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National Treasury Management Agency

An Ghníomhaireacht Stáit um Éilimh
State Claims Agency

REVIEW OF

ASSAULTS ON OPERATIONAL PRISON STAFF BY PRISONERS

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ABBREVIATIONS

| | | | |
|--------------|---|--------------|---|
| ACO | Assistant Chief Officer | IRIS | Intranet Real-time Information System |
| AGS | An Garda Síochána | ISM | Integrated Sentence Management |
| AHCPS | Association of Higher Civil and Public Servants | ISMS | Integrated Sentence Management System |
| BWC | Body-Worn Camera | LPSO | Legal and Professional Services Office |
| CCTV | Closed-Circuit Television | NIMS | National Incident Management System |
| CEW | Conducted Energy Weapon | NIPS | Northern Ireland Prison Service |
| CICT | Criminal Injuries Compensation Tribunal | OC | Oleoresin Capsicum |
| CMH | Central Mental Hospital | OSG | Operational Support Group |
| CMOCS | Chief Medical Officer for the Civil Service | PAVA | Pelargonic Acid Vanillylamide |
| CPT | European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment | PCTS | Psychology Case Tracking System |
| DG | Director General | PEMS | Prisoner Education Management System |
| DSA | Delegated State Authority | PHMS | Prisoner Healthcare Management System |
| DTLs | Diminished Task Lines | PICLS | Psychiatric Inreach and Court Liaison Service |
| EMT | Executive Management Team | PIMS | Prisoner Information Management System |
| FPS | Finnish Prison System (Criminal Sanctions Agency) | POA | Prison Officers Association |
| HCCC | Higher Certificate in Custodial Care | PSEC | Prison Service Escort Corps |
| HETAC | Higher Education and Training Awards Council | RCA | Root Cause Analysis |
| HQ | Headquarters | RPO | Recruit Prison Officer |
| HSA | Health and Safety Authority | SCA | State Claims Agency |
| HSE | Health Service Executive | SOP | Standard Operating Procedure |
| HSU | High Support Unit | SPS | Scottish Prison Service |
| IOP | Inspector of Prisons | TLO | Training Liaison Officer |
| IPS | Irish Prison Service | VAEG | Video Audio Evidence Gathering |
| IPSC | Irish Prison Service College | VHA | Violence Harassment and Aggression |
| | | WTMS | Work Training Management System |

TERMS AND DEFINITIONS

Assault: is defined as an act which causes another person to apprehend the infliction of immediate unlawful force on their person.

Battery: is defined as being the actual infliction of unlawful force on another person.

Comorbidity: in medicine, comorbidity is the presence of one or more additional diseases or disorders co-occurring with (that is, concomitant or concurrent with) a primary disease or disorder; in the countable sense of the term, a comorbidity (plural comorbidities) is each additional disorder or disease. The additional disorder may be a behavioural or mental disorder.

Diminishing Task Lines: is the process whereby previously identified tasks are temporarily suspended. Staff assigned to these tasks and posts are then re-deployed to tasks and posts that have higher priority in order to maintain good order, safe and secure custody whilst maintaining as far as is reasonably practicable the relevant standards of staff safety and health.

Direct Physical Assault¹: where a prisoner intentionally applies force to or intentionally causes an impact to the body of an operational prison staff member.

Diversion Scheme: a policy of transferring the mentally ill away from the criminal justice system and into psychiatric care.

Dynamic Risk Assessment: the continuous process of identifying hazards, assessing risk, taking action to eliminate or reduce risk, monitoring and reviewing in the rapidly changing circumstances of an operational incident.

EuroPris: is a membership organisation, whose members comprise of national prison agencies across Europe to include the Irish Prison Service. It provides a supportive network which facilitates communication between national prison agencies and encourages collaboration and information sharing to address the many practical, unique and often difficult issues faced by such agencies.

Incapacitant Spray: a substance, in the form of a chemical spray, capable of temporarily incapacitating a person without wounding or killing them.

Incentivised Regime Policy: this policy provides for a differentiation of privileges between prisoners according to their level of engagement with services and quality of behaviour. The objective is to provide tangible incentives to prisoners to participate in structured activities and to reinforce incentives for good behaviour, leading to a safer and more secure environment.

Instruments of Restraint: are defined as external mechanical devices designed to restrict or immobilise the movement of a person's body, in whole or in part.

Root Cause Analysis: is a method of problem solving used for identifying the root causes of faults or problems.

Operational Staff: all staff that work within a prison to include all grades and management. Operational staff also includes those staff that work in the Prison Service Escort Service (PSEC) and Operational Support Group (OSG).

Personality Disorders: are a class of mental disorders characterised by enduring maladaptive patterns of behaviour, cognition, and inner experience, exhibited across many contexts and deviating markedly from those accepted by the individual's culture. These patterns develop early, are inflexible, and are associated with significant distress or disability.

Physical Intervention Incident¹: inadvertent or unintentional striking of an operational prison staff member that occurs in the course of a planned physical intervention or spontaneous physical intervention.

Planned physical intervention¹:

- ▶ Planned cell relocation¹: relates to a serious violent incident where a prisoners behaviour is threatening the good order and discipline of the prison and the Chief Officer (CO) in association with other prison staff have been unable to resolve the matter using normal de-escalation techniques. The Governor then authorises, through the CO, the deployment of a Control and Restraint Team to bring the incident under control.

¹ State Claims Agency's definition based on discussions with the IPS as part of the Review Project.

- ▶ **Riot intervention¹:** relates to a serious violent incident where a number of prisoners behaviour collectively is threatening the good order and discipline of the prison and the Chief Officer (CO) in association with other prison staff have been unable to resolve the matter using normal de-escalation techniques. The Governor then authorises, through the CO, the planning and deployment of Control and Restraint Teams to bring the incident under control.

Qualitative Interview: qualitative interviewing is based on conversation with the emphasis on researchers asking questions and listening, and respondents answering. Qualitative data is a categorical measurement expressed not in terms of numbers, but rather by means of a natural language description.

Quantitative Analysis: quantitative data is a numerical measurement expressed not by means of a natural language description, but rather in terms of numbers.

Risk: combination of the likelihood of an occurrence of a hazardous event or exposure(s) and the severity of injury or ill health that can be caused by the event or exposure(s).

Risk Assessment: the process of evaluating the risks arising from a hazard, taking into account the adequacy of any existing controls, and deciding whether or not the risks are acceptable.

Spontaneous physical intervention¹: relates to unexpected or unforeseen violent incidents (to staff or other prisoners) by a prisoner/s which immediately impacts the good order and discipline of the prison. Prison staff responds immediately using physical techniques including breakaway techniques in accordance with their control and restraint training etc. to bring the incident under control.

Survey Monkey: is an online tool which allows the user to create and publish online surveys and view results graphically and in real time. Survey Monkey provides an online questionnaire and survey software.

TASER: is a brand name (acronym for Thomas A. Swift Electric Rifle) CEW and is manufactured by TASER, International, Inc. in Scottsdale, AZ, USA.

Training Needs Analysis (TNA): is the process of identifying the gap between employee training and related training needs.

1.0 EXECUTIVE SUMMARY

The Irish Prison Service Mission is to provide “safe and secure custody, dignity of care and rehabilitation to prisoners for safer communities”. Operationally, ensuring the safety, health and wellbeing of staff is inextricably interwoven with securing prisoners and delivering on the Irish Prison Service’s Mission of safeguarding the citizens and the State.

In 2015, following a number of violent physical assaults on operational prison staff by prisoners, the State Claims Agency (SCA), in accordance with its statutory risk management mandate, carried out a “Review of Assaults on Operational Prison Staff by Prisoners”. The aim of this Review was to determine whether the recent assaults were unusual events or an indication of a new culture of violence in the prisons, particularly aimed at operational prison staff. The SCA also wished to determine the root cause of such incidents, to comment on the potential for future reoccurrence and to make recommendations for improvement.

The function and purpose of this Review is not intended to undermine the duties the IPS owes to prisoners under the various governing prison laws, regulations and rules. The emphasis of this Review is on prisons as workplaces and operational prison staff as employees. However ‘domesticated’ a prison is from a prisoner’s perspective, it still remains an occupational setting for prison staff and the Review was framed in that context.

Management welcomed and embraced the Review and, in the opinion of the writers, were open and honest in giving their views and opinions. Both staff and management understand that operational prison staff are the critical component in the successful management of prisoners and prisoners’ behaviours and that this is the key to managing the associated risk. The input by staff both during the interviews and the Operational Staff Survey, in the Review Group’s opinion, was open, honest and reasonable. There is genuine concern among staff for their safety and that of their colleagues but, interestingly, their views on possible risk controls were that a multifaceted approach was necessary i.e. not just to

focus on weapons and equipment for operational prison staff but also to address prisoner issues such as mental health, risk assessment, etc.

There is some evidence to suggest that the number of assaults is increasing but this evidence is not compelling. However, direct physical assaults on operational prison staff are an important and significant issue; almost 3 in every 100 operational prison staff were directly physically assaulted in 2015. Given that there were 17,206 committals to prison in 2015, the ratio of these assaults to the numbers of prisoners in the system is very low. The Review found that assaults are carried out by a relatively small number of prisoners with, in the main, challenging behaviours and/or mental health problems.

This Review demonstrated that the management of this risk needs to be approached at a number of levels and holistically. The hazards and risks associated with prisoner behaviours are complex, dynamic and often difficult to predict. The Review Group identified findings and recommendations grouped under four key themes, each with a number of sub-themes as set out below:

- ▶ **Operational Factors** to include the continuum of force, operational duties, use of weapons, instruments of restraint and self-defence and deterrent equipment;
- ▶ **Staff Factors** to include recruitment, orientation and integration of new personnel and training and information;
- ▶ **Prisoner Factors** to include risk assessment, health and wellbeing and deterrent measures;
- ▶ **Governance Factors** to include policies and procedures, incident reporting and investigation, audit and compliance and protocols with third parties i.e. An Garda Síochána, Healthcare Services etc.

In summary there are some very positive aspects to the findings of the Review. Of critical importance is the acceptance and acknowledgment by management and staff that lessons need to be learned and that good processes effectively implemented will lead to continuous improvement in the management of this risk.

There are many challenges ahead in order to improve the situation and hopefully implement the recommendations of this *Review*. The fact that management is both serious and genuine in its wish to address this risk, and is supported by staff that have a strategic and informed view of the complexity of the challenges involved, should be important factors in ensuring a successful or at least improved outcome in the future.

The Report contains an extensive list of recommendations supported by the findings of the *Review Group*. While completion of individual recommendations will take account of some elements of the risk, it will not fully address the multi-layered complexity of the assault risk as a whole. As such, the recommendations throughout the report are not to be seen as standalone solutions but as a holistic risk management process. If all recommendations are implemented effectively, it is hoped that this will not only reduce the number of assault incidents on operational prison staff but it will contribute to the overall performance of the day to day management of a prison.

2.0 REVIEW RECOMMENDATIONS

(A) Trend Analysis

1. It is recommended that a standardised approach to categorisation of incidents associated with all types of assaults including violence, harassment and aggression are agreed between all relevant stakeholders, particularly the Irish Prison Service and the State Claims Agency. The new definitions may require the NIMS to be upgraded so that these incidents can be captured appropriately.
2. A common culture of reporting of all assault incidents must be engendered across all of the Service. It is critical that over the next number of years that there is more confidence that a full data set is being gathered and a true picture of assaults is being presented.
3. A suite of reports should be developed by the State Claims Agency in consultation with the Irish Prison Service to allow for automated monitoring of key indicators in respect of assault related incidents and violence, harassment and aggression incidents at organisational and prison level.
4. It is recommended that after the introduction and bedding in of further mitigating controls recommended by this *Review* that another staff survey is completed to monitor and ascertain staff views on the success or otherwise of those controls. The State Claims Agency is available if required for this purpose.

Operational Factors

(B) Continuum of Force

1. The Irish Prison Service should consider reviewing the *Prison Rules, 2007* with a view to bringing them in line with *European Prison Rules, 2006*. This *Review* should consider:
 - i. What sort of force is allowed taking into account the continuum of force, with use of force being a last resort;
 - ii. In what circumstance can and should the various capabilities be deployed;

- iii. Whom and under whose authority can the various capabilities be deployed in each of the foreseeable circumstances;

- iv. A clear definition of what constitutes striking to be included in rules and policy.

As a minimum and in the interim period pending the rules being amended, the IPS should introduce internal policy and accompanying standard operating procedures to address these points.

(C) Internal Operational Duties

1. The IPSC should review the current Control and Restraint training course and refocus the emphasis from the physical aspect of the training to other modules such as conflict resolution, de-escalation techniques, etc. The *Review Group* recommends renaming this training approach 'Conflict Management'. The requirement and frequency of refresher courses for this training should also be determined by the IPSC.
2. Given the frequency of planned physical interventions, e.g. planned cell relocation, and the controlled manner in which such training is called into use, the *Review Group* would recommend that specialised control and restraint teams be established in each prison. These teams would have a higher level of training in the physical aspects of control and restraint than other prison officers. The number of teams in each establishment should be proportionate to the operational needs.
3. The current policy of annual refresher training in control and restraint for all staff should be reviewed with a view to providing this training to the specialised teams only and providing an achievable level of refresher training in Conflict Management to the remainder of staff. The management and frequency of training should be determined by the IPSC.
4. Frequency of planned physical interventions involving specialised control and restraint teams should be formally logged and centrally reported to the Operations and IPSC. This will allow for monitoring and review to verify the effectiveness of the training and the delivery of the skills in operational situations.

5. The *Review Group* recommends the introduction of an Operational Group to review periodically all operational matters including de-escalation, control and restraint etc. This Operational Group will replace the Control and Restraint Group. This Operational Group should be accountable to the Compliance Executive and have the appropriate representation from all relevant functions e.g. Operations, Governors, Care and Rehabilitation, Irish Prison Service College, Legal and Professional Standards Office, etc.

(D) External Operational Duties

1. It is recommended that the IPS review the escort model so as to harness the skills and expertise in PSEC and utilise this to establish how to enhance the delivery of escorts throughout the service. As part of this review, consideration should be given to increasing resources in PSEC and/or provide dedicated escort teams in each prison who adhere to the same standard operating procedures and training as those developed and set down by PSEC, Operations and IPSC.
2. There should be one standard operating procedure for the delivery of escort services across the IPS, which would involve escorting staff playing a lead role in the assessment, searching and management of the prisoner from escort request to conclusion. Feedback to PSEC and Operations on the outcome of all escorts should become a requirement of the standard operating procedure and training.
3. IPS need to review the current frequency of escorts to reduce where possible the requirement to go off site for such services by:
 - ▶ Continuing to reassess the in-sourcing of more healthcare services to be delivered within the prison complex;
 - ▶ Seeking to have any legislative impediments removed so as to maximise the use of video links for court appearances.
4. The *Review Group* concurs and endorses the recommendations in relation to the Service Level Agreement between PSEC and the Prisons as set out in the *Report of an Investigation by Judge Michael Reilly, Inspector of Prisons, into the Circumstances Surrounding the Death of Shane Rodgers at Cloverhill Court House on the 20th December, 2011*.

(E) Batons

1. On balance, the carrying of batons could introduce as much risk as it possibly would mitigate and there are a number of known and possible unknown, unintended consequences which could worsen the situation in relation to the risk of staff being assaulted by prisoners. Therefore, the *Review Group* has concluded that on the balance of the risks involved, the introduction of batons, as a standard piece of equipment to be carried by operational staff on a daily basis, within the inner perimeter of the prison and on landings, in high, medium, or open security prisons is not currently an appropriate mitigating control.
2. A review should be undertaken, based on the operational needs of the Service, of the types of batons required for particular operational duties and the procurement process should ensure standardisation in the purchase of such equipment. All non-approved or non-standard/redundant batons should be removed from use and from the Service.
3. A standard operating procedure should be established indicating all types of batons available for use within the Service, under what circumstances they can be authorised to be used, training requirements and allocation and retrieval of same from a monitoring and control perspective. When a baton is used, its use should be formally recorded and a formal investigation undertaken.
4. The *Review Group* recommend, for avoidance of any doubt, and given the vulnerability and increased risk associated with escort duty, that all PSEC staff and prison officers engaged in escort duties should be issued with an approved baton for the duration of such a duty. Appropriate training and instruction must be provided to all such staff in their use. Whether batons are carried in an open or concealed manner is a matter for the consideration of the IPS.

(F) Incapacitant Sprays

1. It is recommended that the Irish Prison Service seek legal opinion to confirm the State Claims Agency's view that incapacitant sprays are considered a firearm under the *Firearms Act, 1925* and that the Irish Prison Service can be permitted to possess, use and carry the incapacitant spray through the granting of firearm certificates either by the Minister for Justice and Equality or via An Garda Síochána.

2. Subject to 1. above, the *Review Group* recommends that the IPS consider the introduction of incapacitant sprays, on a trial basis (over a fixed time period of 12 months), to a small cohort of operational staff in one prison. The *Review Group* does not recommend that incapacitant spray is carried as a standard piece of equipment but that it should be available within the prison for deployment. A clear and unambiguous set of rules and standard operating procedure for the deployment and use of the incapacitant sprays would have to be developed by the Operational Group prior to their trial within the Service to include the reporting and investigation of all such usage. Included in these rules should be clear and unambiguous description of the events for which these sprays can be deployed. Sprays should only be deployed for use following the agreement and formal sign off by a Governor in respect of each occasion for which there is an intervention. An investigation protocol, which may involve An Garda Síochána and an independent investigator, will have to be considered as part of the trial.
3. Subject to the outcome of Recommendation 2 above, if the incapacitant spray is found to be a necessary and beneficial mitigant to the risks associated with assaults, the Operational Group should undertake an operational needs analysis to determine what prisons the incapacitant spray should be available in. As for the trial, a standard operating procedure including reporting and investigation of usage must be implemented and monitored.

(G) Conducted Energy Weapons (CEW)

1. Given the limited use of conduction energy weapons in European Prison Agencies together with operational staffs current view of them, and in light of the *Review Group's* recommendation in respect of batons and incapacitant sprays, it is not recommended that CEWs would be introduced into the Irish Prison Service.

(H) Instruments of Restraint

1. The IPS should review the types of handcuffs used in the Service and where possible standardise such use, based on an operational needs analysis taking into consideration the varying needs and including the specific requirements of high risk prisoners. Once handcuffs have been agreed for all operational requirements, non-standard handcuffs should be identified and withdrawn from the service.

2. The IPS needs to develop standard operating procedures in respect of the use of handcuffs. It needs to be explicit and prescriptive in its guidance in relation to their use, whether it is appropriate in any circumstances to remove them, in what circumstances they may be removed, and with whose authority. Stakeholders, to include healthcare providers and treating clinicians, need to be formally notified of the IPS's policy on instruments of restraints.

(I) Body Armour

1. The *Review Group* do not recommend the routine wearing of body armour on the landings or within the perimeter of the prison. However, the *Review Group* recommends that the Operational Group conduct a needs analysis of the various operational activities/ duties to include the management of violent prisoners and exceptional circumstances where there is raised tensions, escorts etc. that may require the use of body armour and, from that review, determine what type of equipment is required etc. and procure accordingly.

(J) Body-Worn Cameras

1. There are certainly limitations concerning the use of body-worn cameras (BWC) both on a practical level and from a data protection point of view and it is the *Review Groups* view, that overall, it would not be appropriate to introduce BWC at this time.

Staff Factors

(K) Recruitment, Orientation and Integration of New Personnel

1. The IPS should undertake a review of the role profile of a prison officer and update the recruitment process accordingly taking into consideration the variety of roles and duties required to be undertaken across the Prison Services spectrum of needs. The necessary attributes, intrapersonal and interpersonal skills and physical and mental fitness must be considered as part of this recruitment process including competency based assessments and psychometric testing. Following assessment and basic recruit training, recruit prison officers, as part of their work placements, should be assigned to activities where assessment has shown them to have particular ability.

2. The IPS should consider the introduction of a systematic approach for assigning a recruit prison officer to a prison and also consider the following:
 - a) the introduction of a work placement type module to allow recruit prison officers to experience different duties and roles across a variety of different prison types and units;
 - b) the development of a mentoring programme to include recognition of experienced prison officers who have been identified as satisfying the necessary skills to function as a mentor to recruits. This should feed into the overall recruitment process and inform final placement of a prison officer once he/she is qualified.

(L) Training and Information

1. A training needs analysis should be undertaken by the Irish Prison Service College of the operational training needs of all staff to establish what training is required per staff function and activity. It must be proportionate to the operational needs, realistic and achievable. The requirement and frequency of associated refresher training should be determined by the IPSC.
2. The IPS should review the information captured on the current IPS IT systems to ensure that these resources are managed correctly, fully aligned, accessible to the appropriate and necessary persons and are utilised proactively to inform and monitor operational decision-making. The review must examine the controls for accessing the required information to ensure that it is accessed by the correct persons only and then interpreted and communicated effectively.
3. In respect of staff training and communication, the *Review Group* endorses and recommends the full implementation of the relevant recommendations of the Office of the Inspector of Prisons Report, 2015, *Culture and Organisation in the Irish Prison Service - A Road Map for the Future*.

Prisoner Factors

(M) Risk Assessment

1. The IPS should review the committal process across a number of sample prisons with a view to developing a standardised, step by step, end to end committal process to include prisoner risk assessment. The review should concentrate on ensuring that the process is as efficient, comprehensive, and simplified as possible. An IT solution to support prisoner risk

assessment and facilitate the communication of the required information to all relative stakeholders should be developed. In addition the system should support the ongoing review and management of prisoner risk and facilitate operational decision-making. This solution is likely to be an upgrade and linking of existing IT systems.

2. The *Review Group* recommends that strategic consideration be given to reviewing the options for reducing the number of committal prisons in the country to a smaller number of centralised specialist committal facilities. This review should consider this in tandem with a more tiered and nuanced categorisation of prisoners based mainly on a risk level which takes into account the following factors; security, safety, healthcare requirements (including mental health), etc. In addition, the review should consider how different prisons could then be designated within defined and aligned risk categories. This would allow for Governors and operational staff to have more appropriate facilities, together with specialised staff appropriate and tailored to the prisoner risk levels.

(N) Prisoner Health and Wellbeing

1. The *Review Group* endorses the recommendations in the respect of information, communication, and training for staff, including specialist training for staff working in areas identified as being higher risk and higher needs as detailed in the *New Connections* report by Dr. Frank Porporino (2015). Specifically, the *Review Group* recommends that the focus should be, in so far as possible, the extension of any and all arrangements to take prisoners with serious mental health issues out of the prison system.
2. In line with the recommendations of the *CPT Report 2015*, the *Review Group* endorses and recommends the completion of the range of measures scheduled for implementation in IPS Policy and Strategy document, *Keeping Drugs out of Prisons*.

(O) Deterrent Measures

1. The IPS needs to review the current arrangements in place to manage prisoner discipline and develop a transparent and graded deterrent and disciplinary procedure (based on the severity of breach). This should guide all prisons on the appropriate sanctions and measures to be taken in relation to each breach and combined breaches, particularly involving various types of assault, should they arise in accordance with the *Prison Act, 2007*. It should also be able to differentiate between prisoner on prisoner assaults

and prisoner on staff assaults. The aim of this revised procedure should be not only to act as a deterrent (particularly against assaults on operational staff) and manage prisoner behaviours, but should also strive to reduce the administrative burden on prison staff and management. It should still provide a fair and due process for prisoners, which is clear for all involved and that can be applied consistently throughout the Service. There are more structured approaches to the management and adjudication of prison discipline in other European Prison Agencies and these should be drawn upon for any future legislative, policy and procedural changes.

2. The PIMS should be upgraded to allow for the disaggregation of the "assaults on any person" (Misconduct 8) data. IPS Operations and/or the Legal and Professional Standards Office should monitor P19s to ensure they are issued and managed in accordance with established procedures and are effective at prison and national level (not just managing to close out but to also monitor their use and effectiveness).
3. It is recommended that a formal review of the incentivised regimes process should be carried out to ensure it is functioning optimally and consistently across prisons.
4. The procedure for reporting assaults on operational staff to An Garda Síochána needs to be revised and it should be clear, unambiguous and standardised across the Service. Staff must be made aware of the due process when it comes to reporting assaults to An Garda Síochána and that their co-operation and involvement is necessary for these measures to be successful.

Governance Factors

(P) Policies and Procedures

1. To achieve and maintain a standardised approach across the Service, the *Review Group* recommends that operational policies and standard operating procedures should be developed at organisational level, in consultation with operational staff. This centralised approach will reduce the burden on local prisons to develop their own procedures. It will ensure that all staff, no matter what prison they are in, are all operating to the same standard. It will also assist with the updating and review of procedures should the need arise. Each standard procedure should be comprehensive and address all activities at each risk level thereby accounting for local differences and anomalies between prisons. It is

advised that a policy statement would be incorporated into all overarching organisational standard operating procedures.

2. The IPS should review the current policies and procedures that impact on assault risk and where possible merge similar and aligned procedures.

(Q) Incident Reporting and Investigation

1. The IPS must monitor, with a view to improving, their current incident reporting levels. It is recommended that this is reviewed quarterly at the Compliance Executive Group.
2. The approach to incident investigation needs to be re-evaluated. Incidents should be categorised based on severity and likelihood of reoccurrence. Then, based on defined criteria, the level of investigation required is determined. Different tiers of investigation will be required e.g. local, local specialised team, internal specialised team, joint internal and external team, external independent. A procedure will have to be developed setting out the above to include authorisation and escalation criteria.
3. The IPS needs to engage with the NIMS incident investigation stage in order to capture recommendations, track to close and capture and report on lessons learned. It is recommended that a Lessons Learned Cell ² be established to determine the learning from incidents and to ensure that they are communicated across the IPS.

(R) Audit and Compliance

1. It is recommended that the IPS establish a tiered internal audit process focused on monitoring the effectiveness of operational, security, safety, etc. policies and procedures across the Service. At the prison level there should be an ability to self-audit. IPS HQ, PSEC, and OSG should establish teams to formally audit in respect of procedures that are appropriate to their areas. Alternatively, a single internal audit unit at IPS HQ should be established and staffed appropriately. Where necessary, it can use the skill sets from other areas to carry out audits.

2 A Lessons Learned Cell is a cross functional, cross organisational, multidisciplinary team and would typically include subject matter experts, operational staff and training and development personnel.

2. It is recommended that a full and comprehensive external programme of audits to include all operational activities is developed. It is proposed that all prisons and ancillary support services should be audited over a three year rotation to monitor performance, compliance and effectiveness of change. By considering what is already provided by the IOP, SCA and others, it is likely that only a small amount of additional audit services will be required.

(S) An Garda Síochána

1. The IPS in consultation with An Garda Síochána should develop a formal agreement which should include (but not be limited to):
 - ▶ A two-way formal procedure for the sharing of prisoner intelligence in a formal and timely manner e.g. C63 at committal.
 - ▶ A formal procedure for requesting, granting and declining armed escorts, which should include reasoning for same. The risk assessment process which is used to determine if such an escort is required should be transparent and made available to the IPS and the procedure should also be informed by up to date intelligence on the prisoner.
 - ▶ IPS and AGS should establish methods and measures for monitoring and maintaining the effectiveness and the performance of their interactions for reporting at a national and prison level.

(T) Healthcare Services

1. The IPS should develop an agreement with all third party healthcare providers, setting out clearly the arrangements required for the safe escort and delivery of services when a prisoner attends their facility for treatment. A standard operational procedure should be developed by the IPS and used when attending all healthcare providers and should include but not be limited to:
 - ▶ Established liaison person, including security, in all facilities;
 - ▶ Clear but confidential communication strategy – hospital should be aware that the patient in question is a prisoner so that they can manage the matter appropriately;
 - ▶ Facilities required e.g. dedicated parking spaces, waiting room areas, access to welfare facilities etc.;
 - ▶ Emergency plans;

- ▶ Alert/flagging system in relation to unusual behaviours of third parties;
- ▶ Use and removal of cuffs for medical procedures;
- ▶ Code of conduct of all involved including attire etc.

(U) Probation Service & Court Service

1. The IPS in consultation with the Probation Service should agree and develop a formal procedure for communicating and liaising with each other on prisoner matters including the provision of assessment reports. This procedure must address the timely sharing of prisoner intelligence which can be used to inform operational management of prisoners and prisoner behaviours.
2. The IPS should develop an agreement, which should be issued to all court service venues, setting out clearly the arrangements required for the safe escort and detention of the prisoner while in court to include but not be limited to the following:
 - ▶ Access and egress to the facility;
 - ▶ Security considerations;
 - ▶ Facilities required e.g. dedicated parking spaces, cells, access to welfare facilities etc.;
 - ▶ Emergency plans.

3.0 INTRODUCTION

Under the National Treasury Management Agency (Amendment) Act, 2000, the management of personal injury and third party property damage claims against the State and of the underlying risks was delegated to the State Claims Agency (SCA). Section 8 of this enabling legislation sets out the SCA's mandate to advise and assist Delegated State Authorities on the management of their risks which includes Prisons and the Irish Prison Service.

In 2015, following a number of violent physical assaults on Irish Prison Service staff by prisoners, the Deputy Director of the State Claims Agency (SCA) confirmed to the Director General of the IPS that the SCA would conduct a "Review of Assaults on Operational Prison Staff by Prisoners" (henceforth referred to as the "Review"). The aim of this Review was to determine whether the then recent assaults were unusual events or an indication of a new culture of violence in the prisons, particularly aimed at operational prison staff. The SCA also wished to determine the root cause of such incidents, to comment on the potential for future recurrence and to make recommendations for improvement.

The function and purpose of this Review is not intended to undermine the duties the IPS owes to prisoners under the various governing prison laws, regulations and rules. Rather the emphasis of this Review is on the prisons as workplaces and operational prison staff as employees. However 'domesticated' a prison is from a prisoner's perspective, it still remains an occupational setting for prison staff and the Review was framed in that context. The IPS, at Common Law, owes a duty of care to its entire staff and must comply with the similar requirements under Statute law. Furthermore, the IPS has a moral obligation to ensure the safety and welfare of its staff.

In the immediate aftermath of violent assaults on staff there tends to be a number of consequential human, management, staff and system reactions. Staff and staff associations have naturally heightened concern for their own safety and that of their colleagues and look for an

immediate action and reassurance from management. In the context of the IPS, based on the long and close experience that the SCA have with the IPS, its management is genuinely concerned for staff safety and feel the need for immediate action. Typically, the response will involve the introduction of new controls, often involving new equipment or the reworking of existing procedures. This is reasonable and will provide a level of reassurance. However, it also may not be commensurate with the actual risk level and perhaps not address the root causes of the issues which led to the assaults. Sometimes the reassurance given may be unwittingly false.

It is challenging, unless it is inherently part of the culture and process of an organisation, to stand back and conduct a proper examination of what has occurred and what events led up to that occurrence. Managing the risk of assaults on operational prison staff by prisoners is a multifaceted and complex issue. Hazards involving people and the human disposition are ever changing and must be dealt with systematically and strategically.

In approaching this Review, the SCA was provided with a number of reports based on investigations which had been carried out in the immediate aftermath or proximate in time to the occurrence of a particular violent incident against operational staff. The reports served some purpose and provided some insight into the event. They also recommended possible ameliorating actions that would be required to reduce the risk of a recurrence. None of these investigations were comprehensive. They did not examine the event throughout all its stages nor did they fully address the systemic management issues and, understandably, given the emotionally charged situation, were silent in respect of the conclusions and recommendations concerning the role of the operational prison staff.

In order to achieve the aims and objectives of the Review extensive research, consultation and analysis was undertaken. This approach included data analysis on assault related incidents, consultation with a range of IPS personnel, external stakeholders and European Prison Agencies and an extensive literature review which included analysing IPS documentation, previous assault related incidents and claims, data from internal IPS systems, etc.

This *Review* demonstrated that the management of this risk needs to be approached at a number of levels and holistically. The *Review Group* identified findings and recommendations grouped under four key themes, summarised below but which are set out in detail in the Report:

- ▶ **Operational Factors** to include the continuum of force, operational duties, use of weapons, instruments of restraint and self-defence and deterrent equipment;
- ▶ **Staff Factors** to include recruitment, orientation and integration of new personnel and training and information;
- ▶ **Prisoner Factors** to include risk assessment, health and wellbeing and deterrent measures;
- ▶ **Governance Factors** to include policies and procedures, incident reporting and investigation, audit and compliance and protocols with third parties i.e. An Garda Síochána, Healthcare Services etc.

In summary there are some very positive aspects to the findings of the *Review*. Of critical importance is the acceptance and acknowledgment by management and staff that lessons need to be learned and that good processes effectively implemented will lead to continuous improvement in the management of this risk. There are also many challenges ahead in order to improve the situation and hopefully implement the recommendations of this *Review*. The fact that management is both serious and genuine in its wish to address this risk, and is supported by staff that have a strategic and informed view of the complexity of the challenges involved, should be important factors in ensuring a successful outcome or at least improvements in the future.

4.0 PLAN AND METHODOLOGY

4.1 Plan

The State Claims Agency (SCA) established a team (hereafter referred to as the 'Review Group') to undertake the Review and compile a report together with the review findings and recommendations. The Review Group members are set out in Appendix A.

Following an initial scoping of the Review parameters, the Review Group agreed on the following aims and objectives:

Aim:

"To review the incidents of assaults on prison staff by prisoners, to determine the root cause, to comment on the potential for future reoccurrence and to make recommendations for improvement."

Objectives:

The aims of this Review were achieved by fulfilling the following objectives:

- ▶ Researching and reviewing associated literature, which includes; related IPS policies and procedures, expert reports, published guidance, academic papers, etc.;
- ▶ Analysing the incidents of assaults on prison staff using the National Incident Management System (NIMS)³ and Criminal Injuries Compensation Tribunal (CICT)⁴ data;
- ▶ Interviewing key personnel to establish their understanding, perceptions and attitudes to assault incidents and how they could be managed;
- ▶ Conducting a survey aimed at IPS operational staff to enhance learnings and knowledge of assault incidents;

3 National Incident Management System (NIMS) is a confidential, highly secure, web based incident management system. It offers an end-to-end risk management tool which allows State Authorities (including the IPS) to manage incidents throughout an incident lifecycle and identify any emerging trends, whilst also fulfilling the legal requirement to report all incidents to the SCA.

4 Criminals Injuries Compensation Tribunal (CICT) is a scheme of compensation for personal injuries criminally inflicted. A separate compensation scheme is provided for prison officers.

- ▶ Undertaking a root cause analysis of a selection of assault related incidents to ascertain causation and possible learnings;
- ▶ Benchmarking, where possible against other European Prison Services, the incidence of assaults and how they are managed; what management procedures are used, training provided, personal protection systems, etc.;
- ▶ Identifying areas for improvement or changes to systems of work which could reduce the incidence of assaults.

Scope:

The scope of the Review was as follows:

- ▶ All staff that work within a prison to include all grades and management. Operational staff also includes those staff that work in the Prison Service Escort Service (PSEC) and Operational Support Group (OSG). Referred to in the Review as operational staff;
- ▶ Assaults on operational staff by a prisoner during the course of their IPS operational duties, to include all activities inside the prison, prisoner escorts to and from the prison - court, hospital and other;
- ▶ Control and restraint incidents where an operational staff member sustained injuries resulting from any act of violence by a prisoner.

The scope of this Review did not extend to:

- ▶ Domestic assaults which occur outside the normal operational duties to IPS operational staff or those assaults, which occur in a visiting area, where the assault was perpetrated by a visitor;
- ▶ The governance arrangements of the interim Irish Prison Service vis a vis Governors of Prisons;
- ▶ Prisoner to prison officer staffing ratios.

This Review, where possible, avoids repeating recommendations that have been made already in other reports to the IPS such as those provided by the Office of Inspector of Prisons, the Health and Safety Authority, Dr. F. Porporino etc.

4.2 Methodology

In accordance with the aims and objectives of this *Review*, extensive research, consultation and analysis was undertaken by the *Review Group* (see Figure 1) to include:

1. Literature review and research including consultation with EuroPris⁵ (Appendix B)

2. Qualitative Analysis:

- a) Interviews with IPS and operational staff and management;
- b) Interviews with external stakeholders and bodies;
- c) Interviews with other national prison agencies;
 - a. Scottish Prison Service (SPS);
 - b. Northern Ireland Prison Service (NIPS);
 - c. Finnish Prison System (Criminal Sanction Agency) (FPS).
- d) Operational Staff Survey;
- e) Root cause analysis of assault related incidents.

3. Quantitative Analysis:

- a) Assault related incident and claims data from:
 - a. National Incident Management System (NIMS);
 - b. Criminal Injuries Compensation Tribunal (CICT).
- b) Other data:
 - a. Prisoner Information Management System (to include P19s);
 - b. Escort records and request data.
- c) Operational Staff Survey carried out by the SCA (Appendix C and D).

The *Review Group*, to verify the accuracy of their findings, presented a PowerPoint presentation of the findings to the IPS Executive Management Team (EMT).

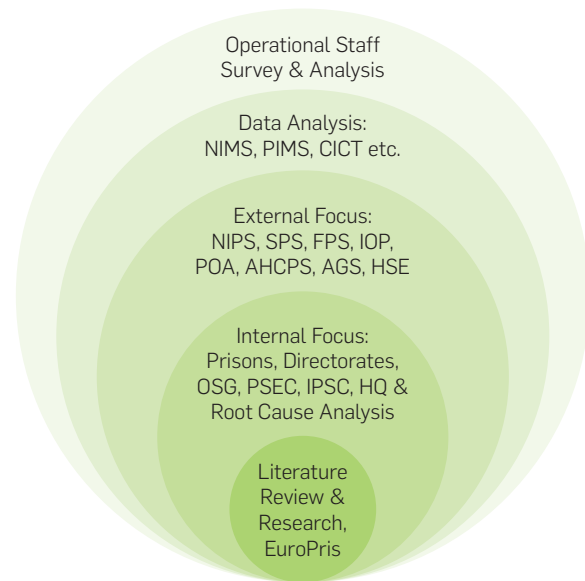


FIGURE 1: REVIEW METHODOLOGY

4.2.1 Literature Review

A review was completed of all related IPS operational policies, procedures and protocols. Previous related reports, studies and articles generated by and for the IPS, which could inform the findings and recommendations of this *Review*, were also considered. In addition, the *Review Group* also sought input from other national prison agencies in Europe via the EuroPris forum (with the co-operation and assistance of the IPS).

A comprehensive search of the internet was also undertaken of the current position of assaults on staff by prisoners, operational approaches, management and learnings from other prison services and correctional institutions internationally.

4.2.2 Qualitative Analysis

The qualitative analysis for this *Review* was undertaken through a series of meetings and interviews with the associated parties. It was determined that the input and views from IPS operational staff, management and support units was essential to determine the current status operationally of this risk, the management approach, and in order to offer expert insights for improvement and corrective action. Approximately 50 IPS personnel were interviewed, representing all relevant sections and prison grades within the Service.

⁵ EuroPris – is a membership organisation, whose members comprise of national prison agencies across Europe to include the Irish Prison Service. It provides a supportive network which facilitates communication between national prison agencies and encourages collaboration and information sharing to address the many practical, unique and often difficult issues face by such agencies. A number of European Prison Agencies requested that the *Review Group* would not identify their data; as a result all EuroPris responses were anonymised.

Five prisons were selected as part of the *Review*. It was important to ensure relevant information was captured from staff working within the three different types of prisons: a) an open, low security prison: *Shelton Abbey* b) a sample of closed, medium security prisons: *Cloverhill Prison, Limerick Prison and Mountjoy Prison*, and c) a closed, high security prison: *Portlaoise Prison*.

In addition to the above qualitative interviews, a further 15 professionals were also interviewed which included significant input from the Irish prison officers Association, the Inspector of Prisons, prison agencies in other jurisdictions (Scottish Prison Service, Northern Ireland Prison Service and the Finnish Prison System) and other relevant stakeholders – An Garda Síochána (AGS) and the Health Service Executive (HSE).

The consultation with the other national prison agencies was undertaken to determine how this risk is being managed elsewhere, to both compare and contrast the current approach within the IPS and, where relevant learn from other approaches.

A root cause analysis was also completed of a selection of assault related incidents, during the consultation phase, with selected prisons. The purpose of the root cause analysis was to ascertain causation and possible learnings. This analysis was also used to identify the contributing factors as well as root cause factors. The *Review Group* haven't explicitly identified the individual incidents which were examined as part of the root cause analysis in this Report but have included the aggregate learnings from these incidents where relevant.

The last element of this qualitative phase related to the Operational Staff Survey (Appendix C and D). Following the interviews, when key themes had emerged, a survey was developed by the *Review Group* which provided quantitative data for analysis but also permitted operational staff to provide their valuable feedback, views and comments on the matter. Their input informed the *Review* findings and recommendations and has been incorporated, where appropriate, into the report. This survey consisted of 31 open and closed questions. While most of the questions were closed, to allow for analysis, open ended questions were also provided to allow for the views and comments of the operational staff. Some of the questions were co-dependent based on previous answers and this ensured that the survey was more bespoke to each participant's experience. The questions ranged from general background information on the participants working role within the IPS, the training that they have received and more specific requests for information on violent, harassment and aggression related incidents (please see Appendix C and Appendix D for the full list of questions and the results respectively).

The resultant commentary provided from the open ended questions proved to be very informative and demonstrated that the operational staff are acutely aware of the risk issues on the ground.

The survey was conducted online using Survey Monkey and was completed over a two and a half week period (24/03/2016 to the 12/04/2016). The survey was aimed at operational staff and participation was voluntary. The data generated is anonymous and has been treated confidentially. In total 618 personnel (approximately 18% of IPS operational staff) participated in the survey, which is a significant proportion of the overall strength of operational staff within the IPS.

4.2.3 Quantitative Analysis

NIMS Data Source:

The main incident and claims data source used was the National Incident Management System (NIMS). The NIMS is a confidential highly secure web based system which serves as an end to end risk management tool, which is hosted by the State Claims Agency (SCA) and provided to the IPS, for the purposes of supporting the IPS in the management of their own risks. One of the main functions of the NIMS is to provide for incident reporting and to support incident investigation. An upgrade of the NIMS system was launched in December 2014 in the IPS.

Before the launch of the NIMS, both the SCA and the IPS worked together to agree on the categories of risk and definitions of such, specific to the hazards within the IPS. The NIMS allows incidents to be categorised by 'severity'. The 'severity' classification is a system-generated rating on the NIMS, based on the injury outcome, ranging from negligible to extreme. The five severity categories for incidents are as follows:

- a) Extreme: an incident which resulted in permanent/incapacity (incl. psychosocial) or death;
- b) Major: an incident which resulted in a long-term disability/incapacity (incl. psychosocial);
- c) Moderate: an incident which resulted in an injury requiring medical treatment;
- d) Minor: an incident which resulted in an injury or illness, requiring first aid;
- e) Negligible: an incident which resulted in no adverse outcome or injury not requiring first aid.

P19s:

P19s are prison disciplinary reports that are issued to a prisoner if they have broken prison rules. All P19 data discussed in this report is data given to the *Review Group* by the IPS. The P19s analysed are all P19s issued under

Misconduct 8 (Assaults any Person) from 01/01/11 to the 22/09/2015. It is important to note that these P19s issued are for all assaults and that 'assaults on staff' and 'assaults on prisoners' cannot be disaggregated.

CICT:

The Criminal Injuries Compensation Tribunal runs a compensation scheme for prison officers who suffer personal injuries due to a crime. The CICT data given to the *Review Group* by the IPS relates to the number of CICT claims where decisions were made and compensation paid out between the 29/07/08 and the 01/10/2015. The CICT data was used solely to estimate the total cost of claims.

Escort Data:

All escort data for all prisons provided to the *Review Group* by the IPS was in relation to escorts which took place between the 01/07/2010 and the 06/08/2015. Additional information gathered in this data set included the type of escort (Court Appearance, Hospital - Medical or Prison Transfer), date of escort, prison location and the number of P19s issued to the prisoner in question on date of movement.

Requests for Armed Escorts:

Data provided to the *Review* by the IPS included all requests for armed escorts sent to An Garda Síochána between the years 2011 and 2015. It also captures whether the AGS declined or granted the armed escort request.

Blue and White Report:

Data provided to the *Review* by the IPS, which includes the breakdown of IPS staff numbers at a particular point in time (08/08/2015). This staff count was used to determine the number of operational staff within the IPS.

IPS Annual Reports/Prisoner Population Statistics:

IPS Annual Reports and Prisoner Population Statistics (both found on the IPS website) were used to get an average prisoner population per prison from the years 2011 - 2015.

Operational Staff Survey:

As outlined in Section 4.2.2 Qualitative Analysis the Operational Staff Survey also contained closed questions which had a predetermined list of selectable options that were analysed as part of this *Review* (further details of this survey can be found in Appendix C and D).

4.2.4 Confounding factors and Limitations of the Review

There were a number of confounding factors and limitations of the *Review*, some of these are listed below and others will be noted throughout the report.

- ▶ The root cause analysis of a sample of incidents was a desktop exercise based on investigation reports, witness reports and other related documentation. It did not involve one to one interviews with the personnel involved in the incidents.
- ▶ There are significant difficulties with some of the data that was analysed. It is evident that there are some areas of under reporting, inconsistency in reporting practices and different understandings and interpretations of key definitions. This was across all data sets and the specific issues will be detailed in Section 6.0 Defining Assault and Trend Analysis, together with recommendations for improvement.
- ▶ In relation to the Operational Staff Survey the overall response was in line with response rates that are considered "significant" for this type of survey. The higher rate of response to the survey tended to come from prisons where the rate of assaults is high. The resultant data could be impacted by responses from prisons where assaults are rare, like Shelton Abbey and Loughan House. The survey by its very title was mainly completed by those who were personally impacted by the subject matter either directly or indirectly so the sample may not be representative of all operational staff views.

5.0 OVERVIEW

This *Review* examined the incidence of assaults on prison staff by prisoners. This risk issue, violent behaviour, is complex due to the nature of the hazard (people) and what is understood by the term “assault”. ‘People hazards’ are unpredictable and ever changing. Static controls cannot be easily applied and on their own will not be sufficient to mitigate the risk.

The best way to learn from past incidents is to describe what actually happened, identify the causal and contributing factors and then outline the way in which the incident can be prevented or reduced in the future (Hudson, 2014). During the interview stage of the *Review*, it was established that there are many factors that influence why prisoners might behave violently and also why assaults on staff occur. Four themes emerged - Operational Factors, Staff Factors, Prisoner Factors and Governance Factors.

Under each of the main themes a group of sub themes were identified:

- ▶ **Operational Factors** to include the continuum of force, operational duties, use of weapons, instruments of restraint and self-defence and deterrent equipment;
- ▶ **Staff Factors** to include recruitment, orientation and integration of new personnel and training and information;
- ▶ **Prisoner Factors** to include risk assessment, health and wellbeing and deterrent measures;
- ▶ **Governance Factors** to include policies and procedures, incident reporting and investigation, audit and compliance and protocols with third parties i.e. An Garda Síochána, Healthcare Services etc.

Each of these themes and the associated sub themes are explored in the following sections. The *Review Group's* findings and recommendations will follow, supported by evidence of current practice, legal compliance including case law where available and relevant, research, and practice standards from other jurisdictions, data analysis and the results of the Operational Staff Survey.



FIGURE 2: REVIEW THEMES

6.0 DEFINING ASSAULT AND TREND ANALYSIS

6.1 Defining Assault

When considering “assault” trends, the first question to be considered is what is understood to constitute an assault. In the Non-fatal Offences Against the Person Act, 1997, an assault is defined as “an act which causes another person to apprehend the infliction of immediate unlawful force on their person”. Battery is defined as “the action of infliction of unlawful force on another person”. Both are criminal offences under the Non-fatal Offences Against the Person Act, 1997 and in addition an assault or battery is also a tort for which damages may be recovered. This is a very wide ranging definition and in many cases would be difficult to apply. The use of the term “battery” is not in common parlance and most people will use the term “assault” in its place.

A recent EuroPris survey demonstrated that there is no common definition of “assault” across the European Prison Agencies and that in fact, there are stark variances as regards the definition (see Appendix B (4) Summary of Response to EuroPris Survey on Assaults on Prison Staff).

The *Review Group’s* understanding is that when the Irish Prison Service considers the number of assaults, they count the number of incidents where physical force is directly inflicted on a staff member (with or without a weapon). They do not include incidents where physical force is inflicted upon the operational prison staff in situations where it is indirectly inflicted such as inadvertent or unintentional punches or kicks received when staff are intervening for example in prisoner on prisoner assaults.

It is worth noting that in discussions with prison staff and stakeholders, the majority referred to directly inflicted physical force when referring to “assault”. Some in addition would have included indirect infliction of physical force as part of, for example, a spontaneous physical interventions between two prisoners fighting where a

prison officer is unintentionally and/or inadvertently physically injured.

For the purpose of this *Review* the data was categorised as follows:

- ▶ Direct Physical Assaults: where a prisoner intentionally applies force to or intentionally causes an impact to the body of an operational prison staff member;
- ▶ Physical Intervention Incidents: inadvertent or unintentional striking of an operational prison staff member that occurs in the course of a planned physical intervention or spontaneous physical intervention;
- ▶ All other staff related incidents.

6.2 Trend Analysis

6.2.1 Number of Staff Incidents

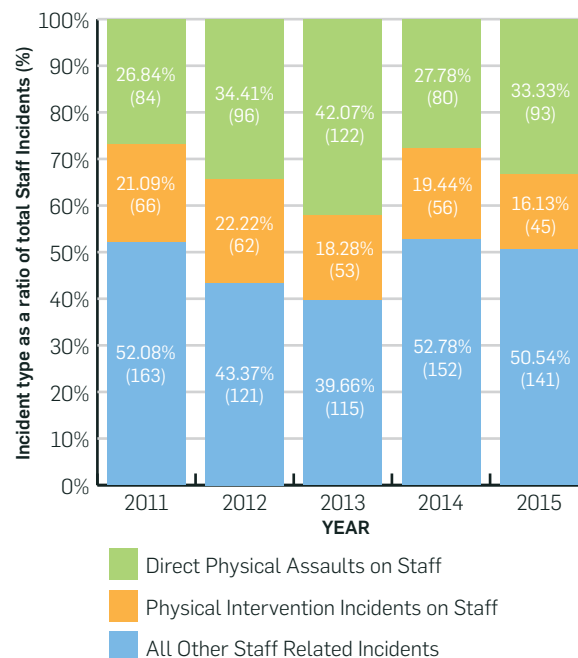


FIGURE 3: THE NUMBER OF DIRECT PHYSICAL ASSAULTS ON STAFF AS A PERCENTAGE OF TOTAL STAFF RELATED INCIDENTS, 2011 - 2015

Note: Figures may not add up to 100 due to rounding.

Data Sample

This analysis uses data from the NIMS. It is based on data from 2011 to 2015. All IPS staff related incidents are categorised into three separate types: direct physical assault incidents, physical intervention incidents and all other staff incidents.

Results

Between 2011 and 2015, there were 475 direct physical assault incidents. As you can see from Figure 3, the number of direct physical assault incidents on staff was significantly lower in 2014 (there is a decrease of $\approx 35\%$ when compared with 2013 figures) and a slight increase again in 2015. The average number over the five years of direct physical assaults equates to 95 incidents per year.

Direct physical assaults on staff is a very significant portion of the overall number of staff incidents that are reported annually. On average they account for $\approx 33\%$ of staff incidents annually over the five years examined.

6.2.2 Forecasting using Trend Analysis

The purpose of this analysis is to consider the number of direct physical assaults on staff in the past and to see if this data can be used to forecast or predict the number of direct physical assaults on staff in the future.

On review of the data over the 10 year period 2006 – 2015, it was noted that from 2011 to date there was a significant step change upwards in the numbers of direct physical assaults reported. This may be due to actual changes in the prison environment leading to an increase in direct physical assaults on staff or it could be associated with a reporting culture change. There were some initiatives commenced at this time to improve reporting levels. As such it was decided to only look at the last five years of data to forecast the trend in the near future given that the most recent data is more representative of the current environment.

As with all forecasts there is a level of uncertainty. It is important to note that the small sample size for each forecast (5 data points) increases the level of uncertainty. On each graph below the forecast line shows the forecasted values for 2016 and 2017 and the shaded blue area shows a 95% confidence interval around the forecast. A confidence interval is an indicator of a measurement's precision. In this case as there are so few data points in order to be 95% confident that the forecasted number of incidents for 2016 and 2017 is correct, the estimate must span a large range.

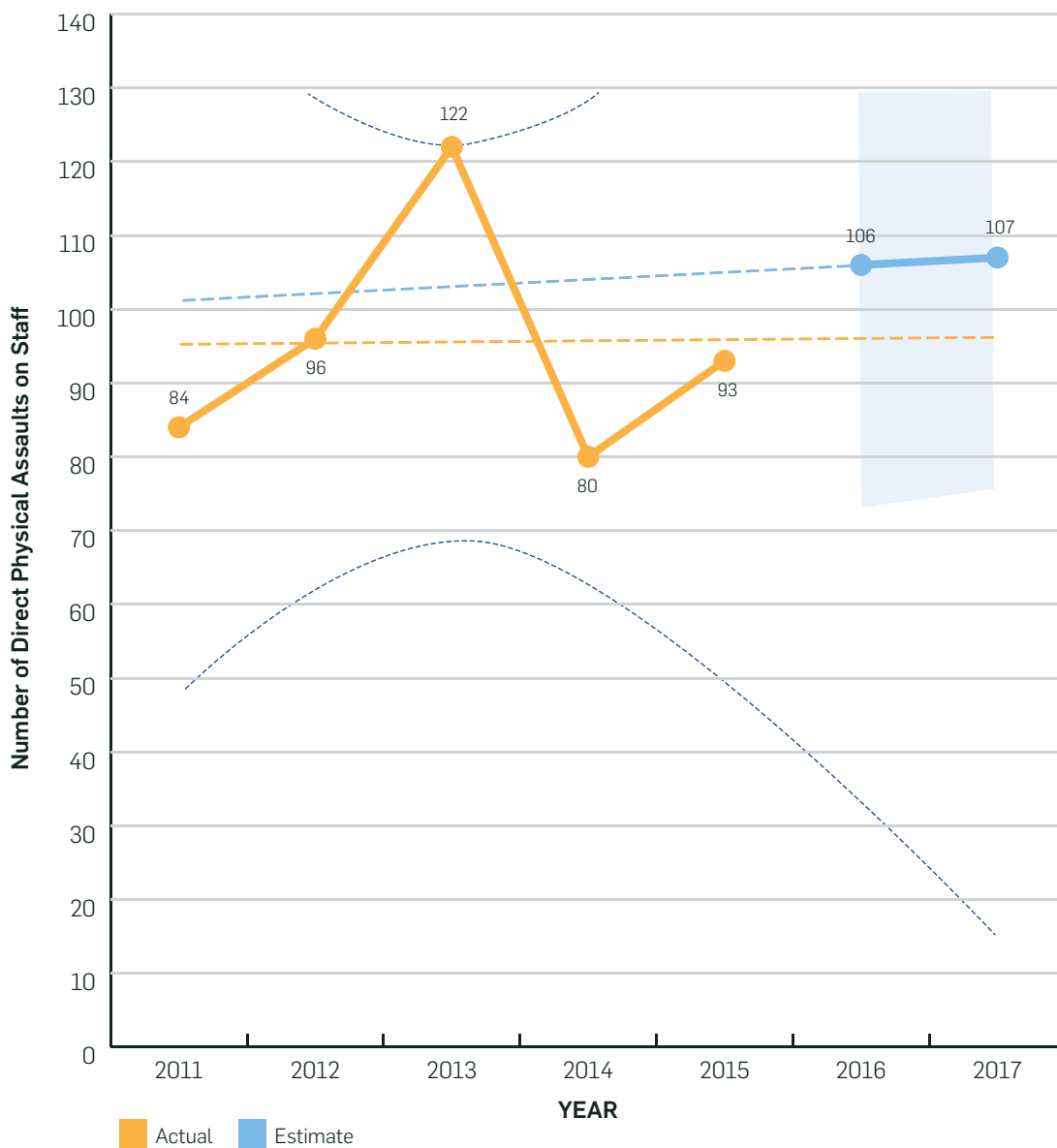


FIGURE 4: FORECAST OF DIRECT PHYSICAL ASSAULTS ON STAFF

6.2.2.1 Forecasting of Direct Physical Assaults on Staff

Data Sample

This analysis uses 5 years of direct physical assault on staff data from the NIMS, 2011 to 2015.

Results

From Figure 4 it can be seen that the trend ranges from a level of 84 direct physical assaults on staff in 2011 to 93 assaults in 2015, with a peak in 2013 of 122.

The overall trend, indicated by the light blue line, is growing with a rate of increase of 10.7% over the whole five-year period. Based on this analysis the forecast for 2016 is 106 and for 2017 it is 107. Due to the small number of data points, the level of uncertainty is very high. As such, the trend and predictions are only, at best, indicative of the direction the numbers might travel in the future.

6.2.2.2 Forecasting of Direct Physical Assaults on Staff Relative to the Prisoner Population

Data Sample

This analysis uses data from the NIMS in respect of direct physical assaults on staff. Figures for the average number of prisoners in custody were taken from the IPS annual reports. Data is in respect of the years 2011 to 2015.

Results

The first chart shows the trend for the direct physical assault on staff data. It is the same trend shown in the

previous section. The second chart is the trend of the average yearly prisoner population data. We can see from this chart that the prisoner population has been decreasing over the last 5 years from 4,390 in 2011 to 3,722 in 2015. This represents a decrease of 15.2%. The third chart combines the data from the two other charts. In the third chart the ratio between the direct physical assaults on staff to the prison population was calculated. This trend is increasing over time and is set to continue increasing based on the forecasted data. The trend in these set of charts shows that that proportion of direct physical assaults on staff relative to the prisoner population is generally increasing, even though the prisoner population is actually decreasing.

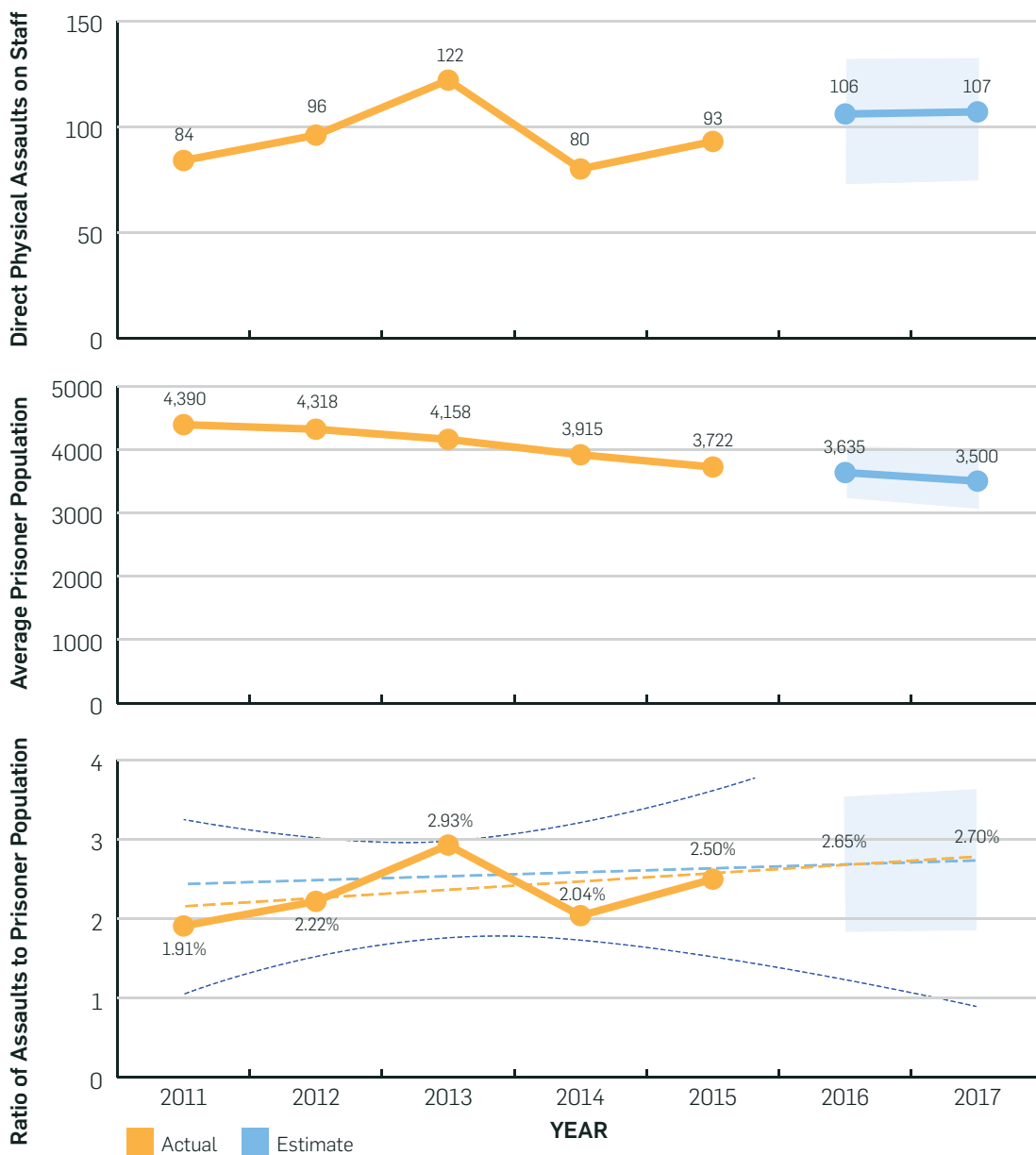


FIGURE 5: FORECASTING OF DIRECT PHYSICAL ASSAULTS ON STAFF RELATIVE TO THE PRISONER POPULATION

6.2.3 Correlation between Prisoner on Prisoner Assaults and Prisoner on Staff Direct Physical Assaults

Data Sample

This analysis uses data from the NIMS. It is based on data from 2011 to 2015. For each year the number of prisoner on prisoner assaults and the number of direct physical assaults on staff for the following prisons and prison

services are shown: Arbour Hill, Castlerea Prison, Cloverhill Prison, Limerick Prison, Loughan House, Midlands Prison, Mountjoy Prison, Portlaoise Prison, Prison Service Escort Corps, Shelton Abbey, St Patricks Institution, Dóchas Centre, Training Unit and Wheatfield Place of Detention. St. Patricks institution was closed in 2014, therefore the data relating to it is over the four year period, 2011- 2014.

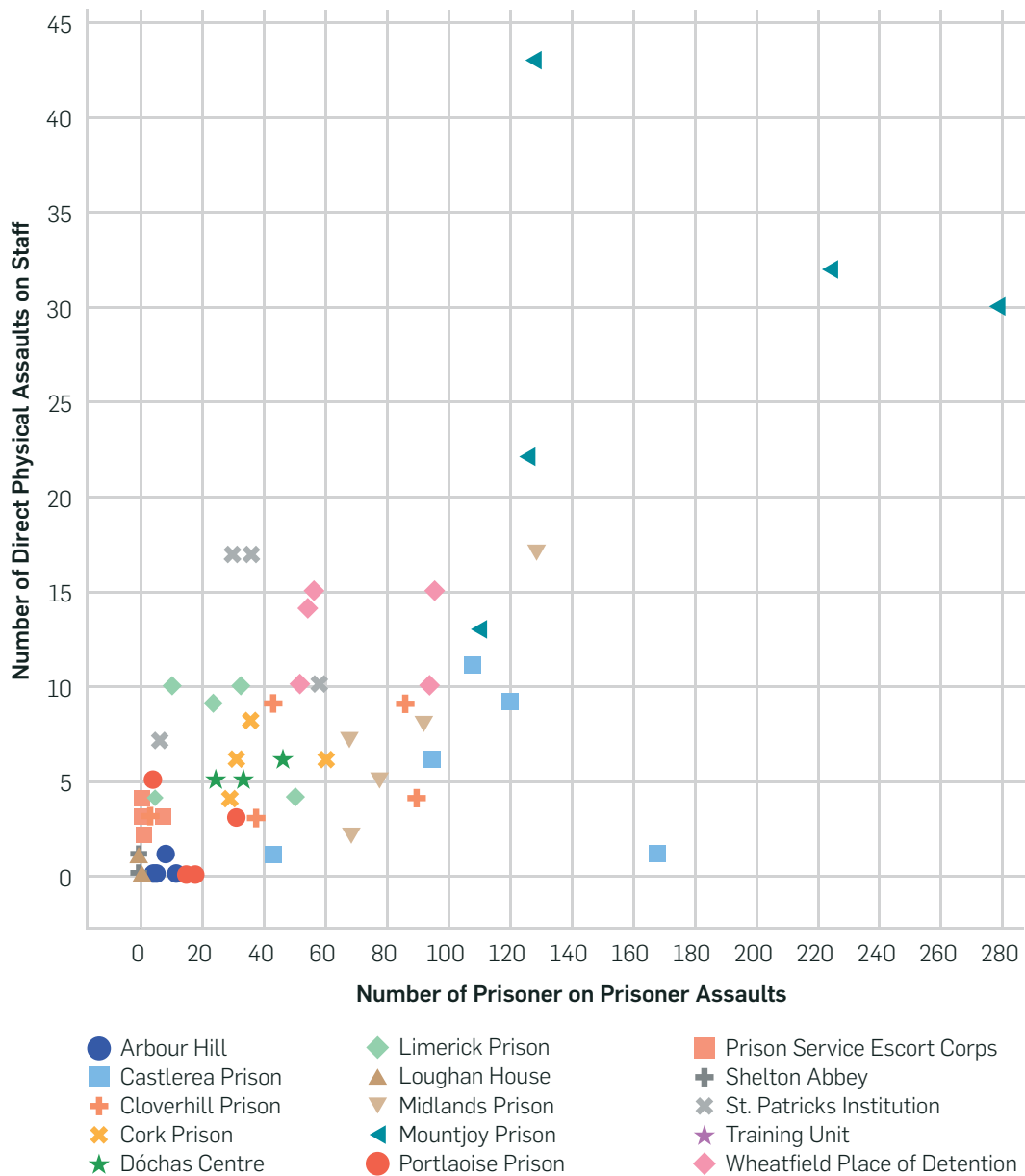


FIGURE 6: CORRELATION BETWEEN PRISONER ON PRISONER ASSAULTS AND PRISONER ON STAFF DIRECT PHYSICAL ASSAULTS RESULTS, 2011 - 2015

A correlation analysis and regression analysis was performed on the data shown in Figure 6. The purpose of the analysis was to ascertain the strength of the relationship between prisoner on prisoner assaults and prisoner on staff assaults. Both correlations statistics and regression analysis allow for measurement of the strength of the linear association between the two factors. The results are detailed in the table below:

Table 1: Correlations statistics and regression analysis

| Statistic | Value |
|------------------------------------|-------|
| Persons Correlation Statistic | 0.73 |
| Linear Regression R- squared Value | 0.53 |

Correlation statistics are values between -1 and 1. The closer the value is to 1 the greater the positive linear association. A value of 0.73 indicates that there is strong evidence of a linear correlation between the two factors.

The simple regression analysis is another statistical technique for measuring the linear correlation between the two factors. The R-squared value measures how much of the variation in one factor is explained by the other factor. The R-squared statistic can be assigned a numeric value between 0 and 1. For a regression analysis with just two factors a R-squared value of 0.53 is relatively high. Therefore, the regression analysis also indicates that there is strong evidence of a strong linear correlation between the two factors.

The analysis would indicate that there is a strong linear correlation between prisoner on prisoner assaults and prisoner on operational prison staff assaults (direct physical assaults). A way of interpreting this is that as the number of prisoner on prisoner assaults increases so too does the number of prisoner on staff assaults.

6.2.4 Correlation between Direct Physical Assaults on Staff and P19s (Misconduct 8) Issued

Data Sample

This analysis uses data from the NIMS system and data in respect of P19 sanctions issued to prisoners for 'assaulting a person' (Misconduct 8). The P19 data was sourced from the Prisoner Information Management System. It is based on data from 2011 to 2015. For each year we have the number of P19s issued and the number of staff assaults for the following prisons were analysed: Arbour Hill, Castlerea Prison, Cloverhill Prison, Cork Prison, Limerick Prison, Loughan House, Midlands Prison, Mountjoy Prison, Portlaoise Prison, Shelton Abbey, St Patricks Institution, Dóchas Centre, Training Unit, Wheatfield Place of Detention. St. Patricks institution was closed in 2014, therefore the data relating to it is over the four year period, 2011- 2014.

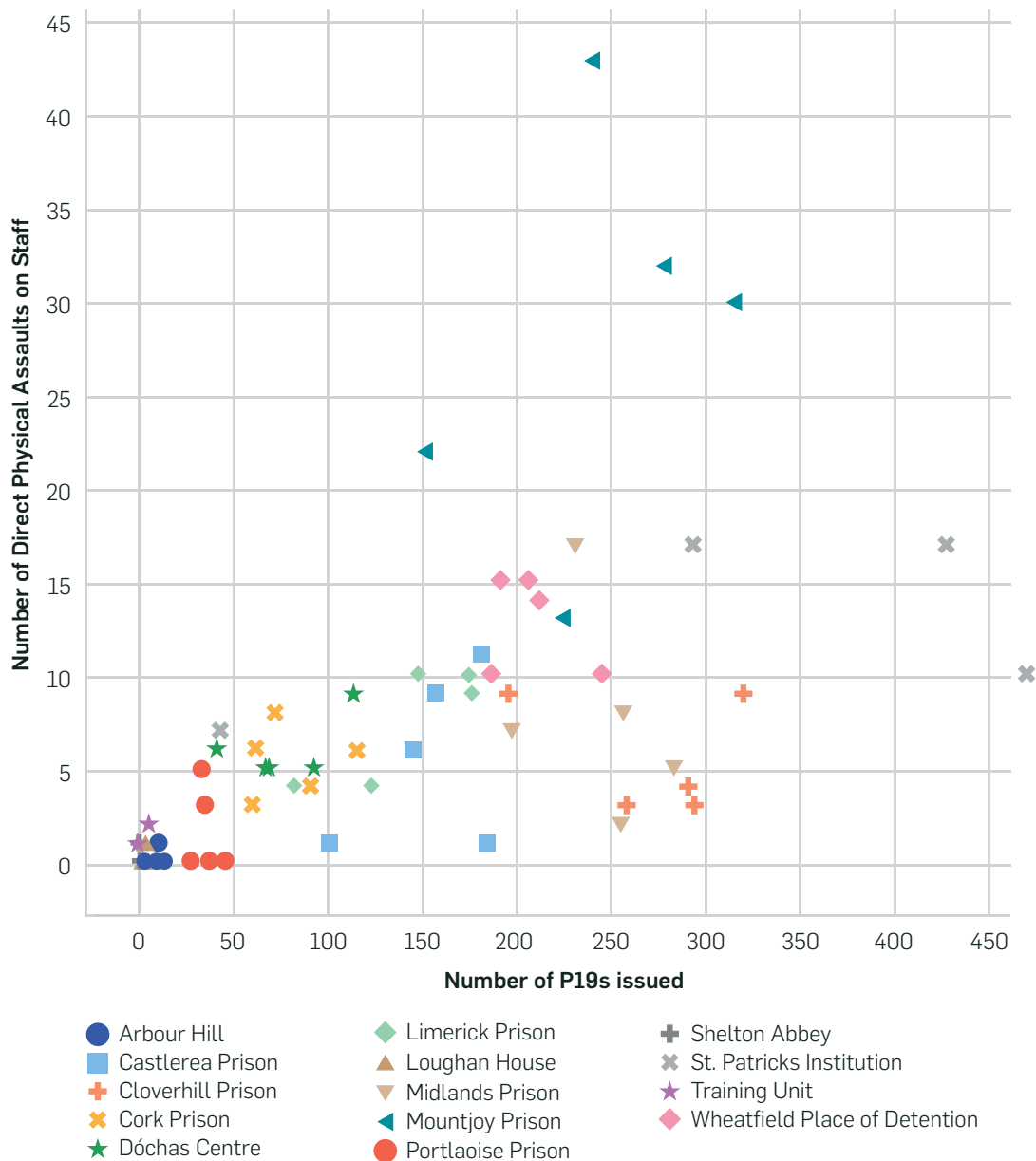


FIGURE 7: DIRECT PHYSICAL ASSAULTS ON STAFF AGAINST P19S (MISCONDUCT 8 - ASSAULTS ANY PERSON) (2011 – 2015)

Results

A correlation analysis and regression analysis was performed on the data shown in Figure 7. The purpose of the analysis was to ascertain the strength of the relationship between P19s issued and prisoner on staff assaults. Both correlation statistics and regression analysis allow the measurement of the strength of the linear association between the two factors. The results are detailed in Table 2.

Table 2: Correlations statistics and regression analysis

| Statistic | Value |
|------------------------------------|-------|
| Persons Correlation Statistic | 0.62 |
| Linear Regression R- squared Value | 0.38 |

A value of 0.62, while not as strong as the previous correlation analysis, still indicates that there is evidence of a linear correlation between the two factors.

For a regression analysis with just two factors a R-squared value of 0.38 is still relatively high. So the regression analysis also indicates that there is evidence of a strong linear correlation between the two factors. The regression analysis indicates that there is a correlation between the number of staff assaults and P19s issued.

6.3 Operational Staff Survey Trend Analysis

Data Sample:

The data used in this section is from the *Review Group's* Operational Staff Survey. The survey was completed online. For the purpose of the Survey, the *Review Group* decided to mainly focus on direct physical assaults. In total 618 personnel (approximately 18% of IPS operational staff) participated in the survey, which is a significant proportion of the overall strength of operational staff within the IPS. However, the sample may not be representative of all operational staff views.

Results – Main Findings

The results of the Operational Staff Survey mirrored some of the findings from the NIMS data as discussed. 77.9% of respondents stated that they had been physically assaulted (Figure 8) in the course of their operational duties and of those, over 80% were prison officer grade at the time (Figure 9).

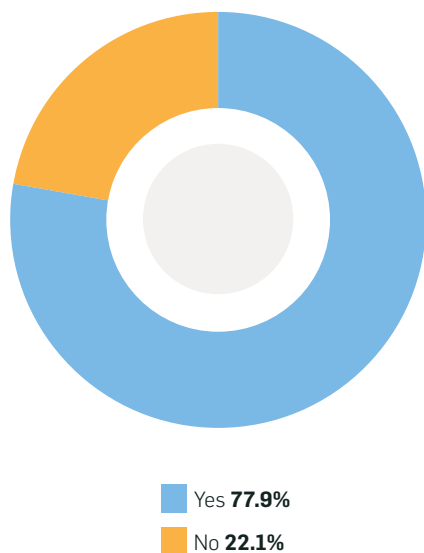


FIGURE 8: HAVE YOU EVER BEEN PHYSICALLY ASSAULTED BY A PRISONER IN THE COURSE OF YOUR OPERATIONAL DUTIES? (SOURCE: OPERATIONAL STAFF SURVEY)

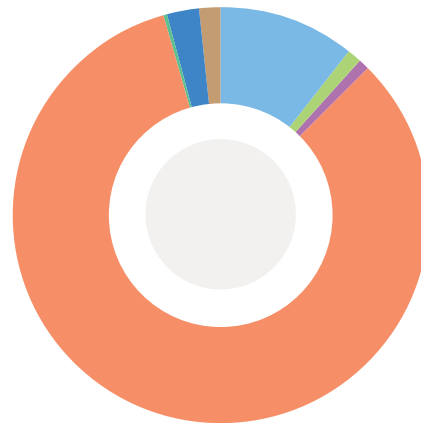


FIGURE 9: STATE YOUR POSITION IN THE IPS AT THE TIME OF YOUR MOST SERIOUS ASSAULT (SOURCE: OPERATIONAL STAFF SURVEY)

The Operational Staff Survey answers to when a respondent was last physically assaulted does not seem to correlate with the reported assaults on the NIMS. The Survey results suggested that there was a spike in assaults in 2012 and 2015. However, the NIMS reported assaults show that such reports are much more evenly spread over those years. The Operational Staff Survey may be skewed on the basis that people who have been assaulted recently are more likely to engage in the survey process.

The vast majority of respondents state that they would report any physical injury as a result of assault whether direct or from a restraint intervention. In addition, the majority would report threatening or intimidating behaviour with a weapon and where it was applicable, the majority of respondents would report inappropriate sexual advances and/or sexual language. Slightly less than 50% of respondents however, stated they would not report inappropriate/threatening language.

What is clear and is borne out by the staff respondents to the survey is that a large percentage of operational staff (74.9%) state that they do feel at risk of physical assault by prisoners. This reflects the concern expressed by prison officers and other front line operational staff including staff associations when interviewed. It is a very reasonable concern given that all the data indicates that this is one of the primary staff related safety incident types reported in the prison service.

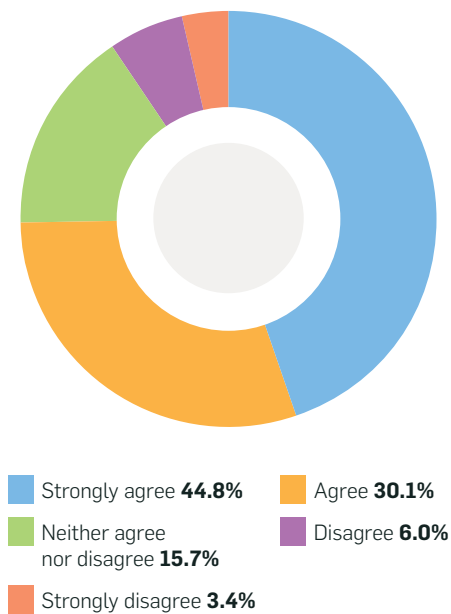


FIGURE 10: IN YOUR CURRENT POSITION, DO YOU FEEL AT RISK FROM A PHYSICAL ASSAULT BY A PRISONER(S)

When staff were asked in the Operational Staff Survey did they feel physically prepared to manage prisoner risks and did they feel emotionally or mentally prepared to manage prisoner risks, 57.7% answered yes to the first question and 58.1% (a similar percentage) answered yes to the second question. This indicates that in the region of 40% of survey respondents do not feel physically, emotionally or mentally prepared to deal with this risk.

6.4 Discussion of the Trend Analysis Results

The SCA use "claims previously reported as incidents" (CPRI) as a key performance indicator (KPI) of the level of reporting of incidents from its Delegated State Authorities. The "CPRI" is the number of claims which have been previously reported as incidents over a given period, represented as a percentage. Although incident numbers alone are not the sole indicators of good reporting, the CPRI KPI is an effective indicator of the culture of reporting, including those incidents which impose a more significant risk.

It must also be recognised that a certain percentage of incidents that have become claims will not have been previously notified to the IPS e.g. third party fall in the visitor area. The IPS and the SCA are working together to establish an appropriate CPRI benchmark. In 2015 and 2016 the CPRI was approximately 40%. This would suggest that there is significant room for improvement in reporting. In addition, the analysis of the data showed that some prisons have a much stronger reporting culture than others. Balancing this and borne out by respondents to the Operational Staff Survey, it is likely that reporting of direct physical assaults is more likely to happen than reporting of other staff injury incident types.

A key objective of this *Review* was to determine whether there was a real increase in the number of direct physical assaults taking place. The trend analysis on the number of direct physical assaults to staff annually does show an upward increase which is likely to continue. Similarly, there is an upward trend when considering direct physical assaults on staff against prisoner population year on year. In both rates however there is a high degree of uncertainty around the predictions because of the small number of data points i.e. the IPS needs to continue to monitor over the next number of years.

Thus, there is some evidence to suggest that the number of assaults is increasing but because of the uncertainty and other issues, the evidence is not compelling. What is clear is that direct physical assaults on operational prison staff are a significant proportion of injury incidents. For example, in 2015, almost 3 in every 100 operational prison staff were directly physically assaulted.

Finally, the correlation analysis between prisoner on prisoner assaults and P19 sanctions; and the correlation analysis of prisoner on prisoner assaults and direct physical assaults on operational staff by prisoners, show that P19 numbers and prisoner on prisoner assaults are good indicators of direct assaults on operational prison staff. It is likely that these are leading indicators for heightened risk of direct physical assaults on operational prison staff.

6.5 Claims Cost Analysis

The primary concern in relation to assaults is the safety of staff. However, there are financial costs associated with these assaults which are also worth considering. The introduction of mitigating risks associated with assaults can involve cost; but this can be offset against the direct and indirect costs that arise as a result of injuries to operational prison staff.

Data Sample

There are two ways that a prison officer may seek compensation as a result of injuries inflicted to him/her by a prisoner during the course of their work. They can seek compensation via the Criminal Injuries Compensation Tribunal, which is a scheme of compensation for personal injuries criminally inflicted and which runs a separate scheme for prison officers. Alternatively, they may choose to make a claim for compensation at common law against the State. The *Review Group* combined, in so far as was possible, the information from the two schemes to give a direct cost of these injuries to staff in the Irish Prison Service, Department of Justice and Equality and the State between the years 2008 and 2015.

Results

Over this above time period, €6.5 million was paid out in compensation for injuries resulting from assaults including all legal costs. This includes general damages, special damages, and the claimant's legal costs. This figure does not include the indirect losses such as absenteeism, the involvement of other personnel both within and outside the prison service in dealing with all the various stages of incidents, investigations, litigation management, claims management, medical interventions, etc. and presenteeism (operational prison staff who return to work but are less effective due to long term physical disability or emotional trauma) or the complete loss of the valuable resource that is a prison officer, to the service, due to ill health or retirement. The State Claims Agency has carried out studies to estimate the ratio of direct costs to indirect costs in relation to a number of incident types, though not specifically assaults related. Comparing the outcomes of assaults to the outcomes of other incidents, it is as likely that the ratio the study yielded would be conservative when applied to assault-type incidents. The study showed that, on average, the ratio of direct costs to indirect costs was 1:3, thus the total estimated costs of these type of incidents to the Irish Prison Service and the State is €26 million.

Thus, there is a significant cost benefit to the Irish Prison Service in investing in the type of controls and mitigating factors that are discussed in this and other reports, as in the long term the initial investment costs of these controls will be offset in terms of reduced direct and indirect costs associated with assault incidents.

Recommendations

1. It is recommended that a standardised approach to categorisation of incidents associated with all types of assaults including violence, harassment and aggression are agreed between all relevant stakeholders, particularly the Irish Prison Service and the State Claims Agency. The new definitions may require the NIMS to be upgraded so that these incidents can be captured appropriately.
2. A common culture of reporting of all assault incidents must be engendered across all of the Service. It is critical that over the next number of years that there is more confidence that a full data set is being gathered and a true picture of assaults is being presented.
3. A suite of reports should be developed by the State Claims Agency in consultation with the Irish Prison Service to allow for automated monitoring of key indicators in respect of assault related incidents and violence, harassment and aggression incidents at organisational and prison level.
4. It is recommended that after the introduction and bedding in of further mitigating controls recommended by this *Review*, that another staff survey is completed to monitor and ascertain staff views on the success or otherwise of those controls. The State Claims Agency is available if required for this purpose.

7.0 OPERATIONAL FACTORS

A prison, from a staff perspective, is an occupational setting but it is also a domestic setting for prisoners. Operational prison staff have the day to day challenge to manage the security and safety risk while also delivering on the educational, recreational and healthcare needs etc. of the prisoners.

Considerable planning and resourcing is required to achieve such deliverables, all the while being cognisant that the main population are prisoners, who in of themselves are a hazard. They bring many risk factors to the equation not only when it comes to the management of prisoners in a domestic context, but also when called upon to manage their behaviours e.g. from prisoners exhibiting violent tendencies to other factors such as mental health, drugs etc. These operational duties will account for a considerable amount of the contact time that operational prison staff will have with prisoners on the landings and in the prison environs. Escort duties are typically off-site and will involve smaller numbers of staff and prisoners. Internal operational duties and external operational duties are a challenge and together with the use of weapons and equipment are all therefore considered as part of this Review. However before addressing these matters, the continuum of force must in of itself be considered as it sets the backdrop/tone for the associated elements, dealt with under the theme 'operational factors'.

7.1 Continuum of Force

Findings

Most law enforcement and correctional agencies have policies that govern and guide the use of force. These policies describe an escalating series of actions an officer may take to resolve a situation and are generally termed the 'continuum of force' or the 'progression of force'. The continuum of force has a number of levels, referred to from here on as 'capabilities' and officers are instructed to respond with a level of force appropriate to the situation at hand. Figure 11 shows the various levels in a typical continuum of force. The red coloured level, 'Lethal Force', is a capability that is not possessed by the IPS.



FIGURE 11: CONTINUUM OF FORCE

The Review Group's understanding of the current situation is that the IPS utilise officer presence and verbalisation (de-escalation and conflict resolution) as the primary means of control, with empty hand control and/or less lethal methods being employed during physical interventions.

IPS staff are bound by the *Prisons Act 2007* and *Prison Rules 2007* in respect of the use of force and weapons.

Section 93 of *Prison Rules 2007* addresses the 'use of force' as follows:

- "(1) Where, for the purpose of maintaining or restoring good order or safe or secure custody, it is deemed necessary to use force in relation to a prisoner, such force only as is reasonably necessary and proportionate to achieve that purpose shall be used;
- (2) A prison officer shall not strike a prisoner unless compelled to do so to prevent injury to himself or other persons;
- (3) Where force has been used on a prisoner, the Governor shall ensure, as soon as is reasonably practicable, that the prisoner concerned is examined by a healthcare professional, as appropriate;
- (4) Where a prison officer uses force in relation to a prisoner he or she shall, as soon as may be thereafter, inform the Governor thereof and report to him or her, in writing, the circumstances that gave rise to force having to be used and, also, the nature and degree of force used."

European Prison Rules, 2006 issued by the Council of Europe are not legally binding for member states of the Council of Europe, but provide recognised standards on good principles and practices in the treatment of detainees and the management of detention facilities. Sections 64-66 state in relation to 'Use of force' that:

- "64.1 *Prison staff shall not use force against prisoners except in self-defence or in cases of attempted escape or active or passive physical resistance to a lawful order and always as a last resort.*
- 64.2 *The amount of force used shall be the minimum necessary and shall be imposed for the shortest necessary time.*
65. *There shall be detailed procedures about the use of force including stipulations about:*
- ▶ *The various types of force that may be used;*
 - ▶ *The circumstances in which each type of force may be used;*
 - ▶ *The members of staff who are entitled to use different types of force;*
 - ▶ *The level of authority required before any force is used; and*
 - ▶ *The reports that must be completed once force has been used.*
66. *Staff members who deal directly with prisoners shall be trained in techniques that enable the minimal use of force in the restraint of prisoners who are aggressive."*

While European Prison Rules are not binding, Irish Prison Rules differ from prescribed best practice in not stipulating:

- ▶ The different types of force which can be used;
- ▶ What is meant by striking - is striking with the fist or with a weapon?;
- ▶ What members of staff are authorised to use different types of force;
- ▶ The level of authority required before any force is used.

Guidance on these issues is set out in training and the Control and Restraint Training Manual gives comprehensive guidance on striking techniques.

In relation to lethal force, European Prison Rules state that:

"69.1 *Except in an operational emergency, prison staff shall not carry lethal weapons within the prison perimeter." Lethal weapons are not defined but it can be concluded that these would include firearms, which are not in use by IPS.*

In respect of other weapons, European rules state:

"69.2. *The open carrying of other weapons, including batons, by persons in contact with prisoners shall be prohibited within the prison perimeter unless they are required for safety and security in order to deal with a particular incident.*

69.3 *Staff shall not be provided with weapons unless they have been trained in their use."*

The focus of this Review, around the use of force, has been on exploring the use of non-lethal methods, including the use of batons, incapacitant spray and conducted energy weapons (CEW). However, the Review Group recognises that other methods of controlling prisoners, lower down the continuum of force, are utilised on a daily basis by prison officers as part of their response to threatening or violent situations.

Notwithstanding the position of European Prison Rules, responses received from EuroPris in relation to weapons indicates that a wide spectrum of capabilities exists among the respondents, ranging from those whose capabilities include the use of batons in very limited circumstances to those who issue batons to all staff. See Appendix B (2) which summarises the available capabilities across a selection of European Prison Agencies.⁶

The reasons and background as to why each of the European Prison Agencies introduced various capabilities was not explored as part of this Review. Brief discussions on this matter (with other European Prison Agencies and

6 A number of European Prison Agencies requested that the Review Group would not identify their data as a result all EuroPris responses were anonymised.

the IPS) appear to suggest that there are complex, organic, and multifactorial reasons for the range of capabilities available in each of the Agencies. The countries' histories, traditions of the service and culture play a significant part. Specific events or incidents of riot or assault can be important influences. There is no doubt also that the European Convention on Human Rights (ECHR) and a common European approach has impacted views and practice in recent years.

From discussions with the Finnish Prison System (FPS), the Northern Ireland Prison Service (NIPS) and the Scottish Prison Service (SPS), it is very apparent that available capabilities in each Service can only be considered in the context of what controls are in place in respect of their deployment and subsequent monitoring and oversight, where they are used. The *Review Group* concluded that while the knowledge around the use of capabilities abroad is informative, it is not instructive.

Recommendations

1. The Irish Prison Service should consider reviewing the *Prison Rules, 2007* with a view to bringing them in line with *European Prison Rules, 2006*. This *Review* should consider:
 - i. What sort of force is allowed taking into account the continuum of force, with use of force being a last resort;
 - ii. In what circumstance can and should the various capabilities be deployed;
 - iii. Whom and under whose authority can the various capabilities be deployed in each of the foreseeable circumstances;
 - iv. A clear definition of what constitutes striking must be included in rules and policy.

As a minimum and in the interim period pending the rules being amended, the IPS should introduce internal policy and accompanying standard operating procedures to address these points.

7.1.1 Internal Operational Duties

Findings

The Operational Staff Survey revealed concerns from staff that a reduction in staff numbers or staff shortages has increased vulnerability and the potential of being attacked on the landings, with approximately 50 respondent's commenting that the perceived lack of staffing was a major cause of staff assaults. The staff to prisoner ratio was not explored as part of this *Review* as these have been determined and agreed in the recent

transformation process. It is important to note that while the ratios of staff per prison and per prisoner population have been agreed, they do face considerable challenges on a daily basis due to absenteeism, resource draw to other duties e.g. escorts, etc. It is therefore incumbent on the service to ensure that the contingency plans implemented as a result of these challenges are appropriate and that diminishing task lines (DTLs) are operated effectively.

An analysis of the NIMS data showed that the highest rate of assault related incidents on prison staff occurred on the landing, outnumbering all other areas. Approximately 70% of direct physical assaults occur in prisoner accommodation, and more definitively, approximately 45% of direct physical assault incidents occur on the landing.

The Operational Staff Survey showed similar results, with approximately 50% of the survey respondents indicating that the landing was the location of their most serious assaults (See Figure 12). The cell/bedroom is the area where the second highest number of assaults occurred.

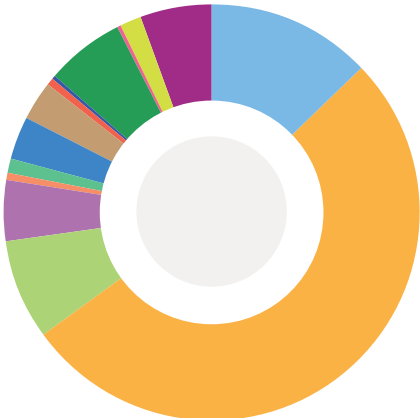


FIGURE 12: Q.15 WHERE DID YOUR MOST SERIOUS PHYSICAL ASSAULT OCCUR? (SOURCE: OPERATIONAL STAFF SURVEY)

It was evident from the interviews with staff and from the Operational Staff Survey findings that control and restraint plays a very dominant role in the mindsets of front line prison staff when managing prisoners and prisoner behaviours in particular, when fulfilling their operational duties within the prison. Control and restraint was introduced into the IPS to provide staff with the techniques and procedures necessary to carry out their duties when called upon to manage recalcitrant prisoners. A control and restraint incident is any incident that threatens the good order and discipline required throughout the prison estate, in which staff have to employ the techniques and procedures taught to them through the control and restraint training course (IPS Control and Restraint Training Manual, 2013).

Having reviewed the Control and Restraint Training Manual, it was found that it is multifaceted and includes the actual physical techniques called upon, in a structured and controlled way, to restrain a prisoner during a planned physical intervention (such as planned cell relocations and riot interventions). It also addresses other skills such as verbalisation through de-escalation techniques, conflict resolution and break away techniques which can be applied during spontaneous physical interventions.

As stated in the 'Control and Restraint Training Manual 2013', actual physical restraint intervention *"is only to be used when other methods not involving the use of force have been tried and failed, or are judged unlikely to succeed, and action needs to be taken to prevent injury to staff, prisoners, other persons or damage to property."* Section 93 of the Prison Service Rules, 2007, enables prison officers *"where, for the purpose of maintaining or restoring good order or safe or secure custody, it is deemed necessary to use force in relation to a prisoner, such force only as is reasonably necessary and proportionate to achieve that purpose shall be used"*.

The use of force therefore, when it is called upon in the context of managing prisoners and prisoner behaviours, is very important and governed as set out above and is used "only when other methods have been tried and failed or judged unlikely to succeed". The *Review Group* found that the training course modules mainly focus on the physical techniques used to control and/or restrain a prisoner either using control and restraint teams or individuals employing control and restraint and breakaway techniques. This emphasis, on the physical elements of control and restraint, was also strongly supported by the views expressed in interviews with representatives of the Control and Restraint Group. It was clear to the *Review Group* that less emphasis is placed on the "other methods" such as conflict resolution and de-escalation techniques. The Operational Staff Survey found that

when staff were asked "when were you last trained in 'Conflict Resolution/De-Escalation Techniques'?" a significant 71.2% of respondents stated that they were "never" trained in this. However, when they were asked "when were you last trained in 'Control & Restraint'?" only 2.6% said that they had "never" been trained in this; perhaps an indication of the emphasis on the physical element of control and restraint in the training provided to staff.

The stated objectives of the training encourages these "other methods" (conflict resolution/de-escalation techniques) but in the opinion of the *Review Group* the course content does not address these techniques as comprehensively as required given their importance prior to the use of force. This is further supported by the findings of the Operational Staff Survey which found that staff more frequently use these "other methods" (40% of respondents use these skills daily) than the actual act of control and restraint (5% of respondents use these skills daily), see Figure 13.

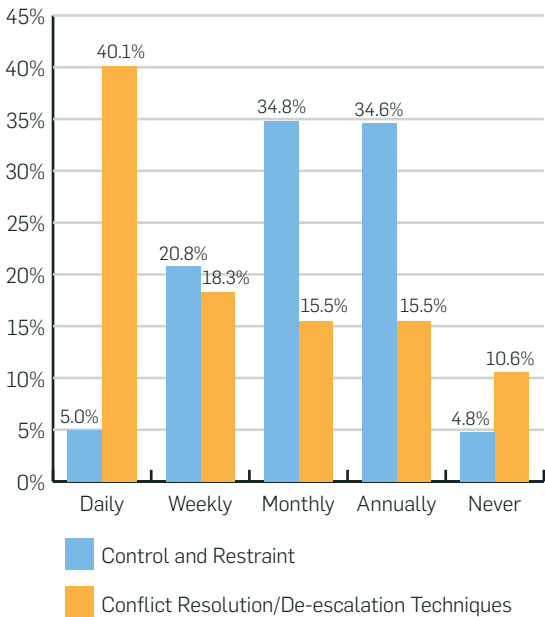


FIGURE 13: USE OF CONTROL AND RESTRAINT SKILLS VERSUS CONFLICT RESOLUTION/DE-ESCALATION TECHNIQUES SKILLS. Q.20 HOW OFTEN HAVE YOU USED THESE SKILLS (CONTROL AND RESTRAINT) AND Q.24 HOW OFTEN HAVE YOU USED THESE SKILLS (CONFLICT RESOLUTION/DE-ESCALATION TECHNIQUES)

The IPS Policy in relation to this control and restraint training, requires that all prison officers are trained initially at recruitment stage and thereafter, it is a further requirement for all staff to complete refresher training annually. From training statistics provided by the Irish Prison Service College (IPSC) it is clear that this training

objective (annual Control and Restraint Refresher Training) is not being achieved. Given the varying frequency of use of the skills taught in this course, it is questionable if such an onerous training requirement is commensurate with the risk of assaults to all operational staff in prisons.

It is accepted that the act of physical intervention is a challenge given the unpredictable nature of the hazard – volatile/violent person; the effectiveness of the training as currently constituted may need to be considered. A number of prisons were asked to provide statistics on how often control and restraint was used in planned cell relocations. This data was not readily available. Recording, in general, of control and restraint events is rarely completed and so it is not possible to determine if the level of injuries are proportionate to the volume of interventions. Equally it should be noted that feedback on successful interventions are a good learning aid and can be used to validate good practices and effective models. It was the *Review Group's* finding that monitoring did not take place in the absence of a systematic recording process.

Recommendations

1. The IPSC should review the current Control and Restraint training course and refocus the emphasis from the physical aspect of the training to other modules such as conflict resolution, de-escalation techniques, etc. The *Review Group* recommends renaming this training approach 'Conflict Management'. The requirement and frequency of refresher courses for this training should also be determined by the IPSC.
2. Given the frequency of planned physical interventions, e.g. planned cell relocation, and the controlled manner in which such training is called into use, the *Review Group* would recommend that specialised control and restraint teams be established in each prison. These teams would have a higher level of training in the physical aspects of control and restraint than other prison officers. The number of teams in each establishment should be proportionate to the operational needs.
3. The current policy of annual refresher training in control and restraint for all staff should be reviewed with a view to providing this training the specialised teams only and providing an achievable level of refresher training in Conflict Management to the remainder of staff. The management and frequency of training should be determined by the IPSC.
4. Frequency of planned physical interventions involving specialised control and restraint teams should be formally logged and centrally reported to the Operations and IPSC. This will allow for monitoring and review to verify the effectiveness of the training and the delivery of the skills in operational situations.
5. The *Review Group* recommends the introduction of an Operational Group to review periodically all operational matters including de-escalation, control and restraint etc. This Operational Group will replace the Control and Restraint Group. This Operational Group should be accountable to the Compliance Executive and have the appropriate representation from all relevant functions e.g. Operations, Governors, Care and Rehabilitation, Irish Prison Service College, Legal and Professional Standards Office, etc.

7.1.2 External Operational Duties

Findings

One of the key operational duties, which in the main is undertaken outside of the prison, is escort duty. The escorting service provides for hospital escorts, prisoner transfers among prisons and court escorts. Escorts are conducted by the Prison Service Escorts Corps (PSEC) or by the prisons own staff. PSEC was established in 2005 to provide a prisoner escorting service and has 58 cellular vehicles (*at the time of the Review*) with varying capacity. If PSEC do not conduct the escorts then each prison will conduct their own escorts of prisoners by assigning prison officers from within the prison to perform these duties.

The 'Escorting of Prisoners' policy gives a general description of what the IPS sets out to accomplish in relation to the escorting of prisoners and to try to ensure that escorts are carried out safely, securely and efficiently. The policy is quite extensive and deals with most of the issues. However in relation to procedural guidance there could be misinterpretation in respect of use of force, weapons and instruments of restraint; this is addressed in Section's 7.1 Continuum of Force, 7.2 Weapons, and 7.3 Instruments of Restraint.

PSEC and prisons operate under a Service Level Agreement, however, we were informed that it was not functioning optimally in all prisons and this creates both general governance and day to day operational issues, which could lead to an increase in the risk of assault. The matter is addressed in the *Report of an Investigation by Judge Michael Reilly, Inspector of Prisons, into the circumstances surrounding the death of Shane Rogers at Cloverhill Courthouse on the 20th December 2011* and this Review Group concurs and endorses the recommendations of that investigation report in relation to the Service Level Agreement.

When PSEC do not provide the escort service, then the prison itself provides the staff directly. The system of assigning prison officers to escorts within each prison varied and there was no overarching standard operating procedure across prisons. Some staff are systematically selected so as to ensure work is distributed evenly, some staff members personally request to take part on escorts and in some circumstances, the Chief Officer and Assistant Chief Officer conduct a dynamic risk assessment and select the 'best' person(s) suited for the task (this generally occurred if the prisoner was deemed as 'high risk' or 'high profile'). It was not clear if these local prison escort personnel were fully aware of, or adhered to, the standard operating procedures as operated by PSEC. Given the ad-hoc manner by which staff can be selected for such a duty, it could result in staff who are not fully familiar with the duties being called upon to function in these roles.

Both the NIMS data analysed and the replies from the Operational Staff Survey show that assaults while on escort account for a relatively small percentage of the total number. The majority of the findings and recommendations of this report relate to the risk of assaults in the prison complex and particularly in areas like landings, cells and recreation areas. However, there are certain aspects of the risk on escort duty that remain a concern for the IPS management including: the potential for severe assault incidents, the vulnerable environment, the added risk to members of the public and reputational risk, and will therefore be addressed as part of this *Review*.

In 2014, there were over 25,000 escorts due to court appearances and approximately 8,000 escorts conducted for prison transfers. A small percentage of court escorts are avoided by using video link facilities. Anecdotally, interviewees' perceptions were that court escorts are prioritised above hospital escorts and prison transfer escorts. Thus, in the main, these court escorts are carried out by PSEC with dedicated personnel. This can result in a significant challenge to staffing activities within the prison environment, whereby prison staff are required to complete all other escorts.

Many interviewees thought that PSEC were an "under resourced" Prison Support Unit and concluded that "ideally PSEC should conduct all prisoner escorts as this would standardise the procedure and therefore make it safer". Additionally, the IPS reported that the number of hospital escorts averaged approximately 6,000 over 2014/2015. A lot of those interviewed suggested the in-sourcing of primary healthcare on site (i.e. within the prison premises) would reduce escort requests. IPS Care and Rehabilitation are actively working to insource more primary healthcare.

In relation to other prison services the *Review Group* found that in the Northern Ireland Prison Service (NIPS) all escorts are in-sourced and they have a dedicated team specifically trained to conduct these. The interview with the NIPS, highlighted that there has been a reduction in assaults on staff members by prisoners during escorts. The reduction in these incidents according to the NIPS, was attributed to a number of factors; the designated team that are specifically trained in the work task which makes them extremely familiar with the appropriate policies and procedures, the use of dynamic risk assessments and that the majority of prisoners are not being handcuffed (unless they are a Category A prisoner or when a risk assessment has deemed the need for the use of handcuffs). These views were also echoed in the report: *Prisoner Escort and Court Custody Arrangements in Northern Ireland - A follow up Review of Inspection* (Criminal Justice Inspection, Northern Ireland, April 2014). Additionally, this report highlighted the importance and benefit of 'Dynamic Risk Assessments'.

In the Scottish Prison Service, they contract the escorting service to a private company (G4S). They maintain a very close relationship with G4S to ensure appropriate levels of information sharing. There is a defined 'information sharing' protocol in place which is strictly adhered to. Ultimately it is the responsibility of G4S to conduct a risk assessment of the prisoner and they decide on the appropriate actions; this would include what protective equipment, if any, is required.

Recommendations

1. It is recommended that the IPS review the escort model so as to harness the skills and expertise in PSEC and utilise this to establish how to enhance the delivery of escorts throughout the service. As part of this review, consideration should be given to increasing resources in PSEC and/or provide dedicated escort teams in each prison who adhere to the same standard operating procedures and training as those developed and set down by PSEC, Operations and IPSC.
2. There should be one standard operating procedure for the delivery of escort services across the IPS, which would involve escorting staff playing a lead role in the assessment, searching and management of the prisoner from escort request to conclusion. Feedback to PSEC and Operations on the outcome of all escorts should become a requirement of the standard operating procedure and training.

3. IPS need to review the current frequency of escorts to reduce where possible the requirement to go off site for such services by:
 - ▶ Continuing to reassess the in-sourcing of more healthcare services to be delivered within the prison complex;
 - ▶ Seeking to have any legislative impediments removed so as to maximise the use of video links for court appearances.
4. The *Review Group* concurs and endorses the recommendations in relation to the Service Level Agreement between PSEC and the Prisons as set out in the *Report of an Investigation by Judge Michael Reilly, Inspector of Prisons, into the Circumstances Surrounding the Death of Shane Rodgers at Cloverhill Court House on the 20th December, 2011*.

7.2 Weapons

"A weapon is a thing designed or used for inflicting bodily harm or physical damage" (Oxford Dictionary, 2016). A number of items are in use as weapons in European prisons and correctional facilities, including batons, incapacitant spray, conduction energy weapons etc. In the following section, the *Review* considers the possible introduction or extended use of various weapons as a mitigating control against foreseeable assaults on staff by prisoners.

The introduction of further weapon capabilities was explored as part of this *Review*, with interviewees and as part of the Operational Staff Survey. Opinions were essentially divided into two camps; a) weapons were deemed necessary in light of the perceived increased violence and reduced prison officer to prisoner ratios or b) weapons should not be introduced because they would change the power balance between the prisoner and prison officer leading to intended and unintended consequences.

The management and staff of the IPS are justifiably proud of the culture and dynamic that traditionally and currently exists, of generally good relationships between operational staff and prisoners. It is an aspect of the Irish Prison Service that is the envy of other European Agencies. It means that, in general, prison life can carry on in a less hostile environment. Operational staff, in addition to their core public duty of securing the prisoners, must also provide many supports to the prisoner. A good non hostile relationship benefits the operational staff in fulfilling both duties. The power balance is critical to this relationship continuing to function as well as it does.

Interviewees, mainly Governors, Assistant Governors, Chief Officers, Assistant Chief Officers and other management grades, were concerned that the introduction of weapons as standard issue beyond the circle "*would change the culture*".

The most powerful weapon that a prison officer has "*is his mouth and how to speak to prisoners, to stop certain circumstances from escalating into something bigger*". The general view on weapons is that "*if prison officers have weapons this would heighten tension within the prison and change the overall dynamic*". Among some of the Assistant Chief Officers and Class Officers interviewed there was genuine concern expressed for their safety and a view that additional weapons' capability would help mitigate the risk; "*we have no protection whatsoever. We should have batons and incapacitant spray. In fairness there would be few enough occasions where we would need batons but we should have them anyway*". The need to introduce weapons onto the landing was not a universal view among these grades but it was more frequently expressed.

It was regularly pointed out at all levels within the Service that it is only a small cohort of prisoners that are violent. The introduction of additional 'use of force' capabilities applies only to situations involving prisoners have behavioural problems with known violent propensity who towards staff or other prisoners, and certain control and restraint activities. Prisoners with severe behavioural problems are generally kept in a certain part of each of the medium security prisons and thus are identifiable and isolated. Estimates of the number of prisoners in the system with significant behavioural problems range from 15-25 at any one time. These can present really difficult challenges for the prison service and be very significant threats to operational staff. The *Review Group* was shown evidence and reviewed a number of incidents where these type of prisoners, even in isolation, and with significant resources deployed (stand by control and restraint teams), still managed to injure staff.

In the case of prisoners with violent behavioural tendencies, there was a greater consensus amongst operational staff that weapons could help to protect prison officers from injury if properly deployed when dealing with this type of prisoner. The use of weapons was generally considered for extreme or specialised use only. Interviewees and respondents in the Operational Staff Survey recommended that controls such as improved prisoner risk assessments, improved training, personal protective equipment and improved mental health services were as or more important than the introduction of enhanced weapon capabilities.

7.2.1 Batons

Findings

Operational staff are not currently issued with batons while on duty within prisons. Batons were previously issued to all prison officers and carried on landings but this practice has been phased out, possibly in the 1980s.

The *Review Group* was informed that the IPS has identified an extendable baton to be issued as a standard baton for high risk escorts and the Black Mamba type batons are issued to Control and Restraint teams in the event of disturbances. There are other types of batons from previous issues remaining within the prison system. No decision has been made to withdraw these batons at the present time e.g. the standard wooden baton has never been withdrawn from service and can still be issued to staff in prisons if necessary i.e. in event of raised overall tension.

Section 9 of the *Firearms and Offensive Weapons Act 1990* prohibits a person, without lawful excuse or reasonable authority, from having in a public place any article made or adapted for use for causing injury to or incapacitating a person. The IPS is of the view that a baton would come within this definition. However, this does not necessarily mean that operational staff would be guilty of such an offence if they had a baton on their person in prison. It would need to be proved that the prison is a public place and also that there was no lawful excuse of reasonable authority to use the baton.

EuroPris responses indicate some prisons use batons as standard equipment on landings. Other prisons report that batons are available for use in interventions or cell extraction operations but are not part of normal equipment worn by operational staff. Almost all who responded (where the prison service conducts its own escorts) reported that escort personnel outside of a prison are equipped with batons. Information from EuroPris indicates that the retractable/extendable baton is now the standard type of baton among national prison agencies (see Appendix B (2) for further information).

In Northern Ireland, NIPS report that all staff members carry batons at all times in male prisons. There are extensive procedures addressing the use of batons; initial reaction is not to draw a baton and a report is required if a baton is drawn. In Scotland, all staff members are issued with an extendable baton as a traditional part of the uniform. It is a personal choice if they carry them on the landing or not.

The main area of debate is the introduction of weapons onto the landings – 'beyond the circle'. Based on reported data on the NIMS and the Operational Staff Survey, this is

where the majority of assault related incidents occur (see Section 7.1.1 Internal Operational Duties).

Changing a policy that has served the IPS well for thirty years where operational staff do not carry batons beyond the circle, on landings and in other areas within the inner perimeter of the prison is a decision that needs to be based on a balance of the risks involved. This was a much discussed issue during the interviews with IPS Staff. There were divided views but the majority felt that it is was an unnecessary step at this stage and that it could potentially escalate tensions within the prisons thereby possibly leading to an increased number of assault related incidents. Others also expressed the view that the baton simply would not work as a deterrent, wasn't the proper weapon in those type of circumstances, would likely result in prisoners themselves seeking to restore the power balance by introducing more dangerous weapons of their own and, finally, that the baton introduced for landing duties could be turned on the prison officers themselves. There are counter arguments to all of these points. The other consideration in relation to the introduction of batons is the necessary governance around their introduction and use. In some prison services where they have been introduced, the use of batons is explicitly and specifically detailed in guidance and training. When a baton is drawn and used, an external independent investigation is required. All staff would require training and refresher training in their deployment and use. Finally, it would also introduce the possibility that operational staff, as has happened with An Garda Síochána, may themselves be prosecuted for assault in the event that a baton is incorrectly or overzealously used.

Recommendations

1. On balance, the carrying of batons could introduce as much risk as it possibly would mitigate and there are a number of known and possible unknown, unintended consequences which could worsen the situation in relation to the risk of staff being assaulted by prisoners. Therefore, the *Review Group* has concluded that on the balance of the risks involved, the introduction of batons, as a standard piece of equipment to be carried by operational staff on a daily basis, within the inner perimeter of the prison and on landings, in high, medium, or open security prisons is not currently an appropriate mitigating control.
2. A review should be undertaken, based on the operational needs of the Service, of the types of batons required for particular operational duties and the procurement process should ensure standardisation in the purchase of such equipment.

All non-approved or non-standard/redundant batons should be removed from use and from the Service.

3. A standard operating procedure should be established indicating all types of batons available for use within the Service, under what circumstances they can be authorised to be used, training requirements and allocation and retrieval of same from a monitoring and control perspective. When a baton is used, its use should be formally recorded and a formal investigation undertaken.
4. The *Review Group* recommend, for avoidance of any doubt, and given the vulnerability and increased risk associated with escort duty that all PSEC staff and prison officers engaged in escort duties should be issued with an approved baton for the duration of such a duty. Appropriate training and instruction must be provided to all such staff in their use. Whether batons are carried in an open or concealed manner is a matter for the consideration of the IPS (when the Operational Group is established – see Section 7.1.1 Internal Operational Duties).

7.2.2 Incapacitant Sprays

Findings

Incapacitant sprays are used as part of a range of options available to law enforcement or prison staff in the continuum of force to temporarily disable potentially aggressive or violent individuals or those with acute behavioural disturbance. Types of incapacitant spray include pelargonic acid vanillylamide (PAVA), and oleoresin capsicum (OC). PAVA is a synthetic form of OC, normally called 'pepper spray.'

Incapacitant sprays are not currently issued to members of IPS, although they are used by An Garda Síochána and other law enforcement agencies.

Incapacitant sprays may fall within the definition of "firearm" as contained in Section 1 of the *Firearms Act 1925*. Furthermore, the Department of Justice and Equality website states that CS and incapacitant sprays are weapons. Section 1 of the 1925 Act defines "firearm" as including a prohibited weapon, which in turn is defined as meaning and including:

"Any weapon of whatever description designed for the discharge of any noxious liquid, noxious gas or other noxious thing, and also any ammunition."

There is no definition of "noxious" in the Act but it could apply to the substances found in incapacitant sprays. Section 2 of this Act provides that:

"subject to exceptions from that section therein mentioned, it is unlawful for a person to have in his possession, use or carry any firearm, save insofar as such possession etc., is authorised by a firearm certificate granted under this Act for the time being in force."

The *Review Group* is of the opinion that the use of incapacitant sprays by operational staff does not fall within the exceptions set out in Section 2 (3) of the *Firearms Act, 1925* thus, requiring a firearm certificate to permit their use and possession.

The issue of a permit to members of the IPS pursuant to Section 2 (3) (a) may bring members of the IPS within the exception section and, therefore, members would not be guilty of an offence under the Act for the possession, use or carrying of any firearm, to include incapacitant sprays.

The issue of permits is governed by the 1925 Act and, in particular, Section 3 thereof which states that, subject to the limitations and restrictions imposed by the Act, a Superintendent of An Garda Síochána for the district in which an applicant resides can issue a firearms certificate to authorise the person named therein to possess, use and carry a firearm. Equally the Minister may at their discretion, but subject to the limitations and restrictions imposed by the Act, grant such a person a firearm certificate.

In a number of reports and based on anecdotal evidence, there would appear to be a potential use for incapacitant sprays which could serve to reduce the risk to staff in certain threatening situations. Additionally incapacitant sprays could reduce the risk to prisoners where temporary incapacitation may reduce the risk of more serious injuries should a threatening or violent event carry on uninterrupted. For example, prison officers in Her Majesty's Prisons Grampian, in Peterhead (Scotland), deployed incapacitant spray during a riot in which staff sprayed nine of the prisoners with pelargonic acid vanillylamide (PAVA) to disable them during a fourteen hour standoff. Neither staff nor prisoners subsequently needed hospital treatment (The Press and Journal, 2014).

During the interviews a number of staff agreed that incapacitant spray could have its uses in certain situations: *"Incapacitant spray could be used only for certain incidents where it is available under direction (maybe kept in the Governor's office). There would need to be a set of guidelines and for use by only a small cohort of staff."*

Incapacitant sprays are available for use in many European Prison Agencies. Methods of deploying Incapacitant sprays vary from country to country. In some cases they are worn as part of uniform within the

prison inner perimeter; in other cases they are held centrally and are deployed upon authorisation by the Governor.

Legal advice provided to the *Review Group* indicates that there would, for policy reasons, have to be collaboration between the Irish Prison Service and An Garda Síochána given the environment in which the firearm, in this case incapacitant spray, is intended to be used.

Recommendations

1. It is recommended that the Irish Prison Service seek legal opinion to confirm the State Claims Agency's view that incapacitant sprays are considered a firearm under the *Firearms Act, 1925* and that the Irish Prison Service can be permitted to possess, use and carry the incapacitant spray through the granting of firearm certificates either by the Minister for Justice and Equality or via An Garda Síochána.
2. Subject to 1. above, the *Review Group* recommends that the IPS consider the introduction of incapacitant sprays, on a trial basis (over a fixed time period of 12 months), to a small cohort of operational staff in one prison. The *Review Group* does not recommend that incapacitant spray is carried as a standard piece of equipment but that it should be available within the prison for deployment. A clear and unambiguous set of rules and standard operating procedures for the deployment and use of the incapacitant sprays would have to be developed by the Operational Group (see Section 7.1.1 Internal Operational Duties) prior to their trial within the Service to include the reporting and investigation of all such usage. Included in these rules should be clear and unambiguous description of the events for which these sprays can be deployed. Sprays should only be deployed for use following the agreement and formal sign off by a Governor in respect of each occasion for which there is an intervention. An investigation protocol, which may involve An Garda Síochána and an independent investigator, will have to be considered as part of the trial.
3. Subject to the outcome of Recommendation 2 above, if the incapacitant spray is found to be a necessary and beneficial mitigant to the risks associated with assaults, the Operational Group should undertake an operational needs analysis to determine what prisons the incapacitant spray should be available in. As for the trial, a standard operating procedure including reporting and investigation of usage must be implemented and monitored.

7.2.3 Conducted Energy Weapons (CEW)

Findings

A conducted electrical weapon (CEW) is an electroshock weapon sold by Taser International and commonly known by that name. It fires two small dart-like electrodes, which stay connected to the main unit by conductors, to deliver electric current to disrupt voluntary control of muscles causing 'neuromuscular incapacitation'.

Specialist units of An Garda Síochána, namely, the Special Detective Unit, the Emergency Response Unit and Regional Support Units use the X26 model of the Taser CEW. CEW are not currently available to members of IPS.

Use of CEWs in Ireland by private individuals is prohibited. In the *Firearms Acts, 1925 to 1990*, the term firearm includes:

"Any type of stun gun or other weapon for causing any shock or other disablement to a person, by electricity or any other kind of energy emission".

Responses to EuroPris query indicates that there is very limited use of CEW across European Prison Agencies.

If CEW's were to be introduced into the Irish Prison Service, it would be used in very limited circumstances and under strict rules and guidance. However, very few operational prison staff felt that CEW were a good idea or were in favour of their introduction.

Recommendation

1. Given the limited use of conduction energy weapons in European Prison Agencies together with operational staffs' current view of them, and in light of the *Review Group's* recommendation in respect of batons and incapacitant sprays, it is not recommended that CEWs would be introduced into the Irish Prison Service.

7.2.4 Conflict Resolution Dogs

There was one other capability consideration raised by some of the IPS staff interviewees and by the Irish Prison Officers Association and that was the introduction of conflict resolution dogs. On reflection, the *Review Group* felt that without a detailed analysis of the cost and time involved in the introduction of conflict resolution dogs, together with the maintenance and up keep to establish the viability of their introduction, the *Review Group* could not come to a considered position. This was not possible to achieve within the timeframe and scope of the *Review*.

7.3 Instruments of Restraint

Findings

In the *Prison Rules 2007*, use of restraints and handcuffs is specified by Rule 65 which authorises the use of restraints as follows:

- (1) a "restraint" means a device approved by the Minister that is designed to restrict the prisoner's movement without causing injury to the prisoner.
- (2) a prisoner may -
 - (a) be placed in a restraint, in a manner approved by the Minister, where the Governor so directs;
 - (b) be kept in restraint for such period, not exceeding 24 hours, as is specified in the direction concerned.
- (3) a direction under paragraph (2) shall not be given in relation to a prisoner unless it is necessary, in case of urgent necessity, to prevent -
 - (a) the prisoner from injuring himself or herself, or others, or
 - (b) significant damage to property by the prisoner, and the accommodation of the prisoner concerned without restraint in a cell would, in the opinion of the Governor, be inadequate.

Rule 65 (14) provides that:

"nothing in this Rule shall be construed as requiring that a direction under para (2) be given in order to enable handcuffs or other restraints to be placed on a prisoner who is being escorted to or from a prison, or is otherwise outside of a prison but in lawful custody, or is being escorted from one part of the prison to another part of the prison".

The IPS use handcuffs in certain circumstances, primarily when prisoners are removed from the prison environment on escorts. There are short chain, long chain, and rigid handcuffs available. The *Review Group* was informed that all operational staff working with PSEC are provided with their own set of handcuffs and additional handcuffs are available. Handcuffs are also used by control and restraint teams and by prison staff on escorts. PSEC state that they are trying to standardise cuffs on all hospital escorts. Following an incident in 2015, the Control and Restraint Steering Group recommended that a review of all handcuffs across the prison estate be carried out with the aim of standardising cuffs used across the Service.

As part of the *Review*, the *Review Group* carried out some desktop root cause analysis and also detailed discussion

about particular incidents during interviews with staff. A core issue that arises is the appropriate use of restraints. Restraint of high and/or medium risk prisoners is a key mitigant against flight and possible assault on prison officers. Analysis of video evidence in respect of an assault incident involving absconsion clearly shows that the handcuffs (both the short chain and long chain handcuffs) had been removed from a high risk category prisoner during an escort. This removal of cuffs was one of the root causes that led to subsequent assaults.

Responses to questions on EuroPris indicate that most of those who responded use handcuffs on prisoners while on escort. In Northern Ireland, prisoners are only handcuffed if a risk assessment determines that handcuffs are necessary or if the prisoner is a Category A prisoner. They have found that there has been a reduction in assaults since this policy was introduced.

From analysis and interviews, there are various understandings of the IPS's use of restraint's policy during escorts. There are two main viewpoints: the first is that *"taking off handcuffs is a breach of protocol"*. The other view is in certain circumstances; discretion should be practised by the staff on escort duty. This can particularly arise in respect of medical appointments where, sometimes, clinicians request the removal of cuffs to facilitate whatever examination or medical procedure is to be undergone. Again, there does not appear to be a common understanding with the healthcare system or the treating clinicians as to the correct protocol. Where there is an opinion that there is discretion, some are of the view that this requires a phone call to be made to the pertinent Chief Officer to get appropriate clearance or approval. The allowance/acceptance of discretion leads to variations in practices, non-standardisation and a lack of clarity as to what is the required and approved practices. This resultant approach can lead to complacency and loss of control.

Recommendations

1. The IPS should review the types of handcuffs used in the Service and where possible standardise such use, based on an operational needs analysis taking into consideration the varying needs and including the specific requirements of high risk prisoners. Once handcuffs have been agreed for all operational requirements, non-standard handcuffs should be identified and withdrawn from the service.
2. The IPS needs to develop standard operating procedures in respect of the use of handcuffs. It needs to be explicit and prescriptive in its guidance in relation to their use, whether it is appropriate in any circumstances to remove them, what circumstances

they may be removed and with whose authority. Stakeholders, to include healthcare providers and treating clinicians, need to be formally notified of the IPS's policy on instruments of restraints.

7.4 Self Defence and Deterrent Equipment

7.4.1 Body Armour

Findings

Body armour, including bullet proof/ballistic and stab proof vests, is protective clothing designed to absorb and/or deflect slashing, bludgeoning and penetrating attacks by weapons. Ballistic and anti-stab body armour are normally a separate item of protective equipment, and are graded dependent on the level of protection required. It is possible to procure body armour that is both ballistic and stab resistant.

The *Review Group* was informed that body armour had been purchased for control and restraint teams and that ballistic vests were being issued by PSEC on armed escorts or high profile escorts. Two models of anti-stab vest were shown to the *Review Group* by separate sections in the IPS. It was not clear to the *Review Group* that one standard anti-stab vest was being brought into service. Non-standardisation of equipment could lead, in the first instance, to difficulties in standardised training.

Responses from EuroPris indicate that the wearing of body armour is not universal on escorts and, where worn, the various Prison Agencies use a mix of stab and slash proof and ballistic body armour. None of the responders indicated that body armour was worn during normal operational duties on landings.

The majority of those interviewed were in favour of stab vests but only in limited circumstances and generally not within the inner perimeter of the prison. It was felt that *"stab vests wouldn't work in prison, the wearing of vests may raise tension"*, and *"protective clothing should only be used on escorts; and not on landings"*. However, many interviewees felt that on escorts in particular, staff should be provided with protective equipment similar to that of An Garda Síochána and, in some cases, the Defence Forces who may also be involved in escorts.

Recommendations

1. The *Review Group* do not recommend the routine wearing of body armour on the landings or within the perimeter of the prison. However, the *Review Group* recommends that the Operational Group (see Section 7.1.1 Internal Operational Duties) conduct a needs analysis of the various operational activities/duties to

include the management of violent prisoners and exceptional circumstances where there is raised tensions, escorts etc. that may require the use of body armour and, from that review, determine what type of equipment is required etc. and for it to be procure accordingly.

7.4.2 Body-Worn Cameras

Findings

Body-worn cameras (BWCs) are mobile audio and video capture devices that allow personnel to record what they see and hear. They can be attached to various body areas, including the head or in the pocket or other means of attachment. Specifications to consider include battery life, video quality, recording limits, night recording, camera focal width, audio recording, camera placement, and radio integration capability.

Body-worn cameras are inconspicuous but not covert. They can also record audio. The UK Home Office has had guidance on body-worn cameras since 2007. They can benefit operational staff and prisoners at the same time, protecting staff against false allegations from prisoners and deterring possible abuse by prison officers on prisoners.

The Data Protection Commissioner issued guidance on the use of body-worn cameras in December 2015. The Data Protection Commissioner outlines that BWCs are subject to the Data Protection Acts 1988-2003, in that they clearly involve the processing of personal data and must comply with the transparency requirements of data protection law. In line with the principle of proportionality, data from BWC should be strictly necessary to achieve a specific purpose(s). The data controller is obliged to conduct a risk assessment as to how the use of BWCs could mitigate any identified security concerns.

No comments were invited on BWCs on the EuroPris survey.

Staff, when interviewed, pointed to some of the limitations concerning body-worn cameras. Some felt that it might be a barrier to communication between prisoners and prison officers and could impede the flow of important information. They are considered to be of limited use in a scuffle as the camera is generally worn on the chest of a person and the proximity of persons during an incident will frequently impact the quality of the recording. If used outside the prison on escorts data protection issues arise with the requirement to edit out third parties. With current battery life of around four hours issues arise in the context of a 12 hour shift.

Legal issues can arise for changeovers and the chain of evidence.

There are already many parts of landings that are covered by closed-circuit television (CCTV) and all planned control and restraint interventions now involve the use of a handheld camera Video Audio Evidence Gathering (VAEG).

Recommendation

1. There are certainly limitations concerning the use of body-worn cameras (BWC) both on a practical level and from a data protection point of view and it is the *Review Groups* view, that overall, it would not be appropriate to introduce BWC at this time.

8.0 STAFF FACTORS

8.1 Recruitment, Orientation and Integration of New Personnel

Findings

The competencies, skill sets and personal attributes of operational staff are critical components required for the effective management of prisoners and prisoner behaviours.

In the opinion of the *Review Group*, the current role profiling of prison officers is one dimensional, with entry level training expected to satisfy the wide variety of roles operational staff have to carry out. It is the *Review Group's* observation that Governors, Chief Officers, prison officers etc. as front line operational staff have many and varying roles – landings, escorts, healthcare and mental health, work training, integrated sentence management, operational support etc. and differing skill sets, competencies and expertise are required for each. In addition, the role of the prison officer in a high- medium security prison is very different to that of a prison officer in a low security – open prison and this should also be an influencing factor when it comes to determining these specific role profiles. While there are core competencies, skills and physical and mental capabilities common to operational staff roles on the landings, escorts, in work training, operational supports groups, etc., the emphasis and need to be more proficient in one competency above another varies from role to role, and prison to prison.

The Inspector of Prisons also highlighted the need for change in the IPS recruitment process in the “*Culture and Organisation in the Irish Prison Service*” Report. The main recommendations of this report were that the recruitment process should be reviewed before the next recruitment drive, paying particular attention to the selection and assessment of potential employees.

A lot of personnel that were interviewed as part of the *Review* made the point that prison officers who have conflict resolution skills and good interpersonal and intrapersonal abilities are best at managing prisoner behaviour. Ultimately this can, for the core population of prisoners, be an effective way to reduce assault related incidents. Many pointed out that perhaps recruitment in the past focused on the physical aspect of the role of a prison officer rather than on the interpersonal skills. They felt that this is now too simplistic an approach and that the job has become more complex in the last 10–15 years. Prison officers must now deal with complex behavioural problems; prisoners with drug addictions, prisoners with mental health issues, foreign national prisoner population, etc. There should be more emphasis on recruiting personnel with requisite intrapersonal and interpersonal skills. This is not to say that physical abilities are not still an important requirement for many aspects of the prison officer's role.

The *Review Group* also reviewed the IPS recruitment standards and entry level assessments and compared them to the arrangements currently operating in An Garda Síochána (AGS) and the Irish Defence Forces (DF), see Table 3.

While the needs of the Irish Prison Service are not fully aligned with An Garda Síochána or the Defence Forces, their recruitment arrangements do provide useful benchmarks.

Table 3: Comparison of the Irish Prison Service criteria and processes for recruitment with other organisations

| Criteria | IPS Recruit Prison Officer | Garda Recruit | Defence Forces Recruit | Defence Forces Cadet |
|---------------------------|--|--|---|--|
| Education | 5 D3s in Leaving Cert or equivalent. | 5 D3s in Leaving Cert or equivalent. | No minimum education requirement. | Grade C3 in 3 Higher Level papers and Grade D3 in 3 Ordinary/Higher level papers. A minimum of Grade D3 is required in the following Ordinary/Higher level subjects: Mathematics, Irish, English, third language, any two Matriculation subjects not already selected. Or Graduates must possess as a minimum Grade D3 in the following Ordinary/Higher level subjects: Mathematics, Irish or English any four Matriculation subjects not already selected. AND Candidates must have successfully completed a Bachelor Degree programme at Level 8 or higher of the National Framework of Qualifications. |
| Minimum Age | 18 | 18 | 18 | 18 |
| Maximum Age | No upper age limit. | 35 | 25 | 28 |
| Size | Not specified. | Not specified. | 5 foot 2 inches (minimum) | 5 foot 2 inches (minimum) |
| Psychometric Tests | None. | Yes. | Yes. Candidates who successfully pass fitness tests complete psychometric testing. | Yes (online) at screening then supervised test. |
| Stage 1 Tests | Visual and procedural test held in provincial locations. | Assessment questionnaire (online). | Fitness Test | Assessment day consisting of: ▶ Physical training test; ▶ Supervised psychometric test; ▶ Group assessment; ▶ Realistic job preview. |
| Stage 2 Tests | Interview, group exercise and written exercise. Interview based on the key skills identified for performance in the recruit prison officer role. | ▶ Job simulation exercises; ▶ Report writing exercises; ▶ Personality questionnaire; ▶ Interview. | Successful candidates attend for interview under the following competencies: ▶ Teamwork ▶ Ability to work under pressure ▶ Motivation ▶ Career orientation. | Competency based Interview. Competencies: ▶ Planning and organisation; ▶ Decision-making and problem solving; ▶ Working with others; ▶ Communication; ▶ Leadership and supervision; ▶ Personal motivation and discipline. |

| Criteria | IPS Recruit Prison Officer | Garda Recruit | Defence Forces Recruit | Defence Forces Cadet |
|----------------------------|---|---------------------------|--|--|
| Medical | Medical and physical assessment from Stage 2. Mental Health assessment and a full medical is completed by the CMOCS. | Medical Examination. | Medical Examination conducted by Defence Forces Medical Officers. | Medical Examination conducted by Defence Forces Medical Officers. Minimum standards for vision, dental and hearing. |
| Physical Assessment | Physical assessment test is conducted by an external contractor. It involves: <ul style="list-style-type: none"> ▶ Running/carrying tests; aerobic test; anaerobic test; fire extinguisher carry test. ▶ Strength/Power tests: seated bench press tests; seated bench pull; grip strength; shield hold. ▶ All tests must be passed. Retests allowed. | Physical Competence Test. | Completion of Induction Fitness Test. Pass or Fail. No re-attempt allowed. Includes Body Mass Index Test (BMI), local muscular endurance (press ups, sit ups) and aerobic capacity; Annual tests thereafter. | <ul style="list-style-type: none"> ▶ Aerobic endurance, candidates will be required to run one and a half miles within the time limit below - this is a pass or fail test: <ul style="list-style-type: none"> - Males 11 mins 40 secs - Females 13 mins 10 secs ▶ Local muscular endurance; ▶ 20 push ups, 20 sit ups; ▶ Components of physical fitness, consisting of body fat assessment, hand grip strength and flexibility. The candidate will be subjected to a body mass index test (this is a pass or fail test). Annual tests thereafter. |
| Garda Vetting | Yes. | Yes. | Yes. | Yes. |

The main points from this comparison are as follows:

- ▶ The minimum educational qualifications required of a recruit prison officer are similar to those of a recruit Garda. There is no minimum educational standard for a Defence Forces recruit but there are minimum requirements for a Defence Forces cadet;
- ▶ Minimum entry age of 18 is common to all employments. There are upper age limits that cannot be exceeded within the An Garda Síochána and the Defence Forces. However, the IPS does not stipulate a maximum age on entry;
- ▶ Unlike the Defence Forces and An Garda Síochána selection processes, there is no psychometric test for entry into the Irish Prison Service;
- ▶ The IPS physical fitness test seems to be focussed on the work environment although it is noted that additional attempts to successfully pass the test are allowed, in contrast to the Defence Forces fitness tests.

Arrangements in Prison Agencies in other jurisdictions were also considered. The Finnish Prison Service recruits have to successfully complete a physical (fitness) test, a

written test and an interview. There is no formal psychological assessment conducted but they indicated that this is addressed as part of the interview process. The Scottish Prison Service conduct the following assessments for prospective candidates: psychometric testing, application assessment, competency based interview and fitness test. The Scottish Prison Service indicated that they look for personnel that demonstrate strong interpersonal skills, excellent communications skills, team working abilities, and patient and considerate interactions.

From the interviews it was reported that some assaults may occur due to the way that prison officers deal with a volatile situation. Instead of de-escalating the situation they may, add *"fuel to the fire"* and aggravate the situation. The key to counteracting these situations is to have the correct personnel for the job who have the necessary conflict resolution, communication and intrapersonal skills. In one of the suggestions in the Operational Staff Survey, one participant highlighted the importance of employing the right staff to successfully manage physical assaults indicating that, the IPS should *"employ character"* and *"teach skills"*.

The initial prison officer recruit training in the IPS is provided through a two year programme and syllabus leading to the award of the National Certificate Level 6 HETAC accredited by Institute of Technology, Sligo. Recruit training consists of an initial 10 weeks in the Irish Prison Service College (IPSC) and the remainder of the two years being completed by IT Sligo but the majority of time is spent in the prison.

From the interviews, nearly all recruit prison officers, post recruit training, commence their operational duties in Dublin prisons – Mountjoy, Cloverhill and Wheatfield. Some of the interviewees felt that this resulted in there being a concentration of inexperienced staff members in certain locations, instead of being evenly dispersed across the prison system. After the initial 10 weeks of recruit training, a recruit prison officer is essentially performing operational duties to the same level as those of an experienced prison officer. There is currently no formal mentoring system for new recruits in the IPS.

Recommendations

1. The IPS should undertake a review of the role profile of a prison officer and update the recruitment process accordingly taking into consideration the variety of roles and duties required to be undertaken across the Prison Services spectrum of needs. The necessary attributes, intrapersonal and interpersonal skills and physical and mental fitness must be considered as part of this recruitment process including competency based assessments and psychometric testing. Following assessment and basic recruit training, recruit prison officers, as part of their work placements, should be assigned to activities where assessment has shown them to have particular ability.
2. The IPS should consider the introduction of a systematic approach for assigning a recruit prison officer to a prison and also consider the following:
 - a) the introduction of a work placement type module to allow recruit prison officers to experience different duties and roles across a variety of different prison types and units;
 - b) the development of a mentoring programme to include recognition of experienced prison officers who have been identified as satisfying the necessary skills to function as a mentor to recruits. This should feed into the overall recruitment process and inform final placement of a prison officer once he/she is qualified.

8.2 Training and Information

Findings

In common law, if staff do not perform their duties with reasonable care, the lack of such reasonable care may expose the Governor and/or the Minister to suit. It follows from this that a staff member who is trained and who is competent is more likely to act with reasonable care in the various circumstances that she/he is presented with in everyday prison life.

Under Section 8 (2) of the *Safety, Health and Welfare at Work Act, 2005* an employer has a duty to provide:

"information, instruction, training and supervision necessary to ensure, so far as is reasonably practicable, the safety, health, and welfare at work of his or her employees".

It is important to also note that employees also have a legal obligation in relation to training. Under Section 13 of the *Safety, Health and Welfare at Work Act 2005*, an employee must:

- ▶ *"co-operate with his or her employer or any other person so far as is necessary to enable his or her employer or the other person to comply with the relevant statutory provisions, as appropriate"*
- ▶ *"attend such training and, as appropriate, undergo such assessment as may reasonably be required by his or her employer or as may be prescribed relating to safety, health and welfare at work or relating to the work carried out by the employee".*

Training is therefore an essential requirement of risk management within an organisation and in the context of the prison service; operational staff must have the necessary skills and tools to manage prisoners and prisoner behaviours. Training is delivered mainly through the Irish Prison Service College (IPSC) and/or by the Training Liaison Officers (TLOs) directly within each prison.

Ongoing training is considered by the *Review Group* a key tool in tackling the assault risk. This was clearly reflected in the Staff Survey findings where 63.9% of the respondents selected that *"more training"* would help in the management of assaults on staff. Another respondent suggested that *"more training in how to deal with people and challenging situations"* may help in the reduction of staff assault incidents.

The training must be commensurate with the risk and appropriate to the job in which the staff member is engaged in. A one size fits all model is not appropriate to best deal with the risk issues.

While the foundation for training centres around recruitment, there are ongoing training courses delivered throughout a staff members career to ensure that staff remain competent and are able to deliver operationally.

Historically, in relation to escort duties, there was no formal course delivered to PSEC staff other than that which is provided as a recruit prison officer. However, in the aftermath of a recent absconion incident during an escort, a training/briefing was developed specifically for those prison staff tasked with escort duties ("Refresher Escort Training course"). While this is a step forward in relation to training, it still remains an area that requires further attention by the IPSC, PSEC and Operations collaboratively, to ensure that training needs are identified and delivered as appropriate.

In relation to capturing information, there are a variety of methods and systems of recording information on a prisoner within the IPS such as:

- ▶ PIMS - Prisoner Information Management System
- ▶ PHMS – Prisoner Healthcare Management System
- ▶ PCTS – Psychology Case Tracking System
- ▶ ISMS – Integrated Sentence Management System
- ▶ WTMS – Work Training Management System
- ▶ PEMS – Prisoner Education Management System
- ▶ NIMS – National Incident Management System

Given the importance of this prisoner information to operational activities/duties, the *Review Group* found that the systems are not fully aligned, managed appropriately, accessible to the appropriate and necessary operational staff, nor are they used optimally to inform operational decision-making. Liaison with third parties, in the context of sharing information, will be addressed in Section 10.4 Protocol with Third Parties.

Communication of information is also provided via the IRIS (Intranet Realtime Information System), which is the IPS's own intranet used to communicate with IPS staff. In addition, staff are also provided with other formal communications through Governors Orders, Chief Officers Orders, issuance of policies, procedures and circulars, emails, correspondence and meetings. However during the interviews a number of employees commented on the lack of open communication within the IPS, with a "*breakdown in communication between Operations (HQ) and staff working within the prisons*".

In the Operational Staff Survey, communication was mentioned on a number of occasions. For *Question 18: In your opinion, what is the most common cause of physical assaults on staff?* There were a number of comments on communication issues, highlighting "*poor communication*" and the "*lack of communication between staff and management*". The Root Cause Analysis of a number of incidents demonstrated clearly that there were communication failures between prison staff and management and additionally amongst prison staff, which contributed negatively to the eventual outcomes.

Recommendations:

1. A training needs analysis should be undertaken by the Irish Prison Service College of the operational training needs of all staff to establish what training is required per staff function and activity. It must be proportionate to the operational needs, realistic and achievable. The requirement and frequency of associated refresher training should be determined by the IPSC.
2. The IPS should review the information captured on the current IPS IT systems to ensure that these resources are managed correctly, fully aligned, accessible to the appropriate and necessary persons and are utilised proactively to inform and monitor operational decision-making. The review must examine the controls for accessing the required information to ensure that it is accessed by the correct persons only and then interpreted and communicated effectively.
3. In respect of staff training and communication, the *Review Group* endorses and recommends the full implementation of the relevant recommendations of the Office of the Inspector of Prisons Report, 2015, *Culture and Organisation in the Irish Prison Service - A Road Map for the Future*.

9.0 PRISONER FACTORS

9.1 Risk Assessment

Findings

The risk presented by prisoners to operational staff, other service providers, other prisoners and potentially to the public is a risk which is not easy to manage and control. Each prisoner is (in and of themselves) a unique hazard and they bring to the prison population a differing set of risks that on their own must be managed. Combined with other factors e.g. other prisoners, environment, medical conditions etc. it presents a difficult risk assessment challenge. Being able to identify and understand behaviours, attitudes, backgrounds, physical and mental health issues and then having the required personnel with the necessary intrapersonal and interpersonal skills, training, processes, facilities and equipment to allow for the appropriate mitigating responses is very challenging. The complexity and range of factors that need to be considered, balanced and managed are set out in Figure 14.

Section 19 of the *Safety, Health and Welfare at Work Act, 2005* states that

“every employer shall identify the hazards in the place of work under his or her control, assess the risks presented by those hazards and be in possession of a written assessment of the risks to the safety, health and welfare at work of his or her employees”.

In Civil Law, while it is recognised that people risks, in this case prisoners, can be unpredictable; they are a known and a foreseeable hazard both in a contained prison environment and during escorts. The IPS is required to identify, assess and manage the prisoner risk to operational staff as it would any other risk.

Additionally, Section 80, *“Special monitoring of prisoner”* of the Prison Rules 2007, states that special monitoring is required where a specified prisoner *“poses a significant risk to the security, good order and governance of the prison”* (where it has been brought to the attention of the Governor).

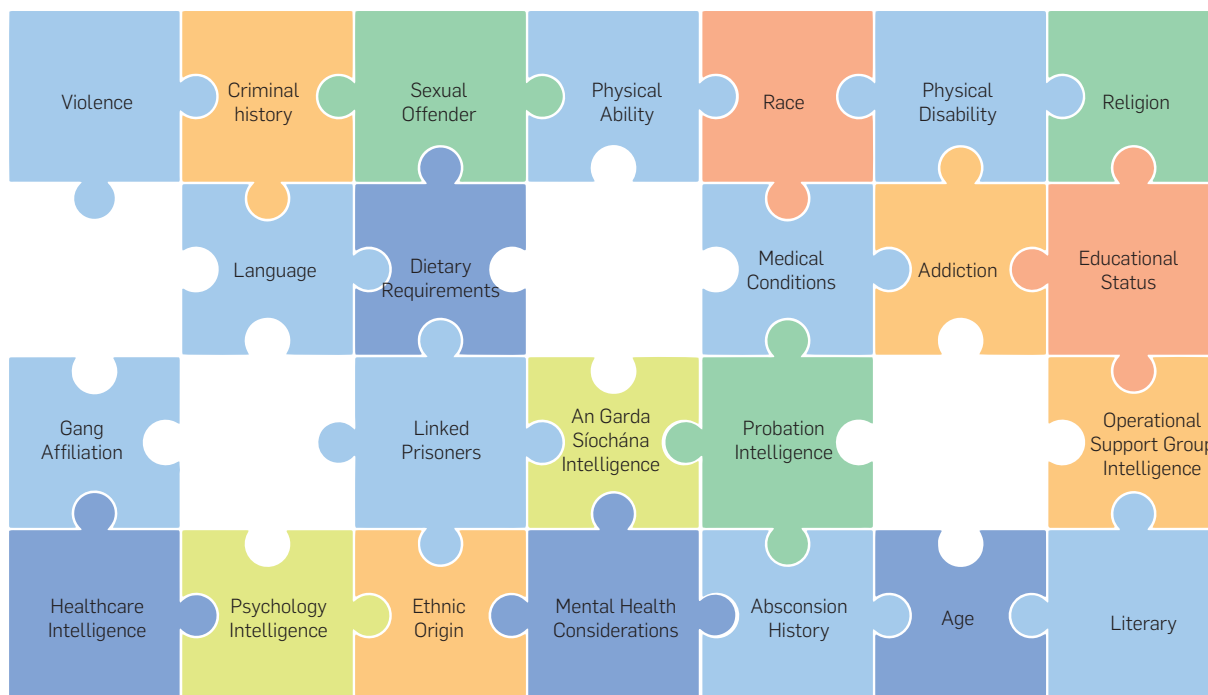


FIGURE 14: FACTORS TO BE CONSIDERED WHEN CARRYING OUT PRISONER RISK ASSESSMENTS
(THIS IS NOT AN EXHAUSTIVE LIST)

The IPS sets out its policies and procedures in respect of hazard identification, risk assessment and control in their Safety Statement/Safety Management System and accompanying manual. However in practice this procedure is not frequently linked or used directly in respect of prisoner risk assessments. The assessment of risks associated with prisoners commences at committal and is managed throughout a prisoner's sentence, locally by the prison, with support and intelligence from the Operations Directorate, the Operational Support Group and An Garda Síochána.

The Committals Policy (PIN-D077 23/07/14) states that *"each prisoner shall be assessed during the committal and induction period to determine whether he or she poses a safety risk to themselves, other prisoners or staff"* and *"if a prisoner is assessed as presenting a risk or being at risk, such risk shall be managed for the duration of such prisoner's sentence"*. The Committal SOP (11/077/1) outlines who interviews the prisoner and contributes to the committal assessment: Governor, Chief Officer, Doctor, Nurse, Probation Service, Chaplain, ISM Officer and Industrial Manager. Much of this information, though not all, is recorded on the Prisoner Information Management System (PIMS) and Prisoner Healthcare Management System (PHMS).

Psychiatry Services and Psychology Services also assess prisoners but these processes are not always formalised or communicated in a systematic way.

There is also a risk assessment process utilised in relation to assessing and controlling violent and disruptive prisoners. This is a reactive process after a prisoner has acted violently or has a known history of violent behaviour.

The 'Escorting of Prisoners Policy' deals with risk assessment in Section 4.1.1. *"Ensure each prisoner is identified, searched, and there is awareness of profile, risks presented, numbers, appropriate route and destination in advance of escorts"*. To meet this requirement there is a risk assessment process in operation but it is limited as it does not comprehensively assess the prisoner risk and how best this risk should be controlled and managed and often refers out to the Escort Guidelines for more direction.

Information in respect of a prisoner is also obtained from:

- ▶ An Garda Síochána via the C63 form;
- ▶ the warrant;
- ▶ intelligence from the Probation Service.

In essence, all of the elements and information required for risk assessing prisoners are available but they are not being collated and communicated effectively to ensure that the Service can make informed decisions around all control requirements throughout a prisoner's sentence.

There was almost complete unanimity from interviewees on the issue of risk assessment with most operational staff saying that prisoner risks are not being comprehensively recorded, assessed, managed, communicated and controlled. During the Operational Staff Survey, the final question asked what they (operational staff) thought should be done to "improve conditions or manage physical assaults on staff?". The majority of staff (70%) selected the option of "better assessment and greater knowledge of prisoner risk", as a measure to help mitigate the assault risk.

The *Review Group* found that while there are procedures they do not provide a step by step process setting out the information that is required to be collected, how it is to be collected and by whom it should be collected. This results in varying practices throughout the Service and inconsistencies in approach. The prisoner information captured is not readily shared and/or communicated. Despite having various methods of recording information there still remains information deficits within the Service which could compromise the decision-making ability of the Service in respect of any activity/work duty, involving a prisoner. Information is not utilised systematically to risk assess the prisoner to drive operational management and control.

Currently, prisoners are committed or remanded on a geographical basis i.e. there is a committal prison serving each of the regions across the country. For example, Cork is the committal prison for counties Cork, Kerry, and Waterford. Prisoners convicted by the Special Criminal Court are committed to Portlaoise, a high security prison, directly. This limited and flat rating tier leads to a wide range of prisoner risk categories and types being mixed together in the general prison population in medium security prisons. This can make it very challenging for

Governors and operational staff to have the necessary mixture of all the appropriate skill sets, training, and facilities in order to deal with a wider range of prisoner types. Prisons have, over time, established special areas as an organic response to developing/evolving needs.

This current committal process drains the existing resources required to run a prison. The same staff that are required to deliver on the committal process that must also manage the prison. The process is thereby often completed in a short period of time and is less than adequate and is expected to deliver on all requirements to initially assess and manage a prisoners risk and needs.

Unlike the IPS, who conduct the committal process within the actual prison, the Finish Prison Service use dedicated assessment centres for the assessment of prisoners. The committal assessment in these centres is similar to that which is undertaken in Irish prisons whereby they assess the current sentence, previous sentences (if any), substance abuse, any healthcare issues, their general behaviour etc. In the Scottish Prison Service, they categorise all their prisoners into a "high" "medium" or "low" risk. Additionally, they categorise prisoners within prisons. Once a prisoner is categorised into their associated risk, this is not a final or closed decision. The category of a prisoner is formally reassessed at least every six months. This assessment is completed by their Operations Unit.

It is the *Review Group's* understanding that there did not appear to be certainty or consensus from those interviewed, on how prisoners within Irish Prisons are categorised, if truly categorised at all. It was found that the categorisation does not necessarily reflect the risk to operational staff, which would include the risk of spreading a communicable disease, the risk of assaulting another prisoner or staff because of mental health or drug issues, gangland issues, etc. but more on prisoners as a security risk to the public.

Recommendations

1. The IPS should review the committal process across a number of sample prisons with a view to developing a standardised, step by step, end to end committal process to include prisoner risk assessment. The review should concentrate on ensuring that the process is as efficient, comprehensive, and simplified as possible. An IT solution to support prisoner risk assessment and facilitate the communication of the required information to all relative stakeholders should be developed. In addition the system should support the ongoing review and management of prisoner risk and facilitate operational decision-

making. This solution is likely to be an upgrade and linking of existing IT systems.

2. The *Review Group* recommends that strategic consideration be given to reviewing the options for reducing the number of committal prisons in the country to a smaller number of centralised specialist committal facilities. This *Review* should consider this in tandem with a more tiered and nuanced categorisation of prisoners based mainly on a risk level which takes into account the following multiple factors; security, safety, healthcare requirements (including mental health), etc. In addition, the *Review* should consider how different prisons could then be designated within defined and aligned risk categories. This would allow for Governors and operational staff to have more appropriate facilities, together with specialised staff appropriate and tailored to the prisoner risk levels.

9.2 Prisoner Health and Wellbeing

Findings

Compared to the general adult population, prison populations have poorer physical, mental and social health (Nursing and Midwifery Planning and Development & Irish Prison Service, 2009). In 2005, a study by Linehan et al. showed that 7.6% of male remand prisoners demonstrated indications of psychotic illness, ten times the community rate.

Penrose's Law shows that there is an inverse relationship between the number of psychiatric beds and the number of prison places. As the number of psychiatric places declines, the number of prisoners increases. Between 1963 and 2003, the number of psychiatric inpatients in Ireland decreased by 81.5% (a fivefold decrease) as the average number of prisoners increased by 494.8% (a fivefold increase) (Kelly, 2007).

In interviews with operational staff many talked about the increase in the number of prisoners with mental health issues in the system, "*prisons are the new asylums*". For many of those interviewed, this increase in the number of prisoners with mental health issues is connected with an increased threat of assault on both prison officers and fellow prisoners, "*assaults are often carried out by prisoners with mental health issues*".

Prisoners with mental health issues can impact the level of assaults as there is:

- ▶ An increased risk of assaults on operational staff from prisoners with behavioural difficulties or associated drug and alcohol problems;
- ▶ A greater number of operational staff required to manage prisoners with mental health issues. In some cases full control and restraint teams are deployed whenever some prisoners leave their cell or need to be met by operational staff;
- ▶ An increase in the number of hospital visits requiring escorts;
- ▶ An increased draw on resources from other prison activities to assist with the management of mentally ill prisoners. This can have a direct effect on the good order in the rest of the prison, resulting in some activities not been undertaken, e.g. workshop, gymnasium activities, etc.

There are a number of mental health services available to prisoners. These include diversion schemes which endeavour to ensure that, as far as possible, people presenting before the courts or indeed at an earlier stage of the criminal justice system, where the infraction is a reflection of an underlying mental illness, are referred and treated appropriately. This approach has reduced the total possible number of mentally ill people committed to prison. However, diversion procedures can only be conducted in the case of people that have committed minor crimes and do not apply to serious crimes. Therefore, people who have an underlying mental illness and have committed serious crimes are still entering the prison system.

InReach mental health services, High Support Units (HSU) and psychology services are also available within the Irish Prison Service. There have been a number of reviews, policies, and papers produced over the last ten years in relation to these services. In summary, they report that these services are under resourced and often not organisationally embedded or supported. This was borne out by interviews with staff, including professional psychology and healthcare staff and also suggested in the Operational Staff Survey responses.

Interestingly most staff interviewed were very sympathetic towards prisoners with mental health issues entering the system. When staff were asked as part of the survey “*what in their opinion, was the most common cause of physical assaults on staff*”, mental illness, drugs and/or alcohol, was mentioned by approximately 20% of respondents. Approximately, 55% of staff respondents thought “additional mental health services” for prisoners would improve conditions and help manage physical assaults on staff. The IPS is proactively investigating and developing solutions to this challenge.

Drug usage in prisons can give rise to violent behaviour and is perceived by the operational staff interviewed as a major cause of prisoner on prisoner assaults. “*The vast majority of prisoner on prisoner assaults is down to drugs due to altered moods and drug debts - the owing of money*”. When asked about causes of assaults, substance abuse was given as one of the most common causes by respondents to the Operational Staff Survey. Drug dealing amongst prisoners is seen as a lucrative business and associated with violence in enforcing payment “*drugs are a currency in the prison system, giving rise to bullying, intimidation, and violent behaviour*”.

Drug induced psychosis can lead to relaxation of inhibitions resulting in assault. Comorbidity is a significant problem, i.e. prisoners with both a psychiatric illness and a drug addiction. People who enter the prison system as addicts, who then have no access to drugs and can't get on drug replacement programmes, are more prone to violence (National Institute on Drug Abuse, 2014).

Keeping Drugs out of Prisons (2006) set out the IPS Policy and Strategy. The aims of the strategy are to eliminate the supply of drugs into prisons; provide prisoners with a range of opportunities to encourage them to adopt a drug free lifestyle, thereby reducing demand for drugs and support initiatives for prisoners that address social, physical and psychological consequences of drug misuse within prison and following release into the community. This report was published in 2006 and is still the current ‘Policy and Strategy’ for keeping drugs out of prisons.

The European Committee for Prevention of Torture and Inhumane or Degrading Punishment (CPT) delegation observed in 2015 that drug misuse and a high prevalence of drugs remained a major problem in all of the prisons visited.

Recommendations

1. The *Review Group* endorses the recommendations in the respect of information, communication, and training for staff, including specialist training for staff working in areas identified as being higher risk and higher needs as detailed in the *New Connections* report by Dr. Frank Porporino (2015). Specifically, the *Review Group* recommends that the focus should be, in so far as possible, the extension of any and all arrangements to take prisoners with serious mental health issues out of the prison system.
2. In line with the recommendations of the *CPT Report 2015*, the *Review Group* endorses and recommends the completion of the range of measures scheduled for implementation in IPS Policy and Strategy document, *Keeping Drugs out of Prisons*.

9.3 Deterrent Measures

Findings

The majority view from the staff interviewed as part of the Review was that *"there is no real disincentive for assaulting an officer"* and that the *"punishment does not fit the crime"*.

There are three procedures in place to sanction prisoners for breaches of prison discipline:

- ▶ Issuance of sanction in accordance with the Prison Act, 2007;
- ▶ Removal of privileges under the Incentivised Regimes Process;
- ▶ Criminal prosecution.

The *Prison Rules 2007* outline what are considered to be breaches of prison discipline by prisoners and includes an extensive list of Misconducts. Many are behavioural related with the most serious being 'assaults on any person'. Prison disciplinary reports (P19s) can be issued to a prisoner if they have breached a prison rule. In Part 3 (12) of the *Prison Act 2007*, it states that *"if a prisoner is alleged to have committed a breach of prison discipline, the Governor of the prison may decide to hold an inquiry into the alleged breach"*. If the prisoner is found guilty then sanction(s) in accordance with the Prison Act may be imposed.

P19 sanctions range from minor breaches of discipline to more serious crimes. A P19 can be issued to a prisoner if the prisoner disobeys an order (e.g. not tying his shoelace after being told to do so) and on the more extreme end, a P19 can be given to a prisoner for assaulting a staff member. During interviews some stated that *"too many P19s are given out"* and therefore the more serious offences are *"diluted"* by the volume issued.

Many interviewees felt that the P19 process could be slow and that sometimes the sanctions that were given were not worth the effort to engage with the process. Ongoing legal challenges by solicitors on behalf of prisoners to P19s, further diminishes this as an effective sanction process. Discipline can therefore become a laborious and bureaucratic task. Interviewees stated that *"prisoners are all too familiar with the process and know that it will result in little or no sanction"*.

The Review Group examined P19s that were issued to prisoners for 'assaults on any person' (Misconduct 8) over a five year period (from the 01/07/2010 - 22/09/2015) across all of the prisons. These P19s issued are for all assaults committed by prisoners, i.e. including both 'assaults on operational staff' and 'assaults on prisoners' which currently cannot be differentiated on the PIMS.

Over this five year period there were approximately 9,600 P19s issued to prisoners for assaults. For these P19s, circa. 25% of prisoners were given a 'caution' as their stand-alone sanction, while only about 2% were given 'forfeiture of remission', the most serious sanction(s), as one of their sanctions. Since we know from the NIMS the number of direct assaults on operational staff (on average 95 per year) we can deduce that 5% of these P19s per annum were issued for prisoner on operational staff assaults. Because we cannot disaggregate the data on P19s on the PIMS into the respective types of assault, the Review Group could not get a clear picture of sanctions specifically in respect of such assaults.

Another deterrent measure is the removal of privileges under the Incentivised Regimes System which is outlined in the 'Incentivised Regimes Policy' (PIN 024) and the Operation of Incentivised Regimes (Protocol) (LP/11/024-P01). The policy provides for a differentiation of privileges between prisoners according to their level of engagement with services and their quality of behaviour. The IPS have described the objective of the regime to *"provide tangible incentives to prisoners to participate in structured activities and to reinforce incentives for good behaviour, leading to a safer and more secure environment"*. Three levels of privilege are provided for – basic, standard and enhanced, with 'basic' being the lower level and 'enhanced' being the highest level. The progression to a higher or enhanced level will depend on meeting the criteria under 'Standards of Behaviour' - Section 2.2 of the Protocol.

There were many views that the Incentivised Regimes process was *"acting as some form of a deterrent"*. Other interviewees believed that *"if it was used properly it could be a very effective tool and it can work well in conjunction with the P19 process"*. Alternatively others said that *"prisoners are manipulating the process"* and will behave or comply for periods of time so as to attain the desired privileges but will *"act out"* knowing that they can reform again and re-attain *"the desired privilege status with little effort"*. The period of removal of privileges does not appear to be effective.

The third means of sanction is criminal prosecution. For criminal prosecution to happen the incidents must be reported to An Garda Síochána. An Operations Circular was signed into practice in 2014 to deal with the reporting of assaults to An Garda Síochána; OPS/23/2014 *"Standard Reporting of assaults to An Garda Síochána and record keeping of same"*. On review of OPS/23/2014 it was noted that the persons in a prison responsible for reporting an assault incident to An Garda Síochána were not specifically identified and it was stated that *"it is for Governors to decide how best to comply with the above requirements"*.

When the actual process of reporting assaults to the An Garda Síochána was reviewed; it varied from prison to prison. In some prisons it was stated that this was the responsibility of the prison officer assaulted. In other prisons it was stated that this would be done by the Chief Officer or Assistant Chief Officer in the first instance. In general, the *Review Group* did not get a very clear picture from the various interviewees as to how often this process occurs and no data was available or made available to the *Review Group* about the number of incidents reported to and investigated by An Garda Síochána. Similarly, only limited information was received from An Garda Síochána, who stated they were not in a position to comment in relation to these matters.

Generally, when examining other jurisdictions (Scottish Prison Service, Finish Prison Service and the Northern Ireland Prison Service), incidents where prisoners assaulted staff were dealt with by the police (law enforcers). In some of the other European Prison Agencies' approaches to discipline, there were elements such as adjudication hearings, training of adjudication and sentencing options which would appear to be more efficient and transparent than the Irish equivalent. Given the time frame and scope of the *Review* it was not possible to study the various approaches, nor the relative success of these approaches in operation.

During the Operational Staff Survey, when participants were asked *"In your opinion, what is the most common cause of physical assaults on staff?"* approximately 20% of respondents commented on the lack of/ insufficient deterrent. A small number of employees stated that there is *"no fear of punishment"* and *"effectively they (prisoners) can get away with it without any repercussions"*. Many interviewees suggested that loss of remission or more time being added onto their sentence would lessen the likelihood of assaults, *"if a prisoner lost remission or received more time on their sentence this would act as a deterrent"*. A number of staff recommended that *"more effective punitive legal measures as a deterrent"* would help reduce the incidence of assault.

Recommendations

1. The IPS needs to review the current arrangements in place to manage prisoner discipline and develop a transparent and graded deterrent and disciplinary procedure (based on the severity of breach). This should guide all prisons on the appropriate sanctions and measures to be taken in relation to each breach and combined breaches, particularly involving various types of assault, should they arise in accordance with the *Prison Act, 2007*. It should also be able to differentiate between prisoner on prisoner assaults and prisoner on staff assaults. The aim of this revised procedure should be not only to act as a deterrent (particularly against assaults on operational staff) and manage prisoner behaviours but should also strive to reduce the administrative burden on prison staff and management. It should still provide a fair and due process for prisoners, which is clear for all involved and that can be applied consistently throughout the Service. There are more structured approaches to the management and adjudication of prison discipline in other European Prison Agencies and these should be drawn upon for any future legislative, policy and procedural changes.
2. The PIMS should be upgraded to allow for the disaggregation of the "assaults on any person" (Misconduct 8) data. IPS Operations and/or the Legal and Professional Standards Office should monitor P19s to ensure they are issued and managed in accordance with established procedures and are effective at prison and national level (not just managing to close out but to also monitor their use and effectiveness).
3. It is recommended that a formal review of the incentivised regimes process should be carried out to ensure it is functioning optimally and consistently across prisons.
4. The procedure for reporting assaults on operational staff to An Garda Síochána needs to be revised and it should be clear, unambiguous and standardised across the Service. Staff must be made aware of the due process when it comes to reporting assaults to An Garda Síochána and that their co-operation and involvement is necessary for these measure to be successful.

10.0 GOVERNANCE FACTORS

10.1 Policies and Procedures

Findings

The Office of the Inspector of Prison's 2015 report on the *Culture and Organisation in the Irish Prison Service – A Road Map for the Future* states that “the current Director General has led a process of strategic change and the introduction of a set of positive policies. However, progress has been thwarted by continuing weakness of organisational cohesion”.

The IPS has three comprehensive guidance documents relating to controlling the development of internal guidance policies and standard operating procedures. These are:

- ▶ Development of Policy Documents (001);
- ▶ Developing Standard Operating Procedures (SOP No. 01/001/3);
- ▶ Development of Policy Documents Protocol (LP/11/001-P01).

Policies relating to operational matters, which can impact on the assault risk, are developed and issued by the Operations Directorate. Additionally, the Legal and Professional Standards Office is responsible for the Policy Documents Centre and the provision of training and support in the development of Irish Prison Service policies and related documents. It is common practice, and often directed, that each prison should take these policies and develop an associated procedure. This results in different operational procedures and practices across the Service and fails to ensure a standardised approach to operational matters. This also places an excessive administrative burden on individual prisons.

The prison level procedures which impact on the assault risk, reviewed by the *Review Group*, were often less than adequate in that they do not always clearly denote the steps to be followed to achieve the requirements of the policy. The Operations Directorate informed the *Review Group* that it is line officers from Governor, Chief Officer, and Assistant Chief Officer who are responsible for the implementation of procedures in prisons.

Feedback from the interviews also supported the above findings indicating that “policies are issued to the prison, but Governors treat them like a menu, only implementing

policies they agree with and not implementing others”. Other related comments included “that there are policies for everything but they are sometimes not implemented”.

Recommendations

1. To achieve and maintain a standardised approach across the Service, the *Review Group* recommends that operational policies and standard operating procedures should be developed at organisational level, in consultation with operational staff. This centralised approach will reduce the burden on local prisons to develop their own procedures. It will ensure that all staff, no matter what prison they are in, are all operating to the same standard. It will also assist with the updating and review of procedures should the need arise. Each standard procedure should be comprehensive and address all activities at each risk level thereby accounting for local differences and anomalies between prisons. It is advised that a policy statement would be incorporated into all overarching organisational standard operating procedures.
2. The IPS should review the current policies and procedures that impact on assault risk and where possible merge similar and aligned procedures.

10.2 Incident Reporting and Investigation

Findings

In the case of *Peter Creighton v Ireland, Attorney General, The Minister for Justice, Equality and Law Reform and The Governor of Wheatfield Prison* one of the findings by the Judge was “the failure of the prison authorities to learn from previous assaults and what should have been done to prevent later assaults”. While this case involved a prisoner on prisoner assault the judgement fully applies to a prisoner on operational staff assault.

Incident reporting and investigation is an essential element of a risk management system. The primary purpose of incident reporting and investigation is to improve performance by identifying the root cause(s) and examining the contributing factors, so as to implement corrective and/or preventative action(s) to prevent or reduce the reoccurrence of such incidents in the future.

Under the National Treasury Management Agency (Amendment) Act 2000, the IPS is obliged to report incidents promptly to the State Claims Agency (SCA). This allows the SCA, in conjunction with the IPS, to identify and analyse developing trends and patterns and to work with the IPS to develop and implement risk mitigation strategies.

The SCA use “claims previously reported as incidents” (CPRI) as a key performance indicator (KPI) of the level of reporting of incidents from the Irish Prison Service. The CPRI is the number of claims which have been previously reported as incidents over a given period, represented as a percentage. Although incident numbers alone are not the sole indicators of good reporting, the CPRI KPI is an effective indicator of the culture of reporting, including those incidents which impose a more significant risk. It must also be recognised that a certain percentage of incidents that have become claims will not have been previously notified to the IPS e.g. third party fall in the visitor area. The IPS and the SCA are working together to establish an appropriate CPRI benchmark. In 2015 and 2016 the CPRI was approximately 40%. This would indicate that there is significant room for improvement. In addition the analysis of the data from the NIMS showed that some prisons have a much stronger reporting culture than others.

The IPS Safety Statement/Safety Management System, Section 4.5.3. Incident Investigation, Nonconformity, Corrective Action and Preventive Action sets down the arrangements for health and safety related incidents in the IPS. The current procedure as set down is very high level and does not adequately address all required steps necessary to ensure that incidents are reported and investigated comprehensively. The focus currently is on incident reporting but it is deficient/lacking in detail and could be more informative and prescriptive. Given the wide range of incidents that may require investigation it is essential that the associated procedure makes provision for all eventualities such as harmful incidents (including assaults, deaths in custody etc.); no harm incidents; near misses; dangerous occurrences; clinical care incidents; fires and crash or collisions.

Currently the decision to investigate assaults rests, in the main, with the Governor who reviews each incident individually and then decides on whether an investigation is needed or not. If an investigation is required, the local

Governor then decides who conducts the investigation. Incident investigations into staff related incidents, including assaults, are typically undertaken locally and occasionally with the assistance of the IPS Health and Safety Officer. The justification and reasoning for investigations being initiated, or not, is not clear. There are no clear formal mechanisms or structures to communicate the general conclusions and lessons learned from an incident in one prison across the service.

The upgraded NIMS, introduced across the IPS in December 2014, is designed to support both the incident reporting and incident investigation processes. It has three stages:

- ▶ Stage 1 Incident Entry - whereby the basic details of an incident that has occurred can be captured;
- ▶ Stage 2 Incident Investigation – additional information relating to the investigation can be captured, which supports the risk and health and safety coordinators and others in tracking and managing ongoing incident investigations. At the time of the *Review*, the use of this functionality on the system was in its infancy and was only being used by two prisons.
- ▶ Stage 3 Lessons Learned and Management Information – allows for the reporting about conclusions and actions resulting from investigations of incidents, including assaults.

A root cause analysis of a number of incidents included the consideration of a number of internal and external investigation reports. The following were the main findings of the root cause analysis:

- ▶ The process and reasoning for conducting an investigation varied substantially from prison to prison. Investigation reports were either inconclusive or did not identify some of the root causes;
- ▶ Where operational staff have deviated or failed to comply with policy and procedure, particularly where assaults are concerned, the investigation is often silent in respect of their role.

Inconclusive or incomplete investigations can be damaging to an organisation. If the real underlying causes are not identified then the measures required to prevent reoccurrence go unimplemented. Existing procedures, processes, equipment, and skill sets which are perfectly in order to adequately address a risk, are called into question, when in fact, if they had been operated fully and correctly the incident may not have occurred. This leads an organisation to introduce more procedural change, processes, equipment, training, which is unnecessary, inefficient, and a waste of resources.

Interviewees generally acknowledged that this is something that needs to be improved across the Service, *"we don't investigate ourselves well"* and *"it is difficult to point a finger as there is a real fear of apportioning blame, especially when someone has been hurt"*.

External investigation into assaults can be carried out by An Garda Síochána, the Health and Safety Authority, the Inspector of Prisons or by the State Claims Agency. An Garda Síochána focuses on investigating a criminal act. Similarly, the Health and Safety Authority's investigation is focused on establishing if there were breaches of health and safety law. As stated in the Prison Act, 2007, the Inspector of Prisons *"may, and shall if so requested by the Minister, investigate any matter arising out of the management or operation of a prison and shall submit to the Minister a report on any such investigation"*. The State Claims Agency has a dual mandate; it is responsible for managing claims against the IPS but also for providing advice in respect of risk management. In respect of claims management the SCA are responsible for establishing liability where a civil action has been taken against the Governor of a Prison or the Minister. In the case of risk management, the SCA carries out investigations and/or reviews with the intent of preventing an incident which could lead to a claim reoccurring. The SCA risk function does not typically investigate individual incidents. They are more likely to carry out thematic reviews such as this one, where there is a significant organisation-wide risk that needs to be examined.

The Scottish Prison Service can call upon the services of an external investigation team to investigate incidence of assaults on operational staff by prisoners. The decision to seek such external support is made by the manager of the area who conducts an initial review of the incident to determine if it requires escalation.

Recommendations

1. The IPS must monitor, with a view to improving their current incident reporting levels. It is recommended that this is reviewed quarterly at the Compliance Executive Group.
2. The approach to incident investigation needs to be re-evaluated. Incidents should be categorised based on severity and likelihood of reoccurrence. Then, based on defined criteria, the level of investigation required is determined. Different tiers of investigation will be required e.g. local, local specialised team, internal specialised team, joint internal and external team, external independent. A procedure will have to be developed setting out the above to include authorisation and escalation criteria.
3. The IPS needs to engage with the NIMS incident investigation stage in order to capture recommendations, track to close and capture and report on lessons learned. It is recommended that a Lessons Learned Cell⁷ be established to determine the learning from incidents and to ensure that they are communicated across the IPS.

10.3 Audit and Compliance

Findings

The Commission into the death of Gary Douche (2014) found in the main, good policies, rules and regulations and laws were in place. Nevertheless the Report found that non-compliance with or disregard for some of existing IPS rules, regulations, orders and policies was discovered to be the norm rather than the exception.

An audit is defined as a *"systematic, independent and documented process for obtaining 'audit evidence' and evaluating it objectively to determine the extent to which 'audit criteria' are fulfilled"* (BS OHSAS 18001, 2007). Internal and external audits are methods for organisations to ensure compliance and effectiveness of a function, process, procedure, etc. Audit and management review are the final steps of a risk management system cycle.

Midlands and Portlaoise prisons have achieved independent accreditation to the OHSAS 18001 system by the National Standards Authority of Ireland since 2010. A core element of achieving this accreditation is conducting internal audits, evaluating legal compliance, identifying non-conformities and addressing them (in a reasonably timed manner), analysing incident trends and continuous performance monitoring.

The IPS Safety Statement/Safety Management System does make provision for monitoring performance, audit and management review. This audit process is a systems compliance audit, currently being undertaken on a

⁷ A Lessons Learned Cell is a cross functional, cross organisational, multidisciplinary team and would typically include subject matter experts, operational staff and training and development personnel.

scheduled basis but it does not focus on all operational activities. While the process is beneficial, it could be further enhanced by looking more holistically at all operational and security risks that could impact the safety of operational staff.

Security Reviews were carried out at all prisons during 2014 and comprehensive reports were submitted to HQ management. There is currently no programme for internal audits of operational duties being undertaken by IPS personnel. Where audits do occur they are mainly financial. There was also a common view that when an audit is conducted *“we are often kind to ourselves”*. However others noted and that *“the systems/procedures are actually good but they aren’t sufficiently enforced”*

Prison Governors, supported by Chief Officers and Assistant Chief Officers, do undertake daily checks of their prison and conduct Governors parade and provide oversight for the day to day running of the prison. While this is not an audit it can be a valuable method of monitoring compliance at a local level.

The Finnish Prison System (Criminal Sanctions Agency) have an internal auditing system (part of the central administration) and they have never considered external auditing. Whereas the Scottish Prison Service complete both internal and external audits. These internal audits are carried out by Corporate Centre and are independent from the prisons themselves. Internal audits are generally operational and financial; however, external audits are usually just financial.

The Inspector of Prisons has a statutory, independent role established under the *Prisons Act, 2007*. The key role assigned to the Inspector is to carry out regular inspections of all of the Prisons in the State and to present a report(s) on each institution inspected as well as an Annual Report to the Minister for Justice and Equality.

Under Section 8 of the National Treasury Management Agency (Amendment) Act, 2000 the SCA has a statutory duty to provide an external audit service, but it is limited to risk issues associated with incidents that may result in claims. However for the last number of years the SCA has been meeting this mandate through provision an internal audit service of the IPS safety management system.

Recommendations

1. It is recommended that the IPS establish a tiered internal audit process focused on monitoring the effectiveness of operational, security, safety, etc. policies and procedures across the Service. At the prison level there should be an ability to self-audit. IPS HQ, PSEC, and OSG should establish teams to formally audit in respect of procedures that are appropriate to their areas. Alternatively, a single internal audit unit at IPS HQ should be established and staffed appropriately. Where necessary, it can use the skill sets from other areas to carry out audits.
2. It is recommended that a full and comprehensive external programme of audits to include all operational activities is developed. It is proposed that all prisons and ancillary support services should be audited over a three year rotation to monitor performance, compliance and effectiveness of change. By considering what is already provided by the IOP, SCA and others, it is likely that that only a small amount of additional audit services will be required.

10.4 Protocol with Third Parties

10.4.1 An Garda Síochána

Findings

An Garda Síochána have three pivotal roles in relation to the operational management of prisoners; the communication of intelligence on prisoners at committal, throughout sentence management, pre-release, the provision of armed escorts for high risk prisoners (i.e. security and public order risk) and investigation of criminal acts e.g. assaults (See Section 9.3 Deterrent Measures).

The formal means of communication of intelligence at committal stage is via the C63 form. It was reported during the interview stage of the *Review* that this form is not always provided at committal and can often take some time to be passed to the IPS. This in turn can result in some important intelligence being missed or delayed, leaving operational staff making operational decisions on a prisoner with information deficits.

The IPS assessing a prisoner prior to escort using information captured on the Prisoner Information Management System (PIMS) and based on this assessment and the perceived risk, may request an armed escort from An Garda Síochána. While a request may be made, the actual decision to grant such a request rests solely with An Garda Síochána.

An Garda Síochána provided very limited information to the *Review Group*. However, it is the *Reviews Group's* understanding that when An Garda Síochána and the IPS consider "prisoner risk" they each do so based on different criteria and objectives, though there are some overlaps. Both An Garda Síochána and the IPS would consider and prioritise the absconsion risk. An Garda Síochána risk assessment would focus on public order, public safety, particularly where there is a threat to the prisoner. The IPS would also consider the risk from a public safety perspective and prioritise the risk of possible assault on escorting staff. An Garda Síochána risk assessment does not consider this latter risk in isolation but it may be arguably included in their public order/public safety considerations. An Garda Síochána presence on escorts is not to support or protect the Irish Prison Service escorting staff, their focus is the prisoner and public safety.

Operations Directorate IPS supplied data in relation to the number of requests for armed escorts from An Garda Síochána. These figures only included formal requests made by IPS Operations directly to the Liaison and Protection Office in An Garda Síochána HQ and do not include any requests made directly by local prison management. On examination of these figures it was found that in 2014 alone, there were approximately 170 formal requests made to An Garda Síochána seeking an armed escort with roughly 45% of these being 'granted' by An Garda Síochána and approximately 50% being refused/declined (around 5% of requests were cancelled). There was no substantive reasoning provided as to why such requests were refused/declined other than in a small number of cases where insufficient notice period was given.

There is no formal protocol or agreement with the An Garda Síochána to ensure that there is an active formal two way method for the communication of intelligence or a formal procedure for requesting armed escorts. A procedure in relation to the latter was referred to a number of times but no formal procedure was provided either from IPS or An Garda Síochána.

Recommendations

1. The IPS in consultation with An Garda Síochána should develop a formal agreement which should include (but not be limited to):
 - ▶ A two way formal procedure for the sharing of prisoner intelligence in a formal and timely manner e.g. C63 at committal.

- ▶ A formal procedure for requesting, granting and declining armed escorts, which should include reasoning for same. The risk assessment process which is used to determine if such an escort is required should be transparent and made available to the IPS and the procedure should also be informed by up to date intelligence on the prisoner.
- ▶ IPS and AGS should establish methods and measures for monitoring and maintaining the effectiveness and the performance of their interactions for reporting at a national and prison level.

10.4.2 Healthcare Services

Findings

The IPS provides a level of healthcare services within each prison. However not all healthcare services are available onsite and as a result the IPS is required to avail of the services of various hospitals and healthcare facilities to meet these further needs. This results in the IPS escorting prisoners to and from these external locations on an ongoing basis. The *Review Group* were informed that approximately 6,500 escorts were completed in 2014 where the movement type was 'Hospital – Medical'. The *Review Groups* Root Cause Analyses showed that there was no protocol/agreement in place with such healthcare providers and as a result there were a number of risk factors not identified, including information deficits. This resulted in this operational duty often being undertaken without full appraisal of the risks and cognisance of the controls required, including communication with the third parties involved. Protocols were put in place with one of the healthcare providers following an assault incident which occurred during a hospital escort.

Recommendations

1. The IPS should develop an agreement with all third party healthcare providers, setting out clearly the arrangements required for the safe escort and delivery of services when a prisoner attends their facility for treatment. A standard operational procedure should be developed by the IPS and used when attending all healthcare providers and should include but not be limited to:
 - ▶ Established liaison person, including security, in all facilities;
 - ▶ Clear but confidential communication strategy – hospital should be aware that the patient in question is a prisoner so that they can manage the matter appropriately;

- ▶ Facilities required e.g. dedicated parking spaces, waiting room areas, access to welfare facilities etc.;
- ▶ Emergency plans;
- ▶ Alert/flagging system in relation to unusual behaviours of third parties;
- ▶ Use and removal of cuffs for medical procedures;
- ▶ Code of conduct of all involved including attire etc.

10.4.3 Probation Service and Court Service

Findings

The Probation Service is a key stakeholder in the management of prisoners and they work closely with the IPS on a daily basis. Probation Officers work in all of the prisons and places of detention. Their work includes advising and assisting prisoners with issues which led to their offending behaviour, in order to help them avoid reoffending and help them cope with the impact of imprisonment.

Given their direct contact with prisoners they often have essential intelligence that should be shared with the IPS to better assist them with the management of prisoners and prisoner behaviours. While this intelligence is often shared through local agreements, there are no formal systems in place.

The Courts Service provides facilities for the functioning of the judicial process when a prisoner is required to attend. Their relationship with the IPS relates largely to the escorting of a prisoner, typically by PSEC, to an assigned court premises for the duration of the court appearance. While such escorts tend to be more controlled given that, in the main, the court facilities are equipped with holding cells, there still remains vulnerability as the duty is undertaken away from the prison. There is no formal procedure/agreement in place.

Recommendations

1. The IPS in consultation with the Probation Service should develop and agree a formal procedure for communicating and liaising with each other on prisoner matters including the provision of assessment reports. This procedure must address the timely sharing of prisoner intelligence which can be used to inform operational management of prisoners and prisoner behaviours.
2. The IPS should develop an agreement, which should be issued to all court service venues, setting out clearly the arrangements required for the safe escort and detention of the prisoner while in court to include but not be limited to the following:
 - ▶ Access and egress to the facility;
 - ▶ Security considerations;
 - ▶ Facilities required e.g. dedicated parking spaces, cells, access to welfare facilities etc.;
 - ▶ Emergency plans.

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12 APPENDICES

Appendix A Review Group Members

- ▶ Mr. Pat Kirwan, Deputy Director, Executive Head of Business Development, Risk & Operations, State Claims Agency, NTMA;
- ▶ Ms. Gemma D'Arcy, Senior Enterprise Risk Manager, State Claims Agency, NTMA;
- ▶ Mr. Tom O'Keeffe, Enterprise Risk Manager, State Claims Agency, NTMA;
- ▶ Ms. Ciara Daly, Enterprise Risk Manager, State Claims Agency, NTMA.

Appendix B (1) List of EuroPris Members*

| EuroPris | | |
|------------------|---|------------------|
| COUNTRY | AGENCY | MEMBERSHIP TYPE |
| ALBANIA | General Directorate of Prisons | Affiliate Member |
| AUSTRIA | Federal Ministry of Justice | Full Member |
| BELGIUM | Belgian Prison Service | Full Member |
| BULGARIA | General Directorate Execution of Sentences | Full Member |
| CATALONIA | General Directorate of Prison Regime and Resources | Full Member |
| CROATIA | Ministry of Justice: Prison System Directorate | Full Member |
| CYPRUS | Ministry of Justice and Public Order: Department of Prisons | Full Member |
| CZECH REPUBLIC | Prison Service of the Czech Republic | Full Member |
| DENMARK | Department of Prisons and Probation | Full Member |
| ENGLAND & WALES | Her Majesty's Prison Service / National Offender Management Service (NOMS) | Full Member |
| ESTONIA | Ministry of Justice: Department of Prisons | Full Member |
| FINLAND | Criminal Sanctions Agency (RISE) | Full Member |
| GEORGIA | Ministry of Corrections and Legal Assistance of Georgia: Department of Penitentiary | Affiliate Member |
| GERMANY | Federal Ministry of Justice | Full Member |
| IRELAND | Irish Prison Service | Full Member |
| ITALY | Ministry of Justice: Department of Penitentiary Administration | Full Member |
| LATVIA | Latvian Prison Administration | Full Member |
| LITHUANIA | Ministry of Justice: Prison Department | Full Member |
| LUXEMBOURG | Ministry of Justice: Department of Prisons | Full Member |
| MONTENEGRO | Institute for the Execution of Criminal Sanctions | Affiliate Member |
| NETHERLANDS | Department of Correctional Institutions (DJI) | Full Member |
| NORTHERN IRELAND | Northern Ireland Prison Service (NIPS) | Full Member |
| NORWAY | The Directorate of the Norwegian Correctional Service | Full Member |
| PORTUGAL | General Directorate of Probation and Prison Services | Full Member |
| ROMANIA | National Administration of Penitentiaries | Full Member |
| SCOTLAND | Scottish Prison Service | Full Member |
| SLOVAKIA | General Directorate of the Corps of Prison and Court Guard | Full Member |
| SLOVENIA | Prison Administration of the Republic of Slovenia | Full Member |
| SWEDEN | Swedish Prison and Probation Administration | Full Member |
| TURKEY | General Directorate of Prisons and Detention Houses | Affiliate Member |

* As of the 04/10/2016

Appendix B (2)

Summary of Responses to EuroPris Survey on Prison Weapons, Defensive and Protective Equipment

Questions submitted to EuroPris for response:

1. What equipment/defensive weapons do prison staff carry during their day-to-day duties for purposes of self-defence?
2. Does this equipment vary according to the type of prison or prisoner supervised, or the role the staff member performs?
3. Do staff carry this equipment when escorting prisoners outside prison?
4. Do staff wear any hidden slash-resistant or stab-resistant clothing (worn underneath standard uniform) or other protective clothing during their day-to-day duties?

| Country | Defensive Equipment on Landings | Standby arrangements | Variations | Equipment Used on Escort | Handcuffs | Body Armour |
|-----------|--|--|---|---|-----------------------|---|
| A. | None | Batons and handcuffs for interventions and cell extraction. | None | Detainee handcuffed. Escort personnel carry baton. | On escort. | None |
| B. | None | None | None | Normally conducted by police. Prison service conduct escorts as pilot project. Equipment includes: batons, handcuffs, protective vests, incapacitant spray. | On escort only. | Worn on escort pilot project. |
| C. | None | Hand cuffs, batons and incapacitant spray. | None | Extra equipment not normally used but can be dependent on situation. | Available on standby. | On escorts outside prison. Overt body armour. |
| D. | OC spray, expandable tactical baton, electronic control weapon (Taser), Restricted use and license required. | None | Reduced usage in open prisons. No firearms. | Escort plan includes type of equipment to be carried. Firearms (pistol) on escort. | Not indicated. | Ballistic body armour. Protective gloves. |
| E. | None | None | None | Pistol, ballistic vest, handcuffs. | On escort. | Ballistic vest on escort. |
| F. | None | Shields, handcuffs, rubber batons, incapacitant spray. Authorisation required. | None | Escorts conducted by police. | As standby. | None |
| G. | Retractable batons. | No extra equipment. | None | Batons when deemed necessary. | Not indicated. | None |

| Country | Defensive Equipment on Landings | Standby arrangements | Variations | Equipment Used on Escort | Handcuffs | Body Armour |
|-----------|--|----------------------|--|--|--|----------------------------|
| H. | Extendable batons. There are press reports of use of incapacitant spray during a riot in August 2014. | No extra equipment. | None. All officers issued with batons. | Written authorisation needed to carry baton outside of prison. | Not indicated. | None |
| I. | Rubber baton, individual alarm and warning device, incapacitant spray / tear gas, respirator. | No extra equipment. | None | 7.65mm pistol, 7.62mm machine gun, handcuffs. | Metal handcuffs, plastic disposable handcuffs, immobilisation belts. | None |
| J. | Retractable baton, OC spray, handcuffs. | No extra equipment. | Perimeter guards carry pistol. | Ballistic vest, OC spray, retractable batons, handcuffs, pistol. | Handcuffs | Ballistic vests on escort. |

Appendix B (3) Summary of Responses to EuroPris Incapacitant Spray Survey

Questions submitted to EuroPris for response:

1. Do you use CS or PAVA sprays in prisons?
2. If yes, please detail which staff have authorisation to carry CS, pepper or PAVA spray.
3. Do these staff carry it at all times, in every part of the prison or are there specific rules relating to carrying/using the incapacitant spray?
4. What is the procedure for administering CS, pepper or PAVA spray and how does this fit with wider policy on use of force?
5. Can you provide details of any evaluation into the use of incapacitant sprays within prisons?

| Country | Use of CS/ PAVA? | Which staff have authority to use? | Specific rule? | How does use fit in with use of force policy? | Evaluation of use of incapacitant spray? |
|-----------|-----------------------|---|--|---|--|
| A. | No. | - | - | - | - |
| B. | Yes. | Deployed on one occasion during riot incident. | Can only be deployed on the authority of incident commander. | Can only be deployed on the authority of incident commander. | - |
| C. | No. | - | - | - | - |
| D. | Yes. | CS gas only permitted for cell extraction. | Can only be deployed on the authority of governor. Can be deployed on escort, based on risk assessment. | Inmate must be informed that CS/ PAVA will be used if non-compliant. All other measures must have failed. | Evaluation indicates after initial introduction, number of occasions of use has dropped. |
| E. | No. | - | - | - | - |
| F. | OC spray used. | | Part of prison officer's equipment in closed prisons. | Can only be deployed on the authority of governor in exceptional circumstances. | Evaluations of OC spray still in progress. |
| G. | No. | - | - | - | - |
| H. | No. | - | - | - | - |
| I. | Yes. | All prison officers. | Can only be deployed on the authority of governor or on certain escorts. | Incapacitant spray used as a last resort. | - |
| J. | OC spray used. | All staff who are trained. | Within perimeter and on escort. | Written report to follow every use of OC spray. | - |
| K. | Yes. | All uniformed staff members authorised to carry incapacitant spray. | Carried when in contact with inmates. | Each use of spray is reported. Mid-scale in progression of force. | Used 4 times in 2014, 9 times in 2015. |
| L. | Yes OC and CS gas. | For use in exceptional circumstances. | Locked away until need arises. | - | OC gas authorised since Sep 2015. |

Appendix B (4)

Summary of Response to EuroPris Survey on Assaults on Prison Staff

| Country | What is your definition of Assault? |
|---------|--|
| A. | <i>There is no fixed definition of assault. If the prison officer feels he/she is subjected to threats or a violent act, it should be reported."</i> |
| B. | <i>"All instances of violence against prison staff is recorded on our Prisoner Records System and a Risk Marker applied to their record. Definition: Any violent act against a prisoner and / or member of staff."</i> |
| C. | <i>"Acts of violence are defined in the [REDACTED]. The assault will be judged on the Criminal Code definitions. Minor assaults treated disciplinary proceedings, assaults and aggravated assaults shall reported to the police for preliminary investigation."</i> |
| D. | <i>"Yes, such instances are recorded, criminal processes are started and pre-trial investigation is carried out to determine the circumstances of the case. According with the Criminal Law, an assault upon a representative of public authority or other public official, in connection with lawful official activities of such a person are the unlawful actions of a person by causing bodily harm, physical pain. In the Criminal Law there also is a set punishment for resisting a representative of public authority or other public official."</i> |
| E. | <i>"Acts of physical and verbal violence."</i> |
| F. | <i>"We adopted special Guidelines for Dealing with Threatening Behaviour to Staff of the National Prison Administration [REDACTED]. In the Art. 2 the assault is defined in a way that it also includes different forms of threats as: every attack or threat with attack on life, body, personal integrity or property due to carrying out of tasks in working process or a duty as part of the Administration. Verbal, written or physical activity of one or more people (directly or indirectly) oriented towards any civil servant of the Prison Administration or his/her family member with the aim to hurt in psychical or physical way or threatens health or life is understood as a threat. Threat of assault could be interposed explicitly or indirectly via third person or via letter or other media correspondence or through any other mode."</i> |
| G. | <i>"Attacking the officer with the intent to cause harm and may be from a push, punch etc the key is intent."</i> |
| H. | <i>"Any assault using force against an prison staff."</i> |
| I. | <i>"The definition of assault is given by the [REDACTED] Penal Code, article 166."</i> |
| J. | <i>"Physical assault or other form of violence against the employee of the Ministry of Corrections, penitentiary establishment, assault on the administration of the facility, forming of a criminal group for this purpose or active participation in such group conducted in the penitentiary facility, or in the establishment for the restriction of liberty, or in other place of detention, also during transfer or extradition."</i> |
| K. | <i>"All assault incidents, no matter how minor (including spitting on other individuals), including fights, are instructed to be recorded on the Incident Reporting System, the source of assault statistics. The published definition of assault that we use is as follows: Assaults in prison custody cover a wide range of violent incidents including fights between prisoners."</i> |
| L. | <i>"the definition of violence or threats against prison officers is as follows: Physical or psychological violence at work. Work-related violence, threats or other offensive behaviour that takes place outside working hours, i.e. situations where prison officers are attacked or threatened due to their employment as a prison officer and also cases of harassment, assault or threats that contain a direct or indirect threat to their safety, well-being or health or involve vandalism against their personal property."</i> |
| M. | <i>"We do not record all instances of assault on prison staff. Only those with regards to work accidents leading to the (temporary) disability to work of the staff member are registered. Our definition of assault is each form of psychological or physical attack with violence (beating), force (hostage), weapon or serious threat towards prison staff."</i> |

* Where countries could have been identified, certain information has been redacted.

Appendix C

Operational Staff Survey

The State Claims Agency (SCA) is currently reviewing the incidence of assaults on prison staff by prisoners. The aim of this *Review* is to determine the root cause of these assaults, to comment on the potential for future reoccurrence and to make recommendations for improvement.

One of the main aspects of the *Review* is to conduct a survey among Irish Prison Service (IPS) employees. The survey includes a number of questions which range from general background information on your working role in the IPS, your **views** and **opinions** on training that you have received, assaults that have occurred in the past and related matters.

This survey will take approximately 10 minutes to complete. All information provided as part of this survey is strictly confidential and your individual responses are completely anonymous. The information will be held securely and will be accessed only by senior management and a lead statistician within the State Claims Agency and will not be distributed to any other unauthorised individual. The information gathered will be used to inform this *Review*.

Your open and honest contribution while answering the questions in the survey will provide critically important information on assault trends and will help the IPS to determine the steps to manage these incidents in the future.

Please confirm that you are finished by clicking "Done" at the very end of the survey; this ensures that your survey is uploaded onto our system.

Thank you for your participation.

Pat Kirwan,

Deputy Director, State Claims Agency

1. Gender

- Male Female

2. Age

- 18-20 21-29 30-39 40-49 50-55 56 or older

3. How long have you worked in the IPS?

- 5 years or less 6-10 years 11-20 years 21 years or more

4. Where do you currently work?

- | | | |
|--|--|---|
| <input type="checkbox"/> Arbour Hill | <input type="checkbox"/> Castlerea Prison | <input type="checkbox"/> Cloverhill Prison |
| <input type="checkbox"/> Cork Prison | <input type="checkbox"/> Dochas Centre | <input type="checkbox"/> Limerick Prison |
| <input type="checkbox"/> Loughan House | <input type="checkbox"/> Midlands Prison | <input type="checkbox"/> Mountjoy Prison |
| <input type="checkbox"/> Portlaoise Prison | <input type="checkbox"/> Prison Service Escort Corp (PSEC) | <input type="checkbox"/> Shelton Abbey |
| <input type="checkbox"/> Training Unit (Mountjoy Prison) | <input type="checkbox"/> Wheatfield Place of Detention | <input type="checkbox"/> Other (please specify) |

5. How often have you been personally subjected to the following prisoner behaviours/actions?

Please tick the most relevant option for each row

*(*Please select "Other" where you have been personally subjected to the following prisoner behaviours/actions less frequently than daily, weekly, monthly.)*

| | Daily | Weekly | Monthly | Other* | Never |
|--|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|
| Kicking | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Punching/slapping | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Head-butting | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Bites | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Throwing of bodily fluids (e.g. blood, urine, spit etc.) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Inappropriate/threatening language (including cursing, aggressive, inappropriate language etc.) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Threatening/intimidating behaviour with a weapon or other means (including knives, shivs, kitchen utensils, food etc.) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Inappropriate sexual advances and/or sexual language | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Physical injury from restraint intervention | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

6. If you were subjected to the following prisoner behaviours/actions, would you formally report them?

Please tick the most relevant option for each row

(*n/a: click this if you have not been subjected to this particular prisoner behaviour/action)

| | Yes | No | n/a* |
|--|--------------------------|--------------------------|--------------------------|
| Kicking | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Punching/slapping | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Head-butting | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Bites | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Throwing of bodily fluids (e.g. blood, urine, spit etc.) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Inappropriate/threatening language (including cursing, aggressive, inappropriate language etc.) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Threatening/intimidating behaviour with a weapon or other means (including knives, shivs, kitchen utensils, food etc.) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Inappropriate sexual advances and/or sexual language | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Physical injury from restraint intervention | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

In the context of this Survey; a 'physical assault' is "where a person (intentionally) applies force to or causes an impact to the body of another" (this does not include an injury sustained unintentionally or indirectly during an intervention or similar circumstance).

7. Have you ever been physically assaulted by a prisoner in the course of your operational duties?

Yes No

8. When were you last physically assaulted?

2016 2015 2014 2013 2012 Pre 2012

9. Have you been injured from a physical assault?

Yes No

10. Please state the severity of the most serious injury that you have received from a physical assault?

Injury not requiring first aid Injury requiring first aid
 Injury requiring short term medical treatment Injury requiring long term medical treatment

11. What was the nature of your most serious injury received (from a physical assault)?

- | | | |
|--|---|--|
| <input type="checkbox"/> Concussion | <input type="checkbox"/> Bruising/Soft Tissue | <input type="checkbox"/> Damage Cuts/Scrapes |
| <input type="checkbox"/> Laceration | <input type="checkbox"/> Puncture/Bite | <input type="checkbox"/> Needle Stick |
| <input type="checkbox"/> Injury Fracture | <input type="checkbox"/> Sprain | <input type="checkbox"/> Burn |
| <input type="checkbox"/> Infection | <input type="checkbox"/> Other (please specify) | |

12. What part(s) of your body was injured?

- | | | |
|---|--|--|
| <input type="checkbox"/> Head/Face | <input type="checkbox"/> Chest/Stomach | <input type="checkbox"/> Back/Shoulders/Neck |
| <input type="checkbox"/> Arms/Hands | <input type="checkbox"/> Legs/Feet | <input type="checkbox"/> Buttocks/Groin |
| <input type="checkbox"/> Other (please specify) | | |

13. Where did you work when you were physically assaulted (at the time of your most serious physical assault)?

- | | | |
|--|--|---|
| <input type="checkbox"/> Arbour Hill | <input type="checkbox"/> Castlerea Prison | <input type="checkbox"/> Cloverhill Prison |
| <input type="checkbox"/> Cork Prison | <input type="checkbox"/> Dochas Centre | <input type="checkbox"/> Limerick Prison |
| <input type="checkbox"/> Loughan House | <input type="checkbox"/> Midlands Prison | <input type="checkbox"/> Mountjoy Prison |
| <input type="checkbox"/> Portlaoise Prison | <input type="checkbox"/> Prison Escort Service Corp (PSEC) | <input type="checkbox"/> Shelton Abbey |
| <input type="checkbox"/> Training Unit (Mountjoy Prison) | <input type="checkbox"/> Wheatfield Place of Detention | <input type="checkbox"/> Other (please specify) |

14. State your position in the IPS (at the time of your most serious physical assault).

- | | | |
|--|--|---|
| <input type="checkbox"/> Chief Officer/Assistant Chief Officer | <input type="checkbox"/> Governor/Deputy Governor/Assistant Governor | |
| <input type="checkbox"/> Healthcare Staff (incl. Psychology) | <input type="checkbox"/> Industrial Workshop Staff | <input type="checkbox"/> Prison Officer |
| <input type="checkbox"/> Trades Staff | <input type="checkbox"/> Work Training Officer | <input type="checkbox"/> Other (please specify) |

15. Where did your most serious physical assault occur?

- | | | |
|---|---|---|
| <input type="checkbox"/> Cell | <input type="checkbox"/> Landing | <input type="checkbox"/> Recreation area |
| <input type="checkbox"/> Exercise yard | <input type="checkbox"/> Gymnasium | <input type="checkbox"/> Kitchen/Dining area |
| <input type="checkbox"/> Reception area | <input type="checkbox"/> Visitor area | <input type="checkbox"/> Search area |
| <input type="checkbox"/> Workshop | <input type="checkbox"/> Outside prison (on escort duty to court, hospital appointments etc.) | |
| <input type="checkbox"/> School | <input type="checkbox"/> Healthcare facility (within the prison) | <input type="checkbox"/> Other (please specify) |

16. When did your most serious physical assault occur?

- | | | |
|---|---|---------------------------------------|
| <input type="checkbox"/> Morning unlock | <input type="checkbox"/> Mealtimes | <input type="checkbox"/> Recreation |
| <input type="checkbox"/> Workshop | <input type="checkbox"/> Visits | <input type="checkbox"/> Night lockup |
| <input type="checkbox"/> Escort | <input type="checkbox"/> Other (please specify) | |

17. In your current position, do you feel at risk from a physical assault by a prisoner(s)

- | | | |
|---|--|---|
| <input type="checkbox"/> Strongly agree | <input type="checkbox"/> Agree | <input type="checkbox"/> Neither agree nor disagree |
| <input type="checkbox"/> Disagree | <input type="checkbox"/> Strongly disagree | |

18. In your opinion, what is the most common cause of physical assaults on staff?

19. When were you last trained in 'Control & Restraint'?

- | | | |
|--------------------------------|-------------------------------|-----------------------------------|
| <input type="checkbox"/> 2016 | <input type="checkbox"/> 2015 | <input type="checkbox"/> 2014 |
| <input type="checkbox"/> 2013 | <input type="checkbox"/> 2012 | <input type="checkbox"/> Pre 2012 |
| <input type="checkbox"/> Never | | |

20. How often have you used these skills (Control & Restraint)?

- Daily Weekly Monthly
 Annually Never
-

21. Have you been unable to attend Control & Restraint Training in the past?

- Yes No
-

22. What is the main reason for not attending Control & Restraint training?

- Not rostered for C&R Training
 Rostered for C&R Training but not released on the day
 Medical reasons (i.e. not being medically fit to complete the training)
 Other (please specify)

23. When were you last trained in 'Conflict Resolution/De-Escalation Techniques'?

- 2016 2015 2014 2013 2012 Pre 2012 Never
-

24. How often have you used these skills (Conflict Resolution/De-Escalation Techniques)?

- Daily Weekly Monthly
 Annually Never
-

25. When were you last trained in 'Breakaway Techniques'?

- 2016 2015 2014 2013 2012 Pre 2012 Never
-

26. How often have you used these skills (Breakaway Techniques)?

- Daily Weekly Monthly
 Annually Never
-

27. How often do you refer to IPS processes, policies, Governor Orders, and/or SOPs (i.e. Operational, Health & Safety etc.) to assist you in your operational duties?

- Daily Weekly Monthly
 Annually Never
-

28. What support services have you availed of in the past? Select all that apply

- Critical incident stress de-briefing
- Counselling through Service Support Officers
- None
- Counselling through Employee Assistance Programme
- Talking with fellow officers
- Other (please specify)

29. Do you feel physically prepared to manage prisoner risks?

- Yes
- No

30. Do you feel emotionally/mentally prepared to manage prisoner risks?

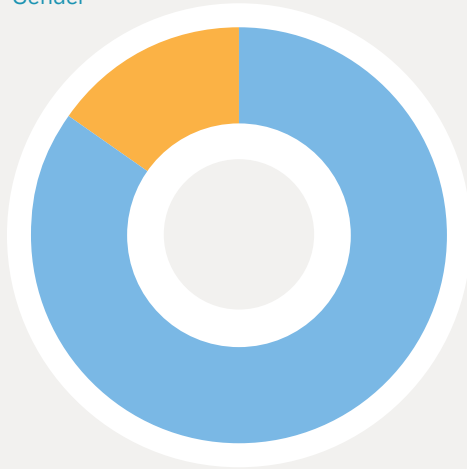
- Yes
- No

31. What do you think can be done to improve conditions or manage physical assaults on staff? Select all that apply

- Better assessment and greater knowledge of prisoner risk
- More training
- Provision of 'use of force' equipment
- Provision of Personal Protective Equipment (incl. clothing)
- Additional Mental Health Services for prisoners
- Other (please specify)

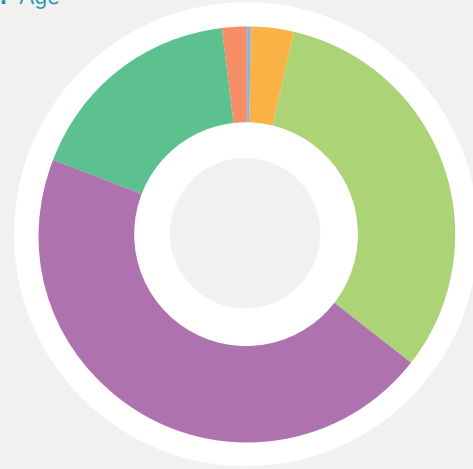
Appendix D Operational Staff Survey Results

Q1. Gender



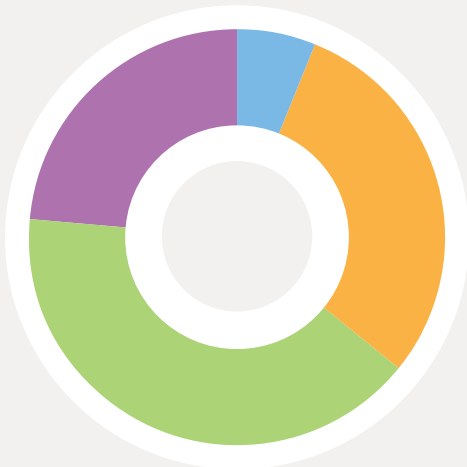
Male **85%**
Female **15%**

Q2. Age



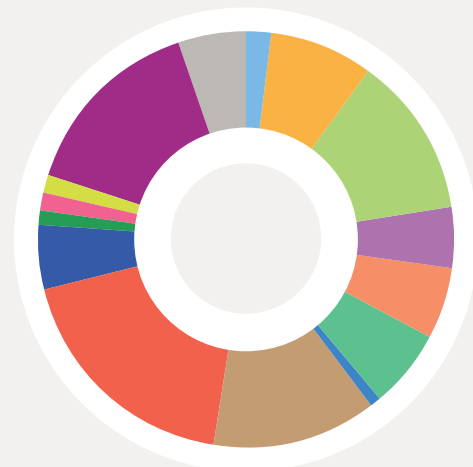
18-20 **0.2%** 21-29 **3.6%**
30-39 **31.9%** 40-49 **45.5%**
50-55 **17.2%** 56 or older **1.8%**

Q3. How long have you worked in the IPS?



5 years or less **6.1%**
6-10 years **29.8%**
11-20 years **40.6%**
21 years or more **23.5%**

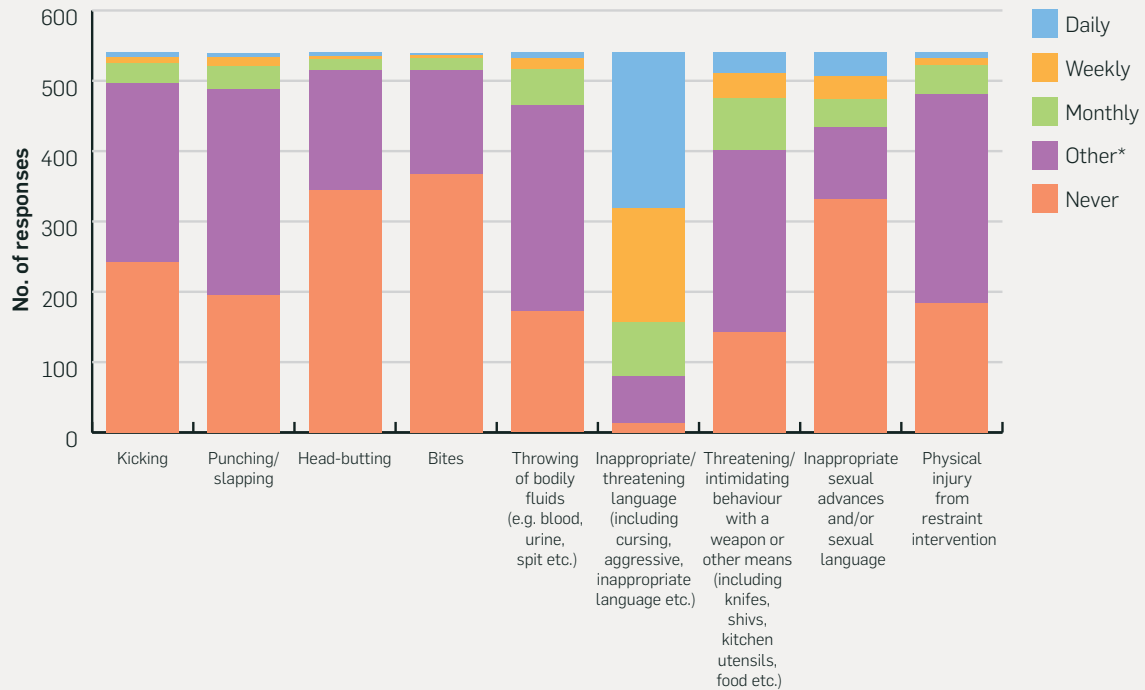
Q4. Where do you currently work?



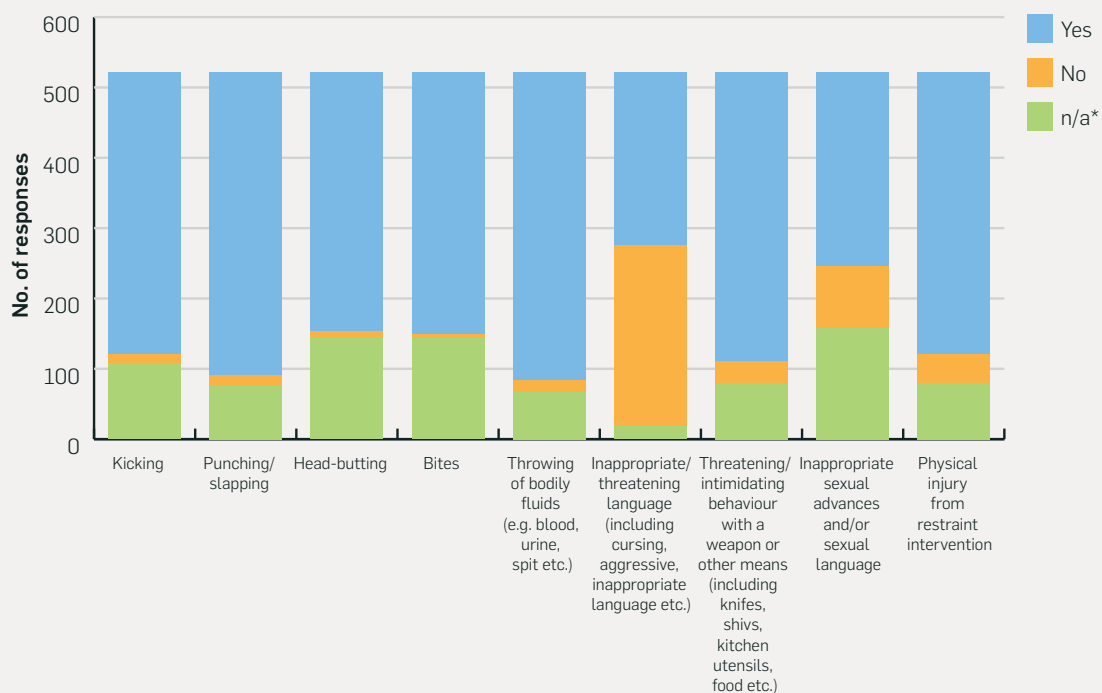
Arbour Hill **2.1%**
Castlerea Prison **8.1%**
Cloverhill Prison **12.4%**
Cork Prison **4.8%**
Dochas Centre **5.6%**
Limerick Prison **6.1%**
Loughan House **0.8%**
Midlands Prison **12.9%**
Mountjoy Prison **18.5%**
Portlaoise Prison **4.9%**
Prison Service Escort Corp (PSEC) **1.2%**
Shelton Abbey **1.5%**
Training Unit (Mountjoy Prison) **1.3%**
Wheatfield Place of Detention **14.8%**
Other (please specify) **5.1%**

- For the Operational Survey, not all respondents provided an answer to every question, therefore the percentage used is based on respondents of that particular question.
- Figures may not add up to 100 due to rounding.

Q5. How often have you been personally subjected to the following prisoner behaviours/actions? Please tick the most relevant option for each row>(*Please select "Other" where you have been personally subjected to the following prisoner behaviours/actions less frequently than daily, weekly, monthly.)

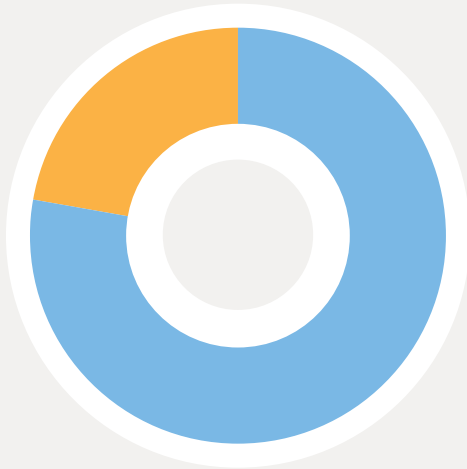


Q6. If you were subjected to the following prisoner behaviours/actions, would you formally report them? Please tick the most relevant option for each row(*n/a: click this if you have not been subjected to this particular prisoner behaviour/action)



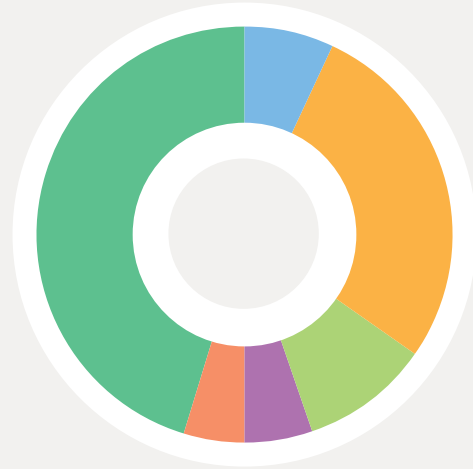
- For the Operational Survey, not all respondents provided an answer to every question, therefore the percentage used is based on respondents of that particular question.
- Figures may not add up to 100 due to rounding.

Q7. Have you ever been physically assaulted by a prisoner in the course of your operational duties?



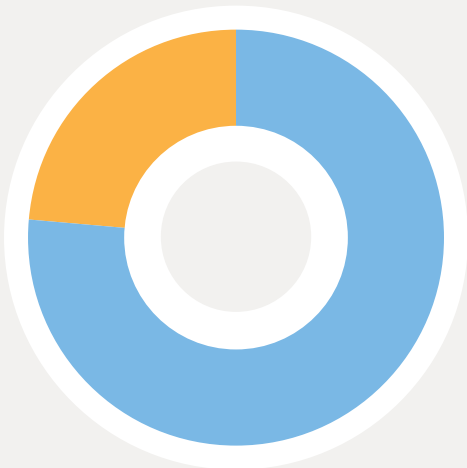
■ Yes **77.9%**
 ■ No **22.1%**

Q8. When were you last physically assaulted?



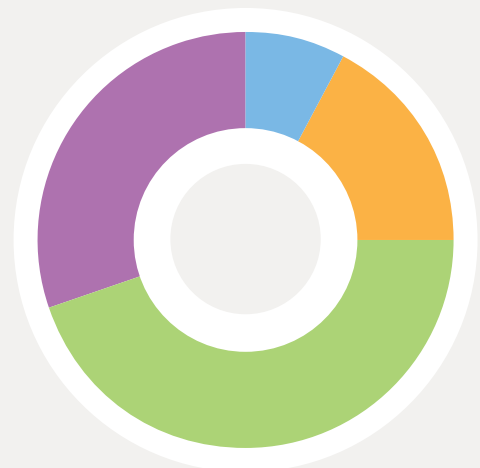
■ 2016 **6.9%** ■ 2015 **28.0%**
 ■ 2014 **9.9%** ■ 2013 **5.2%**
 ■ 2012 **4.7%** ■ Pre 2012 **45.2%**

Q9. Have you been injured from a physical assault?



■ Yes **76.4%**
 ■ No **23.6%**

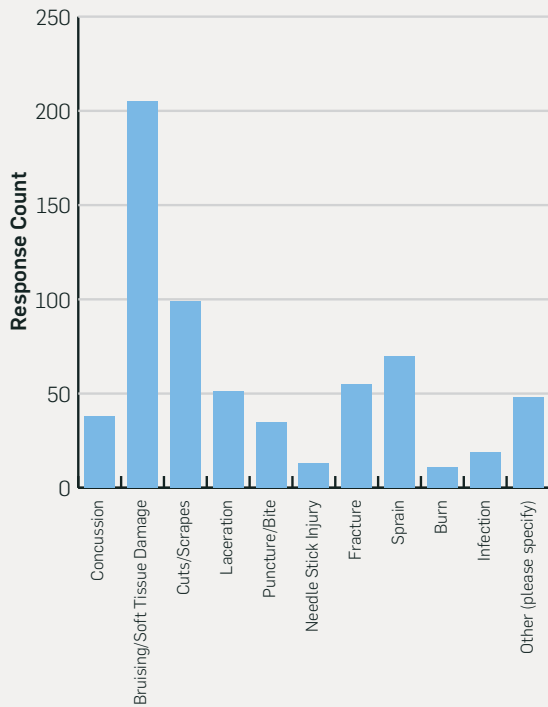
Q10. Please state the severity of the most serious injury that you have received from a physical assault?



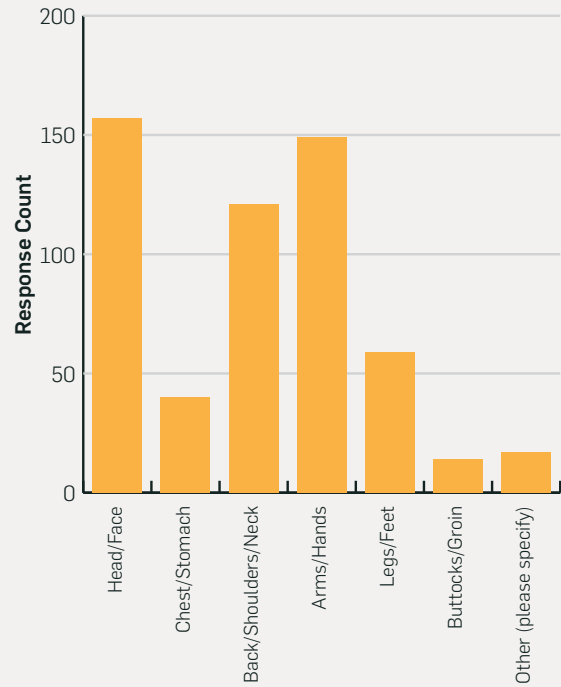
■ Injury not requiring first aid **7.9%**
 ■ Injury requiring first aid **17.2%**
 ■ Injury requiring short term medical treatment **44.9%**
 ■ Injury requiring long term medical treatment **30.0%**

• For the Operational Survey, not all respondents provided an answer to every question, therefore the percentage used is based on respondents of that particular question.
 • Figures may not add up to 100 due to rounding.

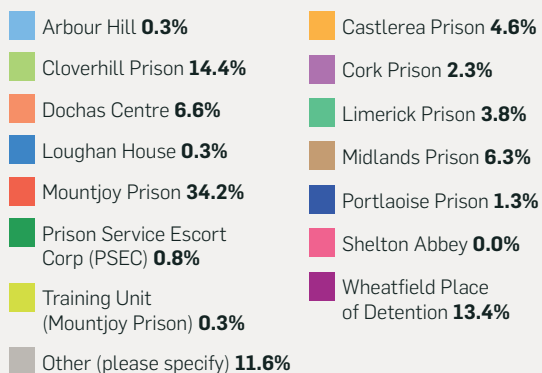
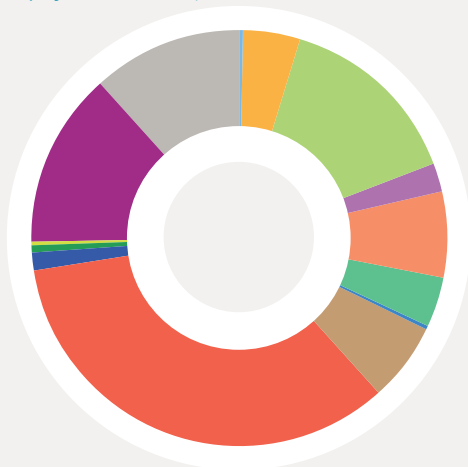
Q11. What was the nature of your most serious injury received (from a physical assault)?



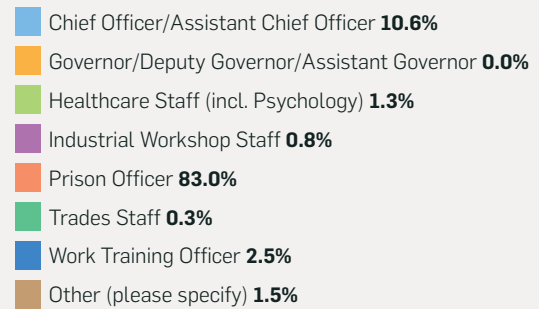
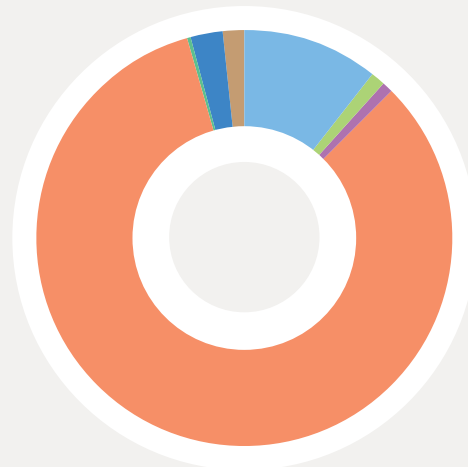
Q12. What part(s) of your body was injured?



Q13. Where did you work when you were physically assaulted (at the time of your most serious physical assault)?

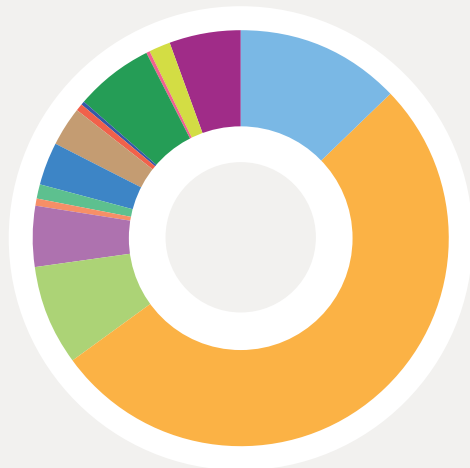


Q14. State your position in the IPS (at the time of your most serious physical assault).



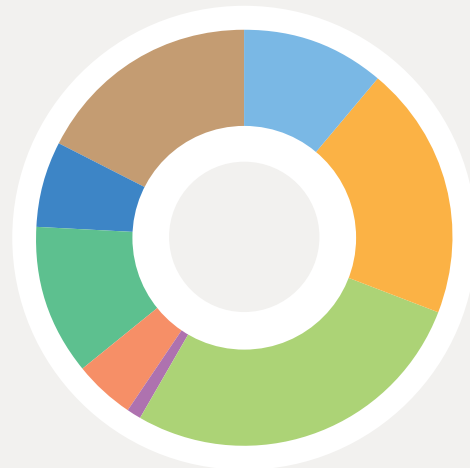
- For the Operational Survey, not all respondents provided an answer to every question, therefore the percentage used is based on respondents of that particular question.
- Figures may not add up to 100 due to rounding.

Q15. Where did your most serious physical assault occur?



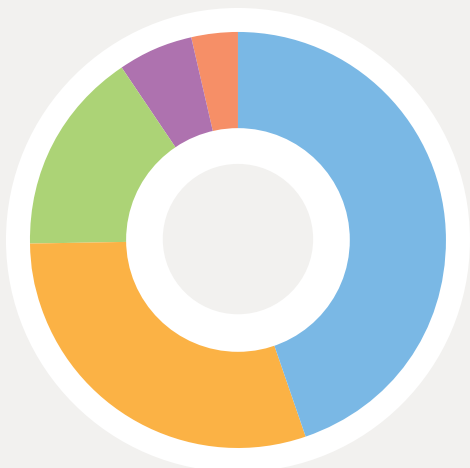
| | |
|--|---|
| Cell 12.8% | Landing 52.3% |
| Recreation area 7.9% | Exercise yard 4.8% |
| Gymnasium 0.5% | Kitchen/Dining area 1.0% |
| Reception area 3.3% | Visitor area 3.1% |
| Search area 0.5% | Workshop 0.3% |
| Outside prison (on escort duty to court, hospital appointments etc.) 6.1% | School 0.3% |
| | Healthcare facility (within the prison) 1.8% |
| | Other (please specify) 5.4% |

Q16. When did your most serious physical assault occur?



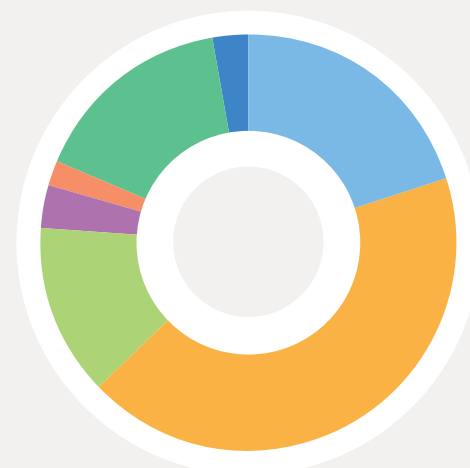
| |
|-------------------------------------|
| Morning unlock 11.2% |
| Recreation 27.6% |
| Visits 4.6% |
| Escort 6.6% |
| Mealtimes 19.6% |
| Workshop 1.3% |
| Night lockup 11.7% |
| Other (please specify) 17.3% |

Q17. In your current position, do you feel at risk from a physical assault by a prisoner(s)



| | |
|---|----------------------|
| Strongly agree 44.8% | Agree 30.1% |
| Neither agree nor disagree 15.7% | Disagree 6.0% |
| Strongly disagree 3.4% | |

Q19. When were you last trained in 'Control & Restraint'?

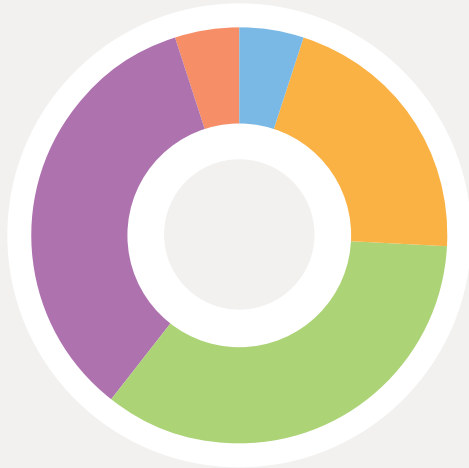


| | |
|-------------------|-----------------------|
| 2016 20.2% | 2015 42.7% |
| 2014 13.2% | 2013 3.4% |
| 2012 2.0% | Pre 2012 15.8% |
| Never 2.6% | |

*Q. 18 has not been included in the appendix due to it being an open ended question
 Q.18 "In your opinion, what is the most common cause of physical assaults on staff?"

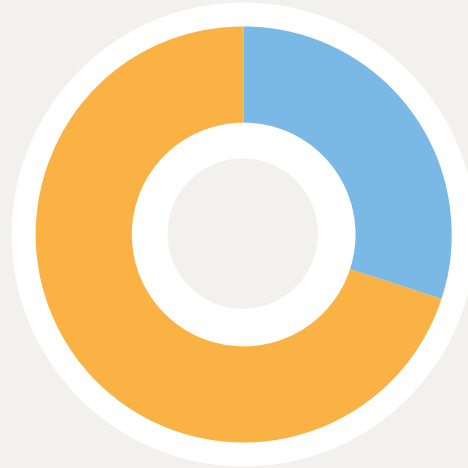
• For the Operational Survey, not all respondents provided an answer to every question, therefore the percentage used is based on respondents of that particular question.
 • Figures may not add up to 100 due to rounding.

Q20. How often have you used these skills (Control & Restraint)?



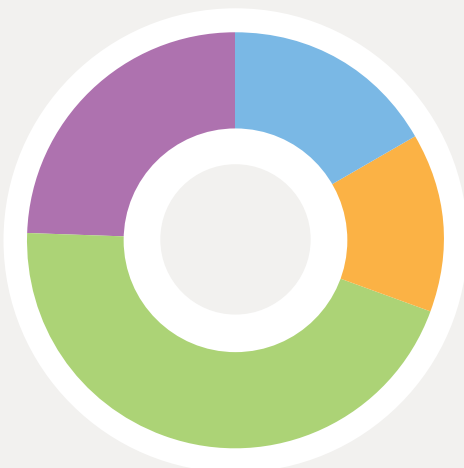
- Daily **5.0%**
- Weekly **20.8%**
- Monthly **34.8%**
- Annually **34.6%**
- Never **4.8%**

Q21. Have you been unable to attend Control & Restraint Training in the past?



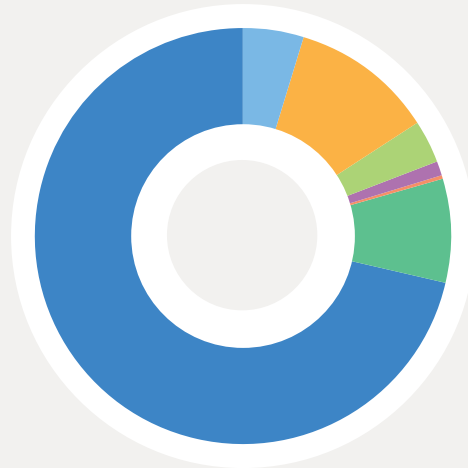
- Yes **30.1%**
- No **69.9%**

Q22. What is the main reason for not attending Control & Restraint training?



- Not rostered for C&R Training **16.7%**
- Rostered for C&R Training but not released on the day **14.1%**
- Medical reasons (i.e. not being medically fit to complete the training) **44.9%**
- Other (please specify) **24.4%**

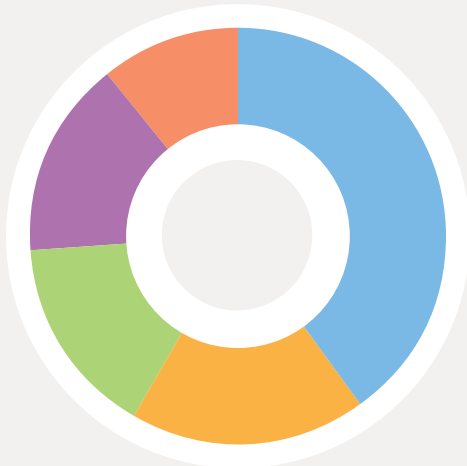
Q23. When were you last trained in 'Conflict Resolution/De-Escalation Techniques'?



- 2016 **4.9%**
- 2015 **11.0%**
- 2014 **3.5%**
- 2013 **1.0%**
- 2012 **0.2%**
- Pre 2012 **8.2%**
- Never **71.2%**

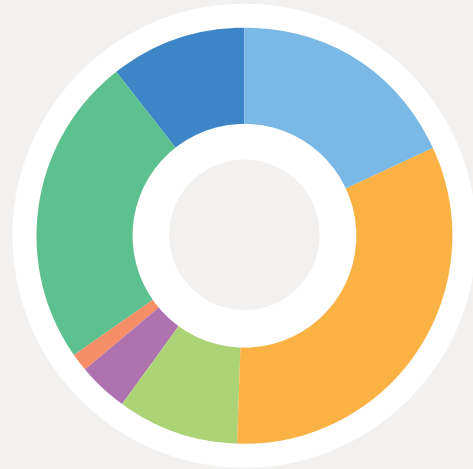
• For the Operational Survey, not all respondents provided an answer to every question, therefore the percentage used is based on respondents of that particular question.
 • Figures may not add up to 100 due to rounding.

Q24. How often have you used these skills (Conflict Resolution/De-Escalation Techniques)?



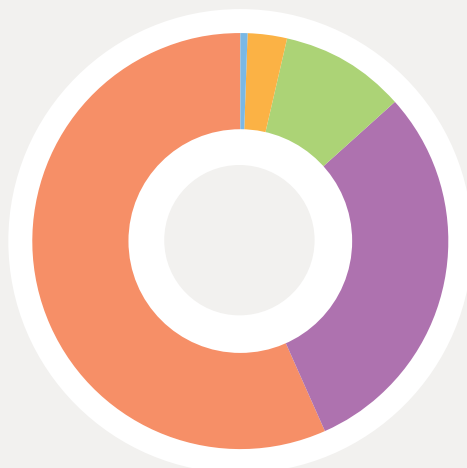
Daily **40.1%**
 Weekly **18.3%**
 Monthly **15.5%**
 Annually **15.5%**
 Never **10.6%**

Q25. When were you last trained in 'Breakaway Techniques'?



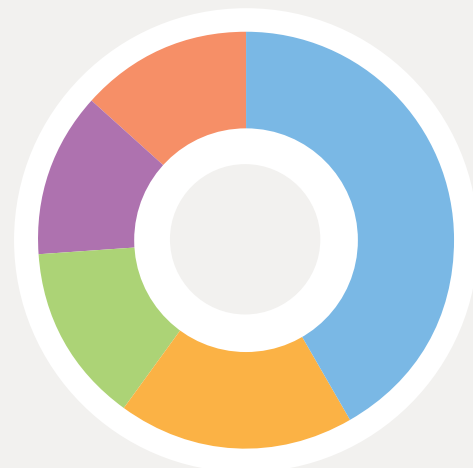
2016 **18.3%**
 2015 **32.4%**
 2014 **9.4%**
 2013 **3.9%**
 2012 **1.4%**
 Pre 2012 **24.0%**
 Never **10.5%**

Q26. How often have you used these skills (Breakaway Techniques)?



Daily **0.7%**
 Weekly **3.0%**
 Monthly **9.9%**
 Annually **29.9%**
 Never **56.6%**

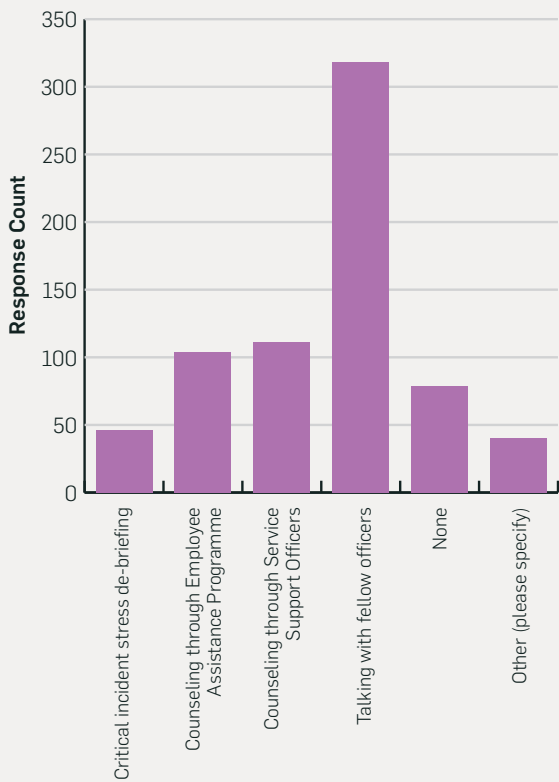
Q27. How often do you refer to IPS processes, policies, Governor Orders, and/or SOPs (i.e. Operational, Health & Safety etc.) to assist you in your operational duties?



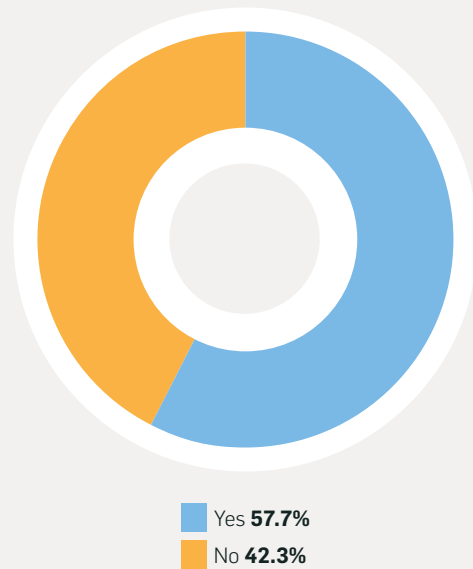
Daily **41.9%**
 Weekly **18.4%**
 Monthly **13.9%**
 Annually **12.6%**
 Never **13.2%**

• For the Operational Survey, not all respondents provided an answer to every question, therefore the percentage used is based on respondents of that particular question.
 • Figures may not add up to 100 due to rounding.

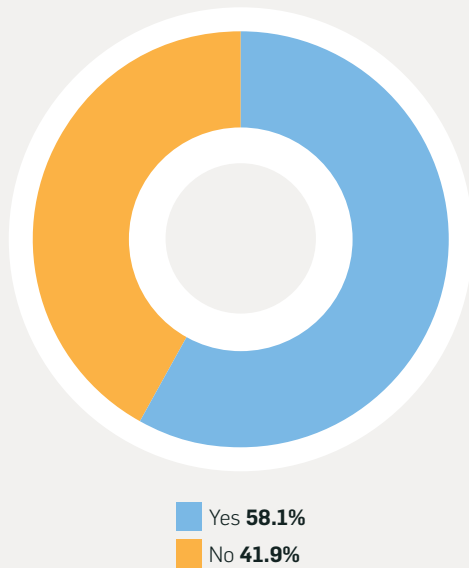
Q28. What support services have you availed of in the past? Select all that apply



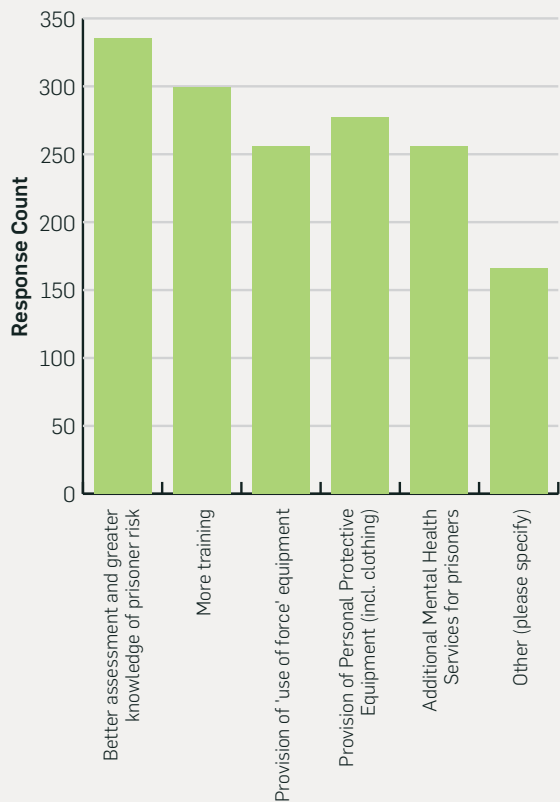
Q29. Do you feel physically prepared to manage prisoner risks?



Q30. Do you feel emotionally/mentally prepared to manage prisoner risks?



Q31. What do you think can be done to improve conditions or manage physical assaults on staff? Select all that apply



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- Figures may not add up to 100 due to rounding.

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