



Seirbhís Phríosúin na hÉireann
IRISH PRISON SERVICE

INCENTIVISED REGIMES

POLICY

February 2012

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Summary

- This policy provides for a differentiation of privileges between prisoners according to their level of engagement with services and quality of behaviour. It is mandatory for each prison and for all prisoners.
- 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.
- Three levels of privilege are provided for – basic, standard and enhanced.
- Newly committed prisoners will enter at the standard level.
- Progression to the enhanced level will depend on meeting the criteria for that level, notably by exemplary behaviour and satisfactory engagement in structured activities, and, for those offenders eligible, participation in Integrated Sentence Management (ISM).
- Regression to the basic level will result from failure to meet the criteria for the standard level, notably by failure to meet normal behaviour standards and/or consistent refusal to engage in structured activities.
- The intended incentives at the enhanced level comprise regime enhancements, potentially including
 - level of gratuity higher than standard,
 - higher levels of access to private cash and tuck shop expenditure,
 - priority access to better quality accommodation,
 - enhanced daily regime,
 - enhanced facilities and
 - increased contact with the outside world.

- Regression to the basic level will result in loss of privileges potentially including
 - reduction in gratuity,
 - lower limits on tuck shop expenditure, and
 - reduced regime, facilities and contact with the outside world (but not below the minimum legal requirement).

- A standard set of core privileges will be required to be provided in each prison and Governors may provide different additional incentives in accordance with local possibilities following agreement from the Director of Regimes, IPS HQ, who will consult with the Director of Operations.

- To be eligible for enhanced privileges, prisoners must have met the required criteria for the preceding two months. They must commit to open association and voluntary drug tests where these are included in the criteria.

- At the enhanced level, prisoners must participate actively in structured activities in education, work/training and/or offender programmes for at least five defined periods a week (unless circumstances outside their control prevent this level of engagement). The level of participation and commitment will be confirmed by the person in charge of the activity (e.g. Head Teacher, Industrial Manager or Senior Psychologist).

- Prisoners wishing to earn enhanced privileges who cannot avail of structured activity because no place is currently available will be put on a waiting list; they will not be eligible for enhanced privileges while on a waiting list.

- Prisoners will be reduced to a lower level of regime where they cease to meet the criteria for their current level. Prisoners will be encouraged to meet the criteria and warnings may be given. A serious breach of discipline, such as an assault, refusal to take a drug test, or possession of a prohibited article may cause a prisoner at the enhanced level of regime to be reduced to the basic level .

- Records will be kept of a prisoner's level of engagement with services and general behaviour and whether that level is satisfactory or requires change. Prisoners will be warned of the consequences of their withdrawal or failure and be challenged and encouraged to re-engage.

- Proposals for a change of privilege status will generally be initiated by the Class Officer and endorsed by the Assistant Chief Officer. Decisions will be informed by the views of relevant heads of service. All decisions will be reviewed within five days by an officer of at least Chief Officer grade.
- Prisoners will have a right of appeal to Governors and results of appeals and reasons for decisions will be recorded.
- Enhanced privileges are not a right.
- Prisoners transferring from one prison to another will in general retain the same regime level (basic, standard or enhanced) and access whatever privileges are associated with that regime level in the receiving prison. Their status will be reviewed within two weeks.
- To facilitate administration, consistency and transparency, incentivised regimes schemes will be supported by IT and integrated with the PIMS system and other relevant IT systems at the earliest possible opportunity.
- Schemes under the policy will be self-financing.
- The policy will be introduced on a phased basis across all prisons.
- Regimes Directorate will oversee implementation of the policy and monitor its operation.

1. Introduction

1.1 The policy set out in this document has been developed in furtherance of the Irish Prison Service (IPS) mission to provide safe, secure and humane custody and the IPS commitment to manage sentences in a way that encourages and supports prisoners to live law abiding and purposeful lives. The policy provides for a differentiation of privileges between prisoners who behave well in prison while engaging with services and prisoners who do not. The objective is to provide tangible incentives to participate in structured activities and to reinforce incentives to good behaviour, leading to a safer and more secure environment for prisoners, staff and visitors alike. An underlying principle is that good behaviour and engagement with services should be incentivised whenever opportunities arise and conversely poor behaviour and non-engagement should not be rewarded. Three levels of privilege are provided for: basic, standard and enhanced. The criteria for eligibility are elaborated in Section 2. The nature of the incentives is elaborated in Section 3.

1.2 Prisons currently make strenuous efforts to encourage prisoners to engage with services such as education, vocational training, work, counselling and offending behaviour programmes. Likewise prisoners are supported as regards resettlement challenges prior to their release. A variety of services assist in these rehabilitative tasks, including community-based statutory and non-statutory bodies. IPS is currently rolling out Integrated Sentence Management (ISM) which aims to provide for comprehensive sentence plans tailored to individual circumstances and needs for prisoners serving sentences of one year or more. While the capacity to deliver services to all prisoners varies somewhat between prisons and delivery can be constrained from time to time by factors such as staff shortages and overcrowding, most prisons offer a wide range of activities for prisoners.

1.3 Prisoners on protection may be restricted, for security and safety reasons, in their access to certain services. Other prisoners may also be restricted for various reasons, including security concerns.

1.4 Prisoner participation in activities is voluntary for the most part. An exception is work on tasks necessary for the maintenance and operation of the prison. Under Rule 28 of the Prison Rules, 2007, a prisoner may be directed to clean or sweep the landings, yards or other parts of the prison.

1.5 Prisoners currently receive a standard gratuity of €2.35 per day (i.e. €2.50 less €0.15 for television service) whether they engage in structured activity or not. Rule 29 of the Prison Rules, 2007 provides for differentiation of the gratuity for different prisons, classes of prisoner or levels of engagement in authorised structured activity but no such differentiation applies currently. Prisoners are also in general subject to undifferentiated regimes of recreation, cell facilities, phone calls, visits, etc.

1.6 Prisoners generally behave well in prison. Breaches of prison discipline are set out in Schedule 1 to the Prison Rules, 2007 and the procedure for processing alleged breaches is set out in Rule 67. Governors are empowered to impose penalties under Part 3 of the Prisons Act, 2007. Typical penalties include loss of privileges such as evening recreation or access to the tuck shop for limited periods. Major breaches of discipline, such as serious assault, can result in temporary restriction to a significantly reduced regime such as 23-hour lock up (as well as referral to the Garda Síochána). The threat of sanctions has a clear function in ensuring good order in a prison but cannot be said to function as an incentive to positive behaviour over and above this minimum requirement. Good behaviour has to be the norm and for purposes of this policy, good behaviour is a necessary but insufficient condition for earning additional rewards.

1.7 The policy set out in this document seeks to reinforce personal motivations and existing system incentives by rewarding positive behaviour and engagement in an immediate, tangible way. It is designed to reward those currently meeting desired standards and motivate otherwise recalcitrant offenders to engage. Even small incentives can serve this purpose. An important principle is that such privileges as are available in a prison should be prioritised for prisoners who are well-behaved and engage with services so that rewards are applied consistently.

1.8 The policy is expected to pay dividends in giving prisoners an increased stake in ensuring a safer, more secure and more humane environment. The policy is mandatory for all prisons and prisoners.

2. Qualification for Incentives

2.1 The policy provides for three levels of privilege regime – basic, standard and enhanced.

2.2 Newly committed sentenced prisoners will enter at the standard level, regardless of the level that applied during any previous period in custody. Progression to the enhanced level will depend on meeting specified standards of behaviour and engaging in authorised structured activities. Regression to the basic level will result from persistent failure to meet normal behaviour standards, a consistent refusal to engage in structured activities or involvement in a serious breach of discipline.

2.3 The operation of schemes will be subject always to overall safety and security considerations. Individual prisoners, for example, may not be able to access structured activities because of limitations on their association with other prisoners and may not therefore be eligible for enhanced levels of regime.

2.4 Newly committed prisoners serving sentences of one year or more will be required to participate in ISM, which is being rolled out to newly-committed prisoners and will eventually apply to all prisoners in the relevant sentence category.

2.5 To qualify for enhanced regimes, prisoners will be required to meet stipulated standards, including compliance with their sentence plan, engagement with services and meeting behavioural standards. They may be required to agree to voluntary drug tests and free association, subject to security considerations and depending on the scheme in operation in the prison.

2.6 Newly-committed prisoners will be briefed at induction and given an information note on how the scheme operates and specifically on the criteria and privileges associated with each level of regime. They will be expected to acknowledge receipt of the information in writing. Similar information will be provided to prisoners already in custody as and when a scheme is introduced in their prison. Copies of the policy and operational guidelines should be available to prisoners in libraries and other appropriate common areas.

2.7 Proposals for a change of regime level will generally be initiated by the Class Officer and approved by the Assistant Chief Officer. Prisoners will be reminded at that stage of the privileges available and the standards they must commit to in order to retain the privileges. (Procedural issues are discussed in more detail in Section 4 and detailed in the associated Operational Guidelines.)

2.8 It is important for the integrity of the system that procedures and decision-making are consistent and transparent and that exceptions are few and justifiable. A record of decisions and the basis for those decisions will therefore be required. The records will be reviewed from time to time by the Governor.

2.9 Regimes Directorate will be responsible for auditing the operation of prison schemes to ensure that the policy is being implemented consistently across the prison system.

Standards of behaviour

2.10 For admission to the enhanced level of regime, prisoners must be of exemplary behaviour for at least the preceding two consecutive months. Behavioural standards will need to be articulated clearly in each prison so that prisoners know what is expected of them. Standards will include

- compliance with the Prison Rules and all reasonable instructions,
- co-operation with staff in the performance of their duties,
- interaction with staff in a respectful manner,
- constructive participation in sentence planning, whether as part of Integrated Sentence Management or otherwise,
- observance of prison policies (e.g. smoking) and procedures (e.g. proper use of equipment, health and safety requirements),
- absence of language, behaviour or display that is intimidatory, aggressive, offensive, racist, homophobic, sexist or bullying,
- respect for and support for fellow prisoners,
- personal hygiene and cell cleanliness and respect for the cleanliness of common areas,
- civility, e.g. keeping noise to an acceptable level, appropriate manners,
- positive contribution to prison life,
- avoidance of conflict and argument, and

- avoidance of escalation of tensions that arise.

2.11 In assessing behaviour, regard will be had to any breaches of discipline which result in imposition of a sanction. Incidences considered to be more minor breaches of discipline will render a prisoner ineligible to move from standard to enhanced level but, if the prisoner is already at the enhanced level, discretion may be exercised and a warning issued, provided the prisoner offers a reasonable explanation, accepts responsibility and gives an undertaking as to future behaviour. Confirmed incidences of assault, bullying, positive drug tests, refusal to take a drug test or possession of a prohibited article will be seen as constituting serious breaches of the criteria for the standard regime level and will result in a move to the basic regime level regardless of previous regime level.

2.12 Prisoners against whom an alleged breach of discipline has been made should not be considered eligible for elevation from standard to enhanced level until the case has been dealt with by the Governor. Such pending cases should be dealt with as speedily as practicable. Prisoners already on the enhanced regime can retain their status while a pending case is being dealt with.

2.13 The loss of enhanced privileges is not a punishment and potential loss should not be taken into account when sanctions for breach of discipline are being decided. Loss of enhanced privileges is a consequence of failure to meet the criteria. Prisoners may be considered again for the enhanced level once they have met the criteria for a further two month period.

2.14 An appeals mechanism will operate, under which prisoners can appeal decisions to a Governor grade. Prisoners should be made aware of the right to appeal following a decision. The right to appeal should also be specified in information provided generally about the policy. The appeal process should follow the principles of natural justice, with a right on both sides to make presentations.

2.15 Prisoners will be required to be of excellent behaviour generally. In particular they must not engage in illegal use of drugs, alcohol or other mood altering substances (which would anyway constitute a breach of discipline) and must agree to regular substance testing by whatever methods are currently in use in the prison and whether testing is mandatory or voluntary, random or scheduled, and to the divulgence of medical information relevant to testing. Prisoners will also be required

to comply with specified prison policies such as smoking, cell decoration or anti-bullying policies.

2.16 Prisoners may also be required to live in open conditions on their wing, unit or landing, depending on how schemes are implemented in individual prisons. Prisoners on protection will be eligible provided they can meet whatever requirement applies.

2.17 Prisoners being advanced to the enhanced level will have to agree in writing to meet the conditions that are required for that level.

2.18 Records will be kept of a prisoner's general behaviour and whether that level is satisfactory or requires change. Warnings will be given where there is a need for improvement and a record of all warnings will be kept.

Engagement with services

2.19 Engagement with services is defined as current, regular participation in education activities under the auspices of the prison education centre, work/training activities under the auspices of the Industrial Manager or equivalent and/or offender programmes and/or activities under the auspices of the Psychology and/or Probation Services or approved in-reach services. Certified attendance at activities outside the prison as part of an agreed programme will also confer eligibility.

2.20 Engagement with addiction services will not be sufficient of itself to render prisoners eligible, notwithstanding that this is a significant commitment for many prisoners. This provision is designed to protect the integrity of the policy in its initial stages and may be reviewed over time. Nothing in this policy prevents the introduction of incentives and rewards specifically for prisoners undergoing residential detoxification programmes.

2.21 To be eligible, prisoners will have been participating in structured activities for a minimum period of two months and be committed to continuing such activity or transferring to approved, alternative activities as part of their sentence plan. Casual engagement is not enough and prisoners should participate in structured activity of one or more kinds for at least five defined periods a week. Currently, defined periods can be taken to mean full morning and afternoon sessions. If rationing of access to

activities is introduced in the interests of giving access to the largest number of prisoners or otherwise, participation will be taken to refer to whatever periods are assigned to the prisoner. Prisoners can combine different types of structured activity or move between different classes and courses on any given day.

2.22 Participation will be confirmed respectively by the Head Teacher, Industrial Manager (or equivalent) or programme organiser (or their deputies). For prisoners participating in ISM, the engagement will be recorded by the ISM co-ordinator or his/her deputy.

2.23 Subject to warnings being given (see below), unapproved withdrawal from the activity or consistent lack of commitment (as evidenced by late attendances or lack of effort or otherwise), or cessation of engagement with ISM where it applies, will end a prisoner's eligibility for the enhanced regime. Short periods of non-participation which are due to factors outside the control of the prisoner, such as illness, court appearance, closure of workshops, teacher holidays or the end of one phase of a programme before commencement of another, will not count against the prisoner.

2.24 Capacity limits in some prisons may mean that prisoners willing to engage with services have to be put on a waiting list. Prisoners on waiting lists for structured activity will not be eligible for the enhanced regime. However, Governors will have discretion to assign otherwise ineligible prisoners to areas of the prison that enjoy better facilities where spare capacity exists after all eligible prisoners have been catered for.

2.25 Prisoners who complete a course or programme will continue to be eligible for enhanced behaviour provided they continue to achieve the necessary behavioural standard and continue to engage with services in a way that is consistent with their sentence plan.

2.26 Prisoners deemed unsuitable for a course or programme will be eligible for enhanced privileges provided they meet the behaviour standards and engage in other structured activity consistent with their sentence plan.

2.27 Records will be kept of a prisoner's participation in structured activity and whether that level is satisfactory or requires change. Warnings will be given where there is a need for improvement and a record of all warnings will be kept. Prisoners

will be advised of the consequences of their withdrawal from activity or failure to participate satisfactorily and challenged and supported to re-engage fully.

3. Nature of the incentives

3.1 Incentives will comprise enhancements to the prisoners' regime. Various options are outlined below. The list of options below is not intended to be exhaustive.

3.2 A guiding principle is that, as far as possible, incentives should be add-ons for those who meet the enhanced regime criteria rather than a diminution of privileges for those on the standard regime. A standard set of core privileges will be required to be provided in each prison and Governors will be authorised to provide different additional incentives in accordance with local possibilities and in agreement with the Director of Regimes. Governors will review the level and type of incentive available from time to time. The Director of Regimes will also review the implementation and operation of the policy at appropriate intervals and at least after six months and one year. The Governors and Director will also monitor the number of prisoners at each level of regime.

3.3 Incentives at the enhanced level will vary as between prisons but potentially include

- level of gratuity higher than standard,
- higher level of access to private cash / tuck shop expenditure
- access to better quality accommodation,
- enhanced daily regime,
- enhanced facilities, and
- increased contact with the outside world (for example, increased phone calls or visits).

3.4 Qualification for enhanced regimes will also convey less tangible, but no less real, benefits of public recognition of their effort and commitment and a calmer environment arising from association with compliance-oriented prisoners. Prisoners on enhanced regimes are also more likely on average to be considered favourably under schemes of temporary release.

Higher level of gratuity

3.5 Prisoners on enhanced regimes may be eligible for higher levels of daily gratuity, in accordance with IPS policy on gratuities. The level of gratuities will be set nationally, in accordance with Rule 29(1) of the Prison Rules 2007 and levels of gratuity over and above the enhanced privilege level will not be authorised, save in accordance with any national scheme for rewarding prisoners for specific types of work or for an exceptional contribution to the operation of the prison.

Higher level of access to private cash / higher level of tuck shop expenditure

3.6 Prisoners have cash lodged to their prison account by family or friends. It is proposed to differential restrictions on this privilege, with different limits for those on each regime level.

3.7 No limits on tuck shop expenditure currently apply. It is likewise proposed to introduce differential restrictions on this privilege, with different limits for those on the each regime level. Limits will be fixed nationally having regard, among other things, to average tuck-shop expenditure, with an additional percentage for prisoners at the enhanced level and a percentage reduction for prisoners at the basic level.

Access to better quality accommodation

3.8 Accommodation options are likely to be limited in the short term because of pressure of numbers. Single cells are at a premium and generally reserved for prisoners serving very long sentences or otherwise in circumstances that prevent sharing. Where separate single cell capacity becomes available, priority should be given to enhanced level prisoners over prisoners on the standard level. The coming on stream of new or improved accommodation in some prisons should also provide opportunities for differentiation, even if cells are shared.

Enhanced daily regime

3.9 Accommodating eligible prisoners in designated units, wings or blocks opens the possibility of offering an enhanced daily regime. Options might now or in the future include greater out-of-cell time, longer access to common recreation, more frequent access to showers, early call for education and work/training, greater access to exercise/gym, communal dining and enhanced options for tuck shop purchases. The range of options will be facilitated by a requirement on prisoners to commit to

open association, where possible. The daily regime would be curtailed somewhat for those at the basic level of regime.

3.10 Prisoners at the enhanced level could be permitted to wear their own clothes, where this is not already permitted for the general population and subject to security requirements. Similarly, prisoners on enhanced regimes could be permitted to have additional property in their cell (such as lockable locker with key held by the prisoner and staff). The privileges of private property and, where available at standard regime level, wearing one's own clothes could be removed for those at the basic level of regime.

Enhanced facilities

3.11 Independent of the type of cell accommodation available, compliant prisoners could potentially be given enhanced in-cell facilities such as an improved TV package. Incentives could also include access to games consoles or console games.

Increased contact with the outside world

3.12 Most prisoners value contact with the outside world and maintenance of contact is very much in the interests of reintegration post-release. The Prison Rules stipulate minimum entitlements as regards visits, phone calls and correspondence. Meeting minimum requirements leaves little scope for flexibility in a number of prisons, at least when prison numbers are at full capacity or in excess thereof. Provision must also be made for emergency contact for prisoners facing particular family crises such as a bereavement or accident. Capacity for making and managing phone calls is meanwhile being expanded.

3.13 Differentiation will apply as regards number of calls per week and the number of names allowed on a prisoner's phone card in accordance with IPS policy on telephone calls. All calls will be subject to a limit of six minutes. Prisoners will in addition be allowed to make a daily call to their solicitor. Additional calls will be subject to availability and will be charged for at the rates in operation from time to time.

3.14 Governors should ensure that whatever spare visit and call capacity exists over and above minimum and emergency requirements is used to the benefit of

prisoners at the enhanced level of regime. Those on enhanced regimes could also be given priority as regards timing of calls and booked visits.

3.15 Most prisons have limited facilities for family visits which take place in a more relaxed, private room. Again to the extent possible and as a general rule, preference should be given to prisoners on enhanced regimes.

3.16 In contrast, prisoners on basic regimes should generally have the legal minimum entitlements only. Governors will have discretion to provide minor improvements where special need or merit arises.

Temporary Release

3.17 While progression under the Incentivised Regimes Policy will not be directly linked to decisions to grant temporary release, community release or structured day release, prisoners should be aware that Incentivised Regimes status and reports will be a factor in reaching a decision in these matters.

4. Procedural issues

4.1 The policy must be underpinned by principles of fairness, consistency, transparency and natural justice. It is also important that those working most closely with prisoners are empowered in the process. This includes Class Officers and ACOs on the wings in particular, but also head teachers, industrial managers and those delivering offending behaviour programmes. Prisoners must be made aware of the relevant criteria for each regime level, the procedures for changing level and who is responsible for monitoring their behaviour and level of engagement.

4.2 Decisions as to privilege status should be made by Class Officers and endorsed by Assistant Chief Officers following consultation with those responsible for co-ordinating or delivering services. ISM co-ordinators should confirm compliance with the ISM process and with the prisoner's sentence plan for those prisoners in ISM categories. Heads of services should confirm level of participation in and commitment to structured activities. Class Officers should testify as regards a prisoner's compliance with behaviour standards.

4.3 It is important that the administrative burden of operating enhanced regimes is kept to a minimum, consistent with transparency and effectiveness. A file will be available on the wing for each prisoner and maintained by the Class Officer, who will make a minimum of one substantive entry per week on each file. Entries would relate to general behaviour, achievements, interaction with staff and prisoners, cleanliness, compliance with sentence planning, disciplinary incidents and other relevant information. The file would accompany all prisoner intra- and inter-prison transfers. As soon as practicable, the manual system should be replaced or supplemented by an IT system that is integrated with PIMS and all other relevant IT systems.

4.4 Decisions on regime level should be confirmed by a Chief Officer within five days before the prisoner is informed. Assistant Chief Officers should audit at least ten percent of cases weekly to ensure consistent high standards. Chief Officers should review the appropriateness of prisoners' regime levels at least quarterly. Governors should review the operation of the policy on a regular basis and report on the operation of the scheme in their annual report to the Director General.

4.5 Unapproved withdrawal from structured activities, consistent lack of commitment to participation or failure to meet the required behavioural standards will render prisoners liable to loss of privileges.

4.6 It is important that prisoners are warned of the consequences of their withdrawal or failure and be challenged and encouraged to re-engage. In particular, prisoners on the basic regime should be advised and supported on how to become eligible again. Warnings, advice and the prisoners' responses should be recorded on their file. More than two unheeded warnings should trigger a review of a prisoner's level of privilege

4.7 A consistent pattern of non-compliance with behavioural standards and refusal to engage in structured activity or engagement in behaviour that constitutes a serious breach of discipline renders a prisoner liable to being reduced to basic level. Prisoners placed on the basic regime should be interviewed within seven days and have their cases reviewed every four weeks.

4.8 Class Officers will generally prepare a formal case for progression to higher regimes on behalf of a prisoner, with his or her consent. Prisoners may also request advancement directly to a ranked officer. Such direct applications will require the input of the Class Officer but should be reviewed regardless of whether they have the support of the Class Officer. Where refused, decisions should be explained to the prisoner and advice given on steps which could lead to the prisoner's advancement at a later date.

4.9 Details of any changes of level of privilege will be recorded, along with reasons for decisions taken. Prisoners will have a right of appeal to Governors and results of appeals and reasons for decisions will be recorded.

4.10 A senior Governor should regularly review a 10 percent sample (at least) of all instances of reductions in privilege level and keep a record. All records must be available for inspection by the Director General.

4.11 Each prison will need to draw up its own detailed procedures and forms, for approval by the Director of Regimes, based on the national Operational Guidelines provided with this policy.

4.12 Prisoners transferring from one prison to another will, in general, be expected to retain the same regime level (basic, standard or enhanced). Prisoners will in general access whatever privileges are associated with their regime level in the receiving prison, and at least those privileges that are not location-specific within the receiving prison. All transferred prisoners should be re-assessed within two weeks of transfer.

4.13 Remand or other un-convicted offenders will enter at the standard regime level. They may be moved from standard to enhanced and vice versa on the basis of assessment of behaviour and engagement with services. They may be moved from standard to basic and vice versa on the basis of assessment of behaviour only.

5. Implications

5.1 Clearly the intended impact of incentivised schemes is a well-behaved prisoner population which engages meaningfully with services and is therefore better prepared on release for integration into communities and desistance from offending.

5.2 In general, prisoners are already of good behaviour and engage in structured activity. The exact percentage of prisoners who would meet the exemplary behaviour criteria cannot be estimated precisely but could be expected to be quite high. Engagement in structured activity is also high. Participation in education, defined in terms of involvement at least one morning or afternoon per week, averaged 36 percent of the prisoner population in 2010. Many exceed this minimal level of educational involvement. Participation in work/training activities averaged 21 percent in 2010. Work/training participants are typically involved in their stipulated activity for regular, prolonged periods. Offending behaviour programmes are limited in most prisons, a notable exception being the Building Better Lives programmes for sex offenders in Arbour Hill. A similar programme is under way in Wheatfield for violent offenders. Programmes elsewhere reach relatively modest numbers of offenders. A range of other behaviour-related and offender support programmes is available in most prisons, including those organised by the Probation Service, contracted addiction counsellors and various community and voluntary groups.

5.3 One intended impact of the incentivised scheme can therefore be seen as more intensive involvement in structured activities for the majority and new engagement by a minority. This will place pressure on existing services and provision will have to be monitored closely. Potential options for meeting demand include more intensive use of existing capacity through larger group sizes (consistent with security), extension of the prisoners' working day, split activities and rationing/rotation and expansion of capacity (with implications for staffing and other resources). Innovative solutions should be sought from those directly involved in delivery of services. Waiting lists may become necessary in some circumstances. Measures to expand participation should not compromise accreditation. It should be possible to maintain accreditation standards for numbers of prisoners similar to those currently engaged while giving access to other prisoners who would not, initially at least, pursue such qualifications.

5.4 The scope of incentives for certain categories of prisoner will necessarily be more limited in practice. Prisoners on 23 hour lock-up and other restricted regimes are by their nature subject to more limited regimes although individual prisons may have scope or be able to develop scope for enhanced services and regimes. Gang members also pose challenges because of the need for segregation. The present policy recognises these challenges and recognises that priority should be given to the needs of the general population of sentenced prisoners while being open to options for these sub-groups.

5.5 It is not necessary that prisoners on enhanced regimes be accommodated separately from other prisoners and accommodation together may maximise the potentially positive influence of prisoners who are on enhanced regimes on other prisoners. However, separation may be necessary in some instances to enable freer association and open up the possibility of regime enhancements such as longer out-of-cell time.

5.6 It is difficult to estimate the number of prisoners likely to be on enhanced regimes. It is desirable at one level that all prisoners meet the criteria, earn the enhanced privileges and are safely and securely managed by a lower number of prison officers. Quotas on the numbers of prisoners earning enhanced privileges should not be set. Maximum numbers at the enhanced level will in practice be set by the availability of structured activities, the commitment to exemplary behaviour and the need for schemes to be self-financing and cost-neutral.

6. Implementation

6.1 It is intended to introduce the Incentivised Regimes Policy on a phased prison-by-prison basis.

6.2 It is recognised that the capacity of prisons to introduce enhanced incentives will vary. Some prisons will be able to offer extra phone calls or visits, for example, while others will not because of overcrowding or limitations of the physical infrastructure. Similarly, few prisons are likely to be able to offer single cell accommodation as a routine incentive because of the priority given to prisoners such as those serving very long sentences or with particular needs.

6.3 It is envisaged that prisons can provide some incentives immediately and develop a programme for introducing others. It is desirable that, as soon as possible, all prisons offer similar suites of incentives so that prisoners transferring between prisons will not experience any diminution of regime.

6.4 A central committee will be established to review implementation of the policy. The committee will comprise representatives of the Regimes, Operations, Human Resources and Finance Directorates and Governors from three prisons. Meetings will be chaired by the Director of Regimes. The Regimes Directorate will be responsible for supporting prisons in implementation and for monitoring progress. Prisons will be required to prepare draft schemes adapted to their own circumstances and provide details, among other things, of qualification criteria, numbers and types of prisoner involved and nature of rewards.

6.5 To facilitate administration, consistency and transparency, the incentivised regimes scheme will be linked to the PIMS system at the earliest possible opportunity. Provision has been made for recording the level of a prisoner's privilege regime in the initial roll out of PIMS. It is planned that further elements of the scheme will be incorporated into Phase 2 of PIMS.

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