

**Address by the Minister for Justice and Equality, Frances Fitzgerald
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Prison Officers' Association Annual Conference
7 May, 2015**

Check Against Delivery

Mr President, Distinguished Guests, Delegates, Ladies and Gentlemen.

Thank you for your kind invitation to address your Annual Conference, here in Clare today.

I am pleased to have this opportunity to publicly acknowledge and thank you, on my behalf, and on behalf of Government, for the excellent work carried out on a daily basis by all members of the Irish Prison Service in providing safe and secure custody, dignity of care, and rehabilitation to prisoners.

Safety of Prison Officers

There is no doubt that the work of prison staff is challenging and demanding and dealing with offenders, many of whom have been convicted for violent offences or have a history of violence, brings with it a higher degree of risk than most other professions.

Unfortunately, there have been occasions when prison staff have been injured in the line of duty. In that regard, I would like to acknowledge all prison staff who have been injured in their service to the State. Recently, there have been a number of serious unprovoked incidents of violence and aggression against prison staff.

While the risk might be greater, I want to be absolutely clear - no act of violence against staff is acceptable or tolerated. I know that it is a difficult time for any officer, for their families and their colleagues, and I wish all staff injured in the line of duty a swift recovery.

Let me assure you too that I take the safety and welfare of all prison staff very seriously and we are committed to ensuring that every action is taken to safeguard staff at all times.

Every violent assault is viewed and treated as a serious incident. In 2014, there were 151 recorded assaults by prisoners on staff.

As you will know, I met with members of your Executive Council in March when this issue was discussed. It was a very productive meeting and was an excellent opportunity to engage directly with your Association. At that meeting, I gave you a commitment that additional measures would be introduced to ensure your safety in the workplace and I can assure you that action is being taken.

Prior to the incident in Tallaght in February, the Irish Prison Service had established a *Focus Group on Hospital Escorts and Procedures* which is being chaired by the Director of Operations.

In addition, a Control and Restraint Advisory Group, which includes members from your Executive Council, was convened in the aftermath of the Tallaght incident and they identified a number of proposals and recommendations regarding the requirements for prisoner escorts. I fully accept the Group's short, interim, and long term recommendations.

These recommendations include:

- A review of the conduct of hospital escorts to be undertaken by the Focus Group on Hospital Escorts and Procedures.
- A review of prisoner profile procedures to identify escorts that may not require armed escort but are deemed "high risk".
- The procurement of anti-stab vests to be worn by all staff on escorts identified as "high risk".
- The introduction of ballistic vests which are being procured for use on armed/high risk escorts.
- The introduction of staves and incapacitant spray, which will be issued to all persons on "high risk" escorts; and
- All escorts identified as "high risk" to be conducted in standard prison uniform.

An implementation group, has been established, chaired by the Governor of the Prison Service Escort Corp (PSEC), and the implementation of these recommendations has commenced. I am advised that a number of trials in the use and application of new equipment are being undertaken.

The Irish Prison Service has identified a requirement for approximately 160 vests across all prisons and the vast majority of these have been recently deployed.

In addition, appropriate training and equipment is to be provided on de-escalation measures.

You can be assured that all these recommendations will be implemented in full.

Public Service Reform & Pay

Delegates, the Government is fully aware of the contribution of all public servants in response to the economic situation experienced in this country in recent years. The aim for Government is a sustainable public service pay policy that will continue to support our ongoing economic recovery over the next few years. If we wish to continue to ensure economic stability, we must continue to work to protect the recovery.

Over the last 4 years, significant reform has been implemented in the Prison Service, with staff to the forefront of those changes which has helped ensure that the Prison Service operates in the most effective and efficient way possible.

It is imperative that we seek to build on the progress made to date in reforming the Prison Service. Public service reform has been an essential element of the response to the fiscal and economic challenges that we have faced and I believe it will

continue to play an important role in our ongoing recovery.

That said, I recognise that change does not come easy and is an ongoing process. I believe that it requires ongoing communication and consultation between all parties involved. In this context, I would like to reassure members that both I and Prison Service management look forward to and are firmly committed to engaging with staff representatives on a consultative and ongoing basis. I believe solutions to any industrial relations issue will only be found through ongoing engagement and dialogue.

In terms of the current difficulties in the sector, I welcome the recent engagement by the parties, on foot of the intervention of the National Oversight Body. I believe the way forward for all concerned is continued engagement under these processes. For me, this again highlights the importance all parties place on engagement and consultation in progressing the reform agenda.

Last week we had the Spring Economic Statement when Minister Howlin committed to a new 'National Economic Dialogue'. The Government has reaffirmed our intention to engage with public service staff representatives regarding the gradual unwinding of the financial emergency measures implemented in parallel with the continuing improvements to the economy and public finances. The first meetings with unions will take place next week and I look forward to this new process of engagement.

Penal Reform

I believe that serious offenders and serial offenders must continue to be imprisoned. This includes those convicted of some of the most heinous crimes including murder, sexual offences, gangland crime and offences against the state. We must continue to take a hard line approach to jailing serious criminals.

However I also recognise the proven potential to reduce crime through reducing re-offending.

Why should we send such first-time, minor non-violent offenders into a prison environment (at a high cost to the taxpayer) where despite all the improvements in recent years, for some, their underlying offending behaviour, not to mention any addiction or mental health problems, may be exacerbated rather than eliminated?

It is for this reason I welcomed the publication last September of the Report of the Penal Policy Review Group. The Report acknowledged rehabilitation and reintegration as a core principle and significant factor in reducing crime and considers that such aims are best achieved in a non-custodial environment as far as possible.

The Report set out a number of key recommendations including the need to reduce prison numbers to a safe level through a collaborative and cooperative approach between all relative agencies and Departments. Action is being taken, and agencies across the criminal justice area are working together more closely than ever before.

I am sure all prison staff will acknowledge and welcome the fact that the numbers in custody in our prisons have decreased significantly in recent years and that this has

had a significant effect on working conditions. Today there are 3,747 prisoners in custody, almost 800 or 15% less than the same period in 2011.

Overcrowding has been eliminated in Mountjoy Prison, which once held up to 800 prisoners at its peak, and significant reductions in the numbers in Cork, Limerick and Wheatfield have been experienced in recent years. Such reductions have been possible due to reducing committals and the introduction of structured release programmes for prisoners such as Community Return and Community Support.

These schemes have been carefully evaluated and have been proven to enhance public safety through a reduction in recidivism. Of those participants released during the first year of the programme, 91% had not been committed to prison on a new custodial sentence in the period up to the end of 2013. Since its inception, 1,340 prisoners have participated in this scheme with 1,045 having completed the programme.

Significant investment has been made in recent years to ensure that prison conditions - your working environment - are modernised. In line with commitments in the Programme for Government, slopping out has ended in Mountjoy prison and the construction of a new prison in Cork, which is planned to become operational in November 2015, will end the practice of slopping out in that prison. The Irish Prison Service hopes to go to tender in late 2015 for the redevelopment of Limerick Prison and has also commenced exploratory work on the options for the elimination of slopping out in the Portlaoise Prison E block. In total the number of prisoners slopping out has reduced by 70% from 1,003 at the end of 2010 to the 292 in April this year.

Youth Detention

The Reform agenda in our prisons is not limited to improving physical conditions or reducing numbers. Substantial progress has been made in ending the practice of detaining children in adult prison facilities. Wheatfield Prison was re-designated as a Place of Detention in December 2013 and all 17 years olds were transferred there. In February last year, all 18-20 year old prisoners transferred from St Patrick's Institution to a separate unit in Wheatfield. In March this year, the Minister for Children signed orders which allow 17 year old males who are newly remanded to custody to be committed to Oberstown.

Recently, I announced that the Government had approved the drafting of legislation to facilitate the complete closure of St Patrick's Institution. Minister Reilly will shortly be seeking Government approval to publish a Bill to amend the Children Act 2001 which will allow for the full transfer of responsibility for children in detention to the children detention schools. In co-operation with Minister Reilly, it is my intention that the practice of detaining children in adult prison facilities is completely ended and that St Patrick's Institution will finally be consigned to history at the earliest possible date.

Complaints

Mr President, as you are aware, the Irish Prison Service introduced a new prisoner complaints system in 2013 based on a model recommended by the Inspector of Prisons. Since January 2013, there have been 179 Category A Complaint

investigations of allegations of assault or serious intimidation of prisoners by staff. Of these, a small number have been upheld.

In my view, an independently investigated complaints procedures MUST protect all parties. If you are the subject of a complaint which is not upheld against you, if that finding comes from an independent investigation, then the “name-clearing” effect must be absolute. There can be no doubt; there can be no grey area or suggestion of bias or favouritism.

Officials in my Department met recently with your officials to discuss the complaints procedures and I know that the matter of vexatious complaints is a major concern for staff. A basic principle of any complaints policy is that prisoners can make complaints without fear of repercussion, and that complaints are investigated in an open, transparent and independent way.

However, the Prison Service is currently exploring the possibility of establishing a ‘pre investigation’ process by external investigators, on certain Category A complaints, to see what can be done to address your concerns in this regard. The Prison Service is also currently carrying out a review of compliance with complaint procedures and timelines across all prisons. This review will inform any further requirements or changes to the Complaints Policy and you can be assured that your views are being taken into account.

Dignity at Work

As Minister, I understand that the environment in which your members work can at times be demanding. For this reason the Irish Prison Service has made significant progress in developing a Dignity at Work Programme which aims to ensure that the Service becomes an organisation characterised by dignity and respect for all.

This programme aims to create a positive working environment characterised by behaviours and relationships that are respectful, open, competent, supportive, fair and inclusive.

Improvement of dignity in the work place is not solely the responsibility of management -*everyone has right and everyone has a responsibility*. The most powerful action anyone in the organisation can take is to examine and improve their own behaviour.

I would strongly encourage you to take a meaningful role in the Dignity at Work Programme and work jointly with prison management to bring about the changes required to ensure that the dignity of your members, and all stakeholders, is protected and promoted and to thereby realise our vision of a safer community through excellence built on respect for human dignity.

The Culture within our Prison System

Colleagues, the Prison Service and those who work within our prisons have been engaged in a comprehensive change and reform program over the past number of years. But not all change is about resources and finance. Organisational culture is made up of the values and beliefs of the organisation and its staff. It is how we conduct ourselves, how we are treated, and how we treat each other. It is our

attitude, our conduct and our professionalism. It is at the core of what we do and how we are perceived by others.

Organisational culture is the way we perceive how things are and how we perceive the way things should be. Wellman (2009) refers to culture as “the way it is around here” - but the way it is, does not mean, that is the way it should be! There is always room for change and always room for improvement.

As you are aware in February I announced that the Inspector of Prisons, Judge Michael Reilly, had commenced a review of the Irish Prison Service. The purpose of the review is to carry out an assessment of the current culture within the Irish Prison Service and the extent to which it facilitates or hinders the development of the Service. The Inspector is to produce a report with recommendations by 1 September 2015.

Judge Reilly has been joined by Professor Andrew Coyle, Emeritus Professor of Prison Studies, University of London, an internationally recognised expert, whose combination of operational experience and academic standing will bring an international perspective to this review. Professor Coyle is a former Prison Governor who was involved in driving organisational and cultural change within the Scottish, English and Welsh Prison Services. He was, at one time, an advisor to the UK Home Secretary on prison issues.

This review will focus on cultural issues and, in that context, undertake an examination of a number of issues including:

- The present structures within the Irish Prison Service and the roles and responsibilities of those working in the Service.
- Whether the present method of service provision meets the objectives and stated vision of the Irish Prison Service; and
- The training and continuous development of prison staff at all levels.

I look forward to receiving the Inspector’s Report which will inform the next 3 year Strategic Plan 2015 – 2018 which will focus on building relationships, rehabilitative measures, efforts to reduce re-offending, and the further development of penal policy to realise the vision of a safer community through excellence in a prison service built on respect for human dignity.

Conclusion

Mr President, there is no doubt that the past 12 months has again been a period of significant progression for the Irish Prison Service. Prisoner numbers have continued to stabilise, and huge progress has been achieved in the implementation of the Strategic Plan. The Irish Prison Service is a transforming service. Our prisons should be more than mere warehouses for criminals and I strongly believe that it is incumbent on all of us to work together to ensure that the Irish Prison Service is in a position to deliver on its mission.

As we move into another year I am confident that building on the achievements to date we can continue to successfully undertake this change journey together.

Finally, can I thank you all for your continued service to the State. Again, thank you for your welcome and I would like to wish you well for the remainder of your conference.

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