



# Prisoners tell how they experience inspections and the complaints system

## What this study shows

This document shares some of the findings of a study which took place in three Irish prisons.

The study recommends:

- prisoners be made more aware of the inspection and complaint system
- action be taken to improve prisoners' trust in the monitoring and complaints system
- prisoners are given easier access to the complaints system and to the Inspector of Prisons.





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### About this research

In 2018 and 2019, researcher Sophie van der Valk carried out research on inspection and complaints in three Irish prisons. Ms van der Valk wanted to:

- learn how prisoners experienced inspection by outside groups
- examine the complaints system to see how it worked
- find out what prisoners thought about the inspection and complaints system.

Recommendations were drawn up based on what prisoners told the researcher.

We will share this research and its recommendations with the Irish Prison Service, the Visiting Committees, the Inspector of Prisons and others to highlight prisoners' concerns.

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## Introduction

Because prisons are behind walls, it can be hard to learn about and address the concerns of people in prison. ‘Oversight’ groups inspect and keep a watchful eye on organisations or institutions. Oversight groups for prisons are important because they bring the concerns of people in custody outside the prison walls. This document highlights the key findings of research carried out with over 500 prisoners in Ireland about prison oversight inspections.

### Research Location

Research took place in three prisons. They were chosen based on their location and security ranking in the Irish prison system.

### Methods we used in this study

We used different ways to find out how prisoners experienced inspection and the complaints system.



The researcher used:

- surveys
- interviews.

The researcher chose interview and survey participants at random. This allowed her to learn about different experiences. If anyone chosen had difficulties reading or writing, the researcher offered to help them do the survey. The survey focused most on:

- if prisoners knew about the variety of ‘oversight’ organisations involved in Irish prisons
- what did they thought about these groups (if they knew about them).

Across the three prisons:

- 45 prisoners were interviewed
- 509 prisoners completed the survey.

### Oversight in Irish prisons

The research looked at the different types of oversight organisations in Ireland:

1. Inspector of Prisons
2. Visiting Committees
3. European Committee for the Prevention of Torture
4. Complaints mechanism
5. Courts.

This section explains more about how these oversight organisations and systems work. (5 in all)

## 1. Inspector of Prisons (IoP)



Ireland has had an Inspector of Prisons since 2007. The Inspector of Prisons is separate to the prison service. The role of the Inspector is to visit every prison in Ireland and write reports on any human rights problems with:

- physical conditions
- healthcare
- complaints.

The Inspector can enter any prison at any time and access all areas. Although the Inspector's recommendations are not law, they sometimes lead to positive changes in prison policy. Reports are made public and can be read by anyone interested.

### You can send private letters to the Inspector

By law, you can write to the Inspector in confidence under Rule 44 of the Prison Rules 2007. These letters **cannot** be read by the prison service by law and should be posted for you without delay.

The Inspector is **not responsible** for individual complaints. That said, they can check how the system is operating or if there are issues that happen over and over again in the prison.

## 2. Visiting Committees (VC)



There is a Visiting Committee responsible for each prison in Ireland. There are between 6 and 12 members on each committee.

Members of the Visiting Committees are from the general public. They are appointed by the Minister for Justice and Equality. Their role is to carry out inspections and write a report for the Minister on the prison they visit.

Prisoners can also ask to meet the Visiting Committee to make a complaint. The Visiting Committee can investigate this complaint and then give its findings to the Governor of the relevant prison. The Governor makes the final decision about whether or not the complaint is valid.

## 3. European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT)



The CPT visits places of detention, including prisons across Europe to examine:

- how prisoners are treated
- prison conditions.

The CPT works in Europe to prevent torture and inhumane or degrading:

- treatment
- punishment.

All of the 47 countries in Europe allow the CPT to inspect their prisons. The CPT can visit any part of any prison, at any time across all of Europe. When members of the CPT visit a prison, they:

- review records
- interview prisoners
- may talk to anyone in the prison.

Prisoners can write to them in confidence under Rule 44, Prison Rules 2007.

After each visit, the CPT sends a detailed report to the relevant government. The government responds to this report with:

- more information
- a plan showing how it will address the CPT's recommendations.

The CPT visits a number of prisons in each European country every four years. The CPT then writes a report on the visit. Some countries receive extra visits as well.

Ireland signed the treaty to allow the CPT to visit its prisons (and other places of detention) in 1988. The CPT carried out its first visit to Ireland in October 1993, and since then has visited Ireland six more times. In fact, the CPT visited Ireland as recently as September 2019.

## 4. Complaints system



Since the 2007 Prison Rules 2007, all prisons must have a system in place to allow prisoners to make complaints. The Irish Prison Service (IPS) created a policy in 2014 that outlined 6 categories of complaints.

### **Complaint categories**

The category of a complaint depends on the seriousness and nature of the complaint. Complaints are ranked from Category A to Category F. Category A complaints are the most serious types of complaints. Depending on the category of complaint, it is investigated by prison officials ranging from prison officers to the Governor level.

Prisons have a certain amount of time to handle each complaint. They should respond to the person making the complaint within this time. If prisoners are unhappy with the response to their complaint, they cannot appeal to any external group.

## **Independent investigators may handle the most serious complaints.**

Independent investigators can be brought in for Category A complaints. They investigate the complaint and write a report which they give to the Governor. However, the Governor of the prison makes the final decision. If it is a complaint against the Governor, the decision is made by the Director General (head of the Irish Prison Service).

## **Complaints system reform is being discussed**

Reforms of the system are being discussed. For example, there are discussions about having just two categories of complaints. Category A would stay as it is, and all other complaints would be called Category B complaints.

There are also discussions about introducing an independent appeals body to deal with prisoner complaints.

As of March 2020, it is likely that the Office of the Ombudsman will become part of the prisoner complaint system. The Ombudsman would review decisions from the complaint system or deal with complaints which have not received a response for a long time.

## **5. The courts and prison conditions**



The Irish courts have made a number of judgments on issues about Irish prisons. This study focused on court decisions about prison conditions.

The courts have said that prisoners should have access to the courts and that prisoners keep their rights while in custody. Rights which the court have considered are the right to vote, the right to privacy and the right to communication with family. However, accessing the courts can take a long time and it can be hard to navigate and very costly.

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# 1 Results of the study: inspection and oversight organisations

## What do prisoners think of inspection and oversight organisations in Irish prisons?

This section includes prisoners' views and feedback on the three oversight organisations:

- Inspector of Prisons
- Visiting Committees
- European Committee for the Prevention of Torture.

Prisoners said it was valuable to:

- have inspections
- open up the prison to be examined by outside organisations.

One person in prison who took part in the study said:



'I suppose all prisons have to be inspected, all places do. You know workplaces have to be inspected to be safe. Prisons have to be inspected for people. Some people are vulnerable. Some people have disabilities. Some people are dyslexic, they can't read and write. And when people are vulnerable other people will take advantage, especially in prison.'

**Participant 4**

### Many prisoners did not know about oversight organisations

#### Visiting Committees

For every 10 prisoners:

- seven had heard of the Visiting Committees.
- only two had contacted the Visiting Committees.
- only three had met the Visiting Committee.

#### Inspector of Prisons

For every 10 prisoners:

- five had heard of the Inspector of Prisons.
- fewer than one (7 out of every 100) had contacted the Inspector of Prisons.
- one had met the Inspector of Prisons.

#### Committee for the Prevention of Torture

For every 10 prisoners:

- only a quarter had heard of the Committee for the Prevention of Torture
- fewer than one (2 out of every 100) had contacted the Committee for the Prevention of Torture
- fewer than one (2 out of every 100) had met the Committee for the Prevention of Torture.

## Prisoners' lack of knowledge of 'who is who' in prison

Another issue was knowing 'who is who' in the prison. A lot of different external bodies enter the prison every day, and it is not always obvious to prisoners who they are. This is highlighted by the following prisoner who took part in the research.



'...if we see them we might not know it's them you know. That's the thing. 'Cos so many things happen like – people have probation officers ... ISM [integrated sentence management] ... But there's too many different things here...'

**Participant 25**

## Lack of access to prisoners

It was also difficult for prisoners to recognise what external group people were in. Some felt prisoners were not given an opportunity to approach or engage with members of the external groups. Others felt that the inspection bodies were not able or were not allowed to move freely through the prison; or were only shown the 'nicer' areas.



'... they don't come around announcing that the Inspector is in the prison or anything looking in, or the Visiting Committee or anything like that you know. If they are in, they do lock you bleeding up.'

**Participant 11**



'They are brought to one side of the prison, "oh this is this", "oh we have the jail over here, we have this now, do what you need to do, good luck". That's the system.'

**Participant 13**

## Conclusion about inspection of prisons

The prisoners' views should play an important role in understanding this environment and its conditions. It is concerning that a significant number of prisoners do not:

- know that there is an Inspector of Prisons
- have the opportunity to engage with external groups.

When prisoners cannot interact with inspection bodies it can be difficult for these bodies to:

- identify issues in prisons
- protect the rights of those in custody.

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## 2 Results of the study: complaints

### What do prisoners think of the complaints system in Irish prisons?

Eight out of every 10 prisoners knew about the complaint system. This is much more than knew about inspection bodies. However, those who took part in the survey had significant issues about the existing complaint system in Irish prisons.

### Using the complaint system

More than 1 in 5 prisoners had at some stage during their sentence used the complaint system.

### Views of the complaint system

It was concerning that most prisoners had negative views about the complaint system.

Those who had experience of using the system had the most negative views.

### Barriers to using the system

Significant barriers exist for those who wish to complain in prison.

**Different treatment:** Some of those who took part in the study were concerned that if they put in a complaint, they would then get different treatment from staff.



'A load of bollox. You put your complaint in, and you are just going to get a warning is all and hassle off the officers and nothing else, I think.'

**Participant 11**

**Informal methods:** Prisoners also said staff would encourage them to withdraw complaints; or staff would seek informal resolution of (fixes for) a complaint by speaking directly to those who wished to complain.

**Literacy difficulties:** This was another barrier mentioned by participants. Some prisoners did not feel comfortable about expressing their complaint in the right terms and getting their point across.

**Lack of trust:** Trust in the existing system was quite low. As one survey respondent wrote on his response: '[Y]ou are better off talking to a f\*\*\*\*\* wall'.

**Delays:** A 2016 report by the Inspector of Prisons (2016) said there were significant delays in responding to complaints in the Irish prison system.

Prisoners raised this point during interviews. A large portion of Irish prisoners serve short sentences. This can act as a significant barrier in submitting complaints because it can seem pointless.

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## 3 Results of the study: the courts

### How do prisoners feel about the court system in relation to prisons?

Few prisoners interviewed had personal experience of suing the prison service, but they said they would if necessary.

#### Accessing the courts

There were barriers to accessing the courts. These included concerns about reprisals (retaliation or revenge) while still in prison, particularly in the case of those serving life sentences.



'You can sue them all you want to and you will get a 100 pound or a million or whatever, but at the end of the day you are...you still belong to them and they will, if they have to, they will get their own back on you and you will get nothing off them.'

**Participant 12**

#### Impact of court decisions

However, the impact of a court decision was seen as having weight because it meant the Prison Service would want to avoid similar cases.



'I'd imagine the prison would be more careful you know in relation to that the next time because they wouldn't want someone else claiming again, you know what I mean, stuff like that a bit you know.'

**Participant 9**

Despite this, most people who took part in the study were unclear about the overall impact of court cases on general conditions. While some saw the possibility of change, others felt there would only be a pay-out for the individual concerned.

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## Recommendations

The interviews and surveys show there are significant challenges when it comes to oversight in Irish prisons. The researcher identified the following recommendations for the Irish Prison Service (IPS) and the oversight bodies.

### Need to increase awareness about inspections

Prisoners need to be more aware of oversight groups and what they do. Those taking part in the study were often unfamiliar with the bodies or unclear about their exact role. It would help to tell prisoners and to give them regular reminders about these groups.

When first entering prison, people get a lot of information and may be in a state of shock. Information on inspection and complaints may not be their main concern. This means people in prison need to be told about oversight groups many times while they are in prison.

Some prisoners spoke about having to seek out information about what bodies were available. This could be a significant barrier for those who:

- already do not trust the system
- are unwilling to ask for information
- do not know where to ask for information.

### Need to promote trust and credibility

There is a low level of trust in inspection bodies and the complaint procedures in Ireland and this can be a barrier to making use of them. We need to make sure that prisoners see the complaints procedures and these bodies as being independent. This could be done by increasing the visibility of oversight bodies and their ability to move freely through the prison. It would also be important that communication between these groups is given priority.

### Improve access to the complaint system and the Inspector of Prisons

Prisoners highlighted the challenges to accessing the complaint system and engaging with the Inspector of Prisons. Literacy played a role as some felt they could not express themselves clearly when writing a complaint.

Literacy also played a role in engaging with inspection bodies. A complaint system should take into account the users of the system and include an option to orally submit complaints through a trusted person.

Some prisoners spoke about specific groups of prisoners being important in highlighting issues and seen as representatives for prisoners. In particular these were lifers and those who took part in Red Cross activities.

## Conclusion

Oversight bodies can play an important role in making sure to protect prisoners' rights. However, to do so it is important that these bodies have enough power and can engage with those they should protect.

As noted by one prisoner:

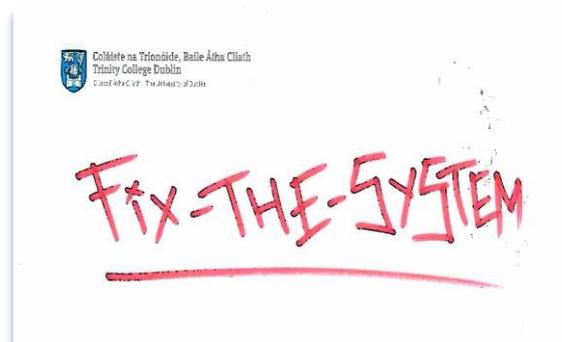


'I think (inspection) can make the prison system a lot better for prisoners ... and I think the morale in prison, ... would be a lot better with prisoners, ..... if they had that connection between the prisoners and the Inspector of Prisons like if there was that connection.'

**Participant 28**

Independent oversight such as inspection and complaints can keep prisons connected with the outside world and can help reduce the feeling of being forgotten about behind a high wall. However, to be effective in protecting those in custody it is key prisoners:

- know about their rights
- can communicate with the relevant groups.



Courtesy of an anonymous Irish prisoner



## Thank you!

I would like to thank everyone who took part in the research either through the interview or survey or more general, informal chats. I would also like to thank the staff members who made sure I was able to move around and reach the participants. This report is drawn from a research project called PRILA (Prisons: the rule of law; accountability; and rights) funded by the European Research Council (ERC) under the European Union's Horizon 2020 research and innovation programme under grant agreement No [679362].

This project is led by Professor Mary Rogan, Trinity College Dublin. PRILA explores ways to achieve accountability in prison systems, like Ombudspeople, inspectorates and court decisions on prison decisions and conditions. This research was carried out by Sophie van der Valk, Eva Aizpurua and Mary Rogan.

Contact: vandervs@tcd.ie, Sophie van der Valk, School of Law, Trinity College Dublin, College Green, Dublin 2, D02 PN40

<b>Other important contacts</b>	
<b>Office of the Inspector of Prisons</b>	
Address	24 Cecil Walk, Kenyon Street Nenagh, Co Tipperary E45 NN73
Email	info@oip.ie
<b>OR</b> Address	Harcourt Centre, Block 4, Harcourt Road, Dublin 2, D02 HW77
<b>Phone</b>	01-859 2702
<b>European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT)</b>	
Address	Council of Europe, Avenue de l'Europe F-67075 Strasbourg Cedex, France
Phone	+33 (0)3 88 41 20 00
<b>Law Society of Ireland</b>	
Address	Blackhall Place, Dublin 7 Tel: Email:
Phone	01 672 4800
Email for general enquiries	general@lawsociety.ie
Website	www.lawsociety.ie
<b>Free Legal Aid Centres</b>	
Address	13 Lower Dorset Street, Dublin 1
Phone	01 874 5690
<b>Visiting Committees</b>	
You can ask the Governor or a staff member, if you would like to meet the Visiting Committee	

