to ensure “meaningful human contact”, the Inspectorate recommends that Cloverhill Prison develops and implements measures designed to mitigate the impact of restrictions imposed on prisoner exercise and interactions by Rule 32A of the Irish Prison Rules; this should be done in consultation with prisoners and staff working in the prison.	<p><b>Not Accepted</b></p> <p>Similar to the community the Covid-19 infection control measures have resulted in restricted prisoner movements. The IPS accepts that the introduction of enhanced infection control measures has impacted on the regime offered to prisoners on a daily basis and has resulted in reduced out of cell time in many areas.</p> <p>This is a regrettable consequence of the implementation of measures aimed at protecting the health and safety of prisoners.</p> <p>Efforts are already made to ensure that prisoners receive maximum out of cell time whilst restricting contact amongst prisoners.</p> <p>Due to Level 5 restrictions all prisoners are unlocked by landing from cells. This results in prisoners being unlocked on a rotational basis.</p> <p>In order to facilitate exercise some prisoners are unlocked on the reserve period which is shorter than other periods.</p> <p>Unlock on the reserve period is rotated amongst landings resulting in a fair distribution of out of cell time amongst groupings.</p> <p>The return to divisional unlock with the easing of restrictions will result in a return to more normal unlock periods.</p> <p>The current average out of cell time for non-restricted regime prisoners in Cloverhill is 4 hours per day.</p>	<p>Prison management will continue to maximise out of cell time for all prisoners</p> <p>Prison management will reintroduce divisional unlock when it is deemed safe to do.</p>	Prison management	Not accepted
CHCT21	The Inspectorate recommends that efforts be made to include green spaces in and around the yards.	<p><b>Accepted</b></p> <p>Consideration will be given to enhancing the aesthetics of the prison yards.</p>		Prison Management; Finance & Estates Directorate	End 2021
CHCT22	In line with the Mandela Rules and the European Prison Rules, the Irish Prison Service should strengthen, operationalise and broadly apply the Integrated Sentence Management process so that all prisoners are actively engaged and contributing to their sentence and re-integration plan.	<p><b>Accepted:</b></p> <p>To further support the development of the ISM function in all prisons a new centralised recording database for ISM interviews and prisoner multi-disciplinary sentence management plans is currently at the user acceptance testing phase of implementation.</p> <p>This database will provide the resources necessary to improve oversight and reporting in relation to the ISM function at Cloverhill.</p> <p>A Resettlement Service is provided to sentenced prisoners at Cloverhill Prison by IASIO who assist with applications for housing, welfare and medical cards in preparation for release.</p>	Database in testing phase.	Care and Rehabilitation/ Human Resources	End Q2 2021
CHREQ 1	The Inspector of Prisons requests to be provided with information on the direction given to Cloverhill Prison by the Irish Prison Service to implement S.I. 250 - Prison (Amendment) Rules 2020 - Rule 36A of the Irish Prison Rules.	<p><b>Under review</b></p>			

<b>CHREQ 2</b>	The Inspector of Prisons requests to be provided with information on the direction given to Cloverhill Prison by the Irish Prison Service to implement S.I. 250 - Prison (Amendment) Rules 2020 - Rule 32A of the Irish Prison Rules.	<b>Under review</b>			
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