

Young people in St. Patrick's Institution

A report by the
Ombudsman for Children's Office

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Foreword



Foreword by Emily Logan, Ombudsman for Children

Article 40(1) of the UN Convention on the Rights of the Child requires States to treat children in conflict with the law in a manner that promotes the child's sense of dignity and worth, reinforces the child's respect for human rights, and takes account of the child's age and the desirability of promoting reintegration. Central to the approach in delivering a child-orientated juvenile justice system is the acceptance that, first and foremost, these young people are children.

In 2007, I commissioned research to identify the kinds of barriers facing children in the achievement of their rights. Children in the criminal justice system were identified as a group of children in Ireland who face multiple barriers to the enjoyment of their rights.

The value of prevention and diversionary measures has been evident in a number of individual cases which have come to our attention. What is clear is that - typically - these cases have involved young people with complex and often unmet care needs whose behaviours bring them into conflict with the law. These children are known to the State for a number of years before they ever reach St. Patrick's Institution.

These cases have also highlighted the crucial importance of the interface between agencies involved specifically with youth justice and other bodies with responsibility for the education, health and well-being of young people who may come into conflict with the law. As with other areas of the public service, adopting a holistic approach to children and their families underpinned by genuine interagency cooperation is not receiving enough attention.

Little is known about children who come into conflict with the law, but research undertaken in Ireland indicates that they share certain characteristics. They come from poor socio-economic backgrounds; they may have unsettled family situations; many of them have lived out-of-home or been in care; they are typically early school leavers; they have problems with alcohol and/or drugs; and mental health, behavioural and communication difficulties are particularly prevalent among them. These characteristics are also risk factors and when such factors converge the risk of becoming involved in criminal behaviour is multiplied.

Seen together, these characteristics highlight that children who come into conflict with the law are vulnerable. They have long and complex histories and are known to the State. Among these children are 16 and 17 year old young people detained in St. Patrick's Institution.

Deprivation of liberty is a punishment in itself. The deprivation of a child's liberty must be viewed in the context of the child's different stage of physical and psychological development and different emotional and educational needs. Accordingly, international and domestic standards provide that children must be treated differently.

What does this mean? It means focusing on prevention and diversion and the corresponding use of detention as a measure of last resort and for the shortest period of time. It means making provisions and employing policies, procedures and practices in the context of detention which ensure that, in depriving children of their liberty, we do not deprive them of their other rights. It means recognising that, if the actions and behaviours that have resulted in a child's detention are to be effectively addressed during their detention, the material conditions and culture of places of detention must be directed towards creating a humane, safe and supportive environment.

If relatively little is known about children who come into conflict with the law, even less is known about their perspectives, including as regards their experiences of and within the criminal justice system. I am very aware that this group of young people are among those children in Ireland whose voices we cannot readily hear and, sadly, whose voices society is not generally interested in hearing.

The aim of this consultation is in the first instance to make sure that their voices are heard. But there is little achieved if we do not convince those who come into contact with these young people that their views are legitimate, that the discrepancies that exist place a responsibility on them to communicate, to educate, to listen and to support these young people in understanding this world or regime as it is called.

The issues we talked to the young people about were wide-ranging and concern key aspects of care in the Institution such as sentence planning; accommodation; health; education; recreation; contact with family; safety and protection; and complaint-handling.

This report documents their perspectives on aspects of their detention. It is no surprise that the young people have critical things to say about conditions and their situations in the Institution. The very fact that young people under 18 are being held in prison at all in Ireland is a serious contravention of international human rights standards. The Institution itself has been a focus of sustained criticism over many years at national and international level as well as from within the Institution itself. Indeed a welcome consensus has finally emerged at policy and political levels that St. Patrick's Institution must cease to operate as a place of detention for young people under 18.

The closure of St. Patrick's Institution to young people under 18 will be achieved in 2013/2014. While it is important to recognise the progress made, it is equally important to insist that conditions improve for young people in the interim. We know historically what has happened when children and young people in the care of the State have not been listened to. Much of what the young people have to say is of serious concern. Their voices tell us that change is not just merited: it is vital.

Many of their ideas for change are modest and reasonable and, if made, would make a positive difference to their daily experiences of detention. Some of their ideas are more challenging and I ask the Irish Prison Service to recognise that this is an important dynamic of running the kind of service provided in St. Patrick's Institution that needs to be received with an open mind.

What was encouraging, despite the terrible physical environment, was the young people's positive accounts of the supportive and respectful relationships they have with many groups of staff in St. Patrick's Institution. They placed an emphasis on the importance of relationships and how these relationships influence their experiences of detention. Their accounts point to the value of investing further, through staff training, in the development of a culture in the Institution that is sensitive to the vulnerability and complex needs of young people detained there and consistent with a respect for children's rights and the rehabilitative aims of juvenile justice.

In accordance with my statutory mandate this report focuses on highlighting rather than verifying participating young people's perceptions. I am aware that there are discrepancies in some instances between young people's perceptions and the operation of certain procedures in the Institution. Including such discrepancies is about making sure that they can be appropriately addressed.

The aim of this report is to encourage, support and secure change in St. Patrick's Institution. I appreciate that the process of change is challenging, but it has to be done. In my role as Ombudsman for Children I know that some of this language and thinking is new for St. Patrick's Institution. I appreciate the willingness they have shown to work with our Office and I look forward to collaborating with the Irish Prison Service and St. Patrick's Institution in developing a culture that genuinely respects the rights of children in their care.

Foreword by Brian Purcell, Director General, Irish Prison Service

I welcome this report by the Ombudsman for Children. We in the Irish Prison Service take very seriously our responsibilities in relation to child offenders who are committed to our care. We acknowledge their special status and endeavour to meet their needs to the best of our ability. The report provides a unique insight into the perceptions of offenders and their views on how well we meet our objectives and where we might improve.

St Patrick's Institution is a place of detention that accommodates male offenders aged 16 and 17 committed by the courts on remand or on sentence. It is the only such place of detention in Ireland and takes committals from all over the country. Responsibility for the detention of the under-18s will transfer to the Irish Youth Justice Service when new secure accommodation becomes available in Lusk, Co Dublin. In the meantime, we in the Irish Prison Service are committed to providing a humane regime that responds to their needs while ensuring their safe and secure custody.

The regime in St Patrick's Institution is adapted to ensure that as far as possible the under-18s are accommodated and cared for separately and differently from the other offenders held in St Patrick's (male offenders aged 18-20). Various initiatives have been taken and programmes put in place specifically for this cohort of young offender. Separate education facilities were opened in 2007. Physical conditions have been improving, notwithstanding the constraints imposed by a Victorian-era building. Specific training was provided to staff working with the child offenders and we continue to work closely with the Irish Youth Justice Service and other agencies in this regard. I am pleased to note from the report the positive accounts of supportive and respectful relationships with many groups of staff in St Patrick's.

The report documents the views of a selection of offenders. Its purpose is to highlight rather than verify their perceptions. In doing so, the report identifies a number of discrepancies between the young people's perceptions and the operation of certain procedures in St. Patrick's. This indicates the importance of our communications with the young people so that they have a clear understanding of the prison rules and regime. We acknowledge that perceptions are important and that there are many areas where we could do better. Our responses to both misperceptions and areas for improvement are incorporated in the report. I appreciate the opportunity the Ombudsman for Children has given us to present our views in this way.

I commend the Ombudsman for Children for her initiative to consult with the boys in St Patrick's and give them a voice. We have a shared interest in ensuring and promoting their welfare and protection. We recognise that they are in State custody for a particular reason but their deprivation of liberty constitutes their punishment and we must ensure that their other rights are fully respected. We must also encourage and support them in efforts to live law abiding and purposeful lives post-release.

I look forward to further positive engagement with the Ombudsman for Children and her staff. This will be in the best interests of the boys and, accordingly, in all our interests.

Acknowledgements

The Ombudsman for Children wishes to acknowledge the openness of the Irish Prison Service and of the management and staff in St. Patrick's Institution in offering access to her Office without any difficulty to work with young people under 18 detained in the Institution. The Ombudsman for Children appreciates the inputs of the Deputy Governor, the principal and teaching staff in the school attached to B Division, and other staff in the Institution, in facilitating her Office to gain an insight into different aspects of the detention of young people under 18 in the Institution and to work with young people in B Division.

The Ombudsman for Children would also like to thank the young people who participated in the project. We appreciate their willingness to speak about their experiences under difficult circumstances, their openness in expressing their views and their efforts to identify changes to improve the conditions for young people under 18 detained in the Institution.

1. Introduction

1.1. About the Ombudsman for Children's Office

Emily Logan was appointed Ireland's first Ombudsman for Children in December 2003 and was reappointed for a second term in December 2009. Established under the Ombudsman for Children Act, 2002 (2002 Act), the Ombudsman for Children's Office (OCO) is an independent statutory body with an overall mandate to promote the rights and welfare of all children and young people under 18 years of age living in Ireland.

The Ombudsman for Children is accountable to the Oireachtas in relation to the exercise of her core functions. Provided for in the 2002 Act, these functions are:

- to receive, examine and investigate complaints made by or on behalf of children in relation to public bodies, schools and hospitals where children are cared for;
- to monitor and provide independent advice at Ministerial level on legislative and public policy developments concerning the rights and welfare of children;
- to raise awareness of issues relating to children's rights and welfare, to be an independent voice on behalf of children, and to hear and highlight children's views and concerns.

1.2. Project Overview

Background

St. Patrick's Institution is a closed, medium security prison managed by the Irish Prison Service, which holds remand and sentenced young people between 16 and 21 years of age. Adjacent to Mountjoy Prison in Dublin, the Institution's main buildings are part of a Victorian prison complex dating back to 1850 and were the site of the women's prison before becoming a place of detention for young offenders.

The Institution has a bed capacity of 217. This capacity is spread across four different 'divisions' or wings. The majority of young people under 18 detained in St. Patrick's Institution are accommodated in B Division. With a bed capacity of 44, this division comprises single occupancy cell accommodation with in-cell sanitation. When this capacity is exceeded, young people have to double up and share a cell. Young people under 18 may also be held on C3 landing in C Division, which is the landing for prisoners in the Institution who are placed or request to be placed on protection. They may also be accommodated in D Division, which is the drug-free division in the Institution.

The number of young people under 18 detained in the Institution at any one time is slightly less than one third of the prison's total population and rarely exceeds 60 to 65 young people (IP, 2010a, para. 17.3). Statistics provided by the Irish Prison Service indicate that in early November 2010, when this report was being finalised, there were 46 young people under 18 being detained in the prison, 33 of whom have been in custody previously, either under sentence or on remand. Of the 46 young people under 18, 28 were serving a sentence, 2 for a period of less than 3 months, 17 for between 6 months and one year, and 9 for a period of more than one year. As regards the offences that young people were serving sentences for, the highest number were for burglary (4 young people), assault (4 young people), assault causing harm (3 young people), criminal damage (3 young people), and unauthorised taking of an MPV (3 young people).

Under the exclusions set out in Section 11 of the Ombudsman for Children Act, 2002, young people under 18 detained in prison are outside the OCO's investigatory remit (11(1)(e)(iii)). The OCO's consultation with young people in St Patrick's Institution was conducted in accordance with the OCO's statutory obligations under Section 7 of the 2002 Act to:

- consult regularly with groups of children and young people;
- highlight issues relating to children's rights and welfare that are of concern to children and young people themselves;

- advise Ministers on matters relating to the rights and welfare of children;
- monitor and review the operation of legislation relating to children;
- encourage public bodies to develop policies, practices and procedures that promote the rights and welfare of children.

The Ombudsman for Children has raised concerns about the situation of young people in St Patrick's Institution at national and international levels on a number of occasions, including in her 2006 Advice on the proposed changes to the Children Act, 2001, in her 2005 and 2007 Annual Reports as well as with the UN Committee on the Rights of the Child in 2006 and with the Council of Europe's Commissioner for Human Rights in November 2007. These concerns related to the exclusion of children in prison from her investigatory mandate; the detention of children in adult facilities and alongside adults; and the material conditions of the prison.

The OCO's consultation with young people in St. Patrick's Institution also builds on:

- a previous visit by the Ombudsman for Children to the Institution in November 2007;
- an invitation from the Governor to the Ombudsman for Children to meet with young people committed there, which provided the basis for a visit by OCO staff to the prison in 2008;
- commitments made by the State in its response to the Council of Europe's CPT report of 2007, which indicated the State's openness to visits by the Ombudsman for Children to the Institution.

Overall aim and objectives

In accordance with provisions under Section 7 of the 2002 Act, the overall aim of this project has been to conduct a consultation with young people under 18 years of age in St. Patrick's Institution about their experiences of and perspectives on their lives and different aspects of the regime in the Institution.

In fulfilling this aim, the Ombudsman for Children's Office worked to achieve the following project objectives:

- to hear directly from young people about their experiences of detention in St. Patrick's Institution;
- to encourage young people to take on responsibility;
- to highlight young people's concerns and ideas for change as regards their situations and conditions in the Institution;
- to facilitate due consideration, as appropriate, of the young people's views and ideas at management level in the Institution and at senior national policy and political levels;
- to develop constructive working relationships between the Ombudsman for Children's Office and both the Irish Prison Service and management and staff in St. Patrick's Institution, which can be built on in the future.

Project planning and implementation

An initial stage in the project was to conduct a literature review of national and international standards and best practice in respect of the detention of children and young people. This work was assisted by the Irish Penal Reform Trust's 2009 publication on the detention of children in Ireland and international best practice. The review provided background information to the project and, in particular, supported the development of a framework and the identification of thematic areas for the consultation with young people in St. Patrick's Institution.

In addition, the preparatory phase of the project involved meetings with a range of organisations and agencies with an interest in the rights and welfare of children in detention (see Appendix).

With the assistance of the Peter McVerry Trust, Ombudsman for Children's staff also met with a group of young men who had previously been detained in St. Patrick's Institution and visited Woodlands Juvenile Justice Centre in Co. Down to meet young people who were in detention there. Meetings and discussions were also held with various members of staff in St. Patrick's Institution, including the Governor and the Deputy Governor, education staff, probation staff, the chaplains and prison officers. These discussions enabled the Ombudsman for Children's Office to develop a greater understanding of various aspects of service provision in the prison and informed the development of the processes and the consultation methodologies employed by the Ombudsman for Children's Office for this project.

Ahead of commencing their consultation with young people in early December 2009, Ombudsman for Children's staff also had an opportunity to see the following facilities for young people under 18 detained in the Institution: the B Division landings; a cell on these landings; the indoor recreation area in B Division; the communal dining area where young people in B Division have their midday meal together; the outdoor yard, the gym and the sports hall for young people in B Division; the school attached to B Division, which opened in April 2007 to provide separate education and training facilities for young people under 18 in the Institution; the screened visiting area and the open visits rooms. On 10th June 2010, the Ombudsman for Children and her staff were also shown one of the special observation cells.

Approach to consultation with young people

While there is a lack of comprehensive information about young people in Ireland who come into conflict with the law and their experiences of the criminal justice system, it is known that such young people share certain characteristics. These include: poor socio-economic backgrounds; early school leaving and correspondingly low literacy and numeracy levels; problems with alcohol and/or drugs; mental health and behavioural difficulties; experience of living out-of-home or in care; and unsettled family situations, which may involve the absence of one parent, family experience of the criminal justice system and/or the presence of other problems, including mental health issues and drug and alcohol addiction (Kilkelly, 2007, p.26).

Linked to such circumstances, the potentially reduced capacity of young people in the Institution and the corresponding challenges this might present as regards facilitating their effective participation in the Ombudsman for Children's project informed decision-making about how to approach the consultation and which methodologies to use.

All of the work with young people who participated in the consultation took place in the art room in the school attached to B Division in the Institution. Two complementary methodologies were used, which took account of the young people's low self-esteem, literacy levels and other factors relating to their complex needs that could limit their ability to engage. The first methodology involved a series of focus group interviews with young people based around specific topics, which were identified with reference to national and international standards on the detention of children and young people. The Ombudsman for Children's staff consulted with participating young people about the proposed topics to ensure that they felt these issues were relevant and worth sharing their experiences and views on. The topics explored with young people during the focus group interviews were:

- orientation, induction and sentence planning;
- separation from young adults (18-21 year olds) detained in the Institution;
- the physical environment and accommodation;
- health care and promotion;
- education, training and recreation;
- contact with family, community and the outside world;
- protection and safety;
- disciplinary measures;
- inspections and complaints;
- rehabilitation and reintegration.

Interview schedules were drawn up in consultation with young people and in relation to each topic with a view to providing a flexible framework for the focus group interviews.

The young people were facilitated to work together in small groups to participate in regular two-hour sessions. Each session involved a thematic group interview, which was facilitated and recorded by the Ombudsman for Children's staff and a complementary drawing session, which was facilitated by an art teacher in the school and an external art facilitator. These sessions enabled the young people to engage with many of the topics through drawing as well as discussion. The interviews with the young people and their drawings subsequently formed the basis for an animated short film, which presents young people's perspectives on their lives and different aspects of the regime in St. Patrick's Institution.

The Ombudsman for Children's staff met with 32 young people in October 2009 to introduce them to the Ombudsman for Children's work and to explain the background to and purpose of the project. The Ombudsman for Children's staff developed information materials about the project as well as expression of interest forms for young people to complete following this introductory meeting. These materials were explained to the young people by the Ombudsman for Children's staff and aimed to be accessible and youth-friendly. 22 young people decided to participate in the project. For a variety of reasons linked to the ever-changing circumstances of the individual young people (court appearance, visits, placement in a different Division in the prison, sentence completion, temporary release, moving to another facility, etc.), not all 22 were able to participate in each of the sessions, which were conducted by the Ombudsman for Children's Office between December 2009 and February 2010.

Young people gave their consent to participate in the project. The approach taken to both consent and confidentiality was consistent with the Ombudsman for Children's Office's ethical guidelines on working with children and young people and was informed by the advice of the Office's Ethics Committee, which had been consulted as part of the planning stage. The Ombudsman for Children's Office's approach to child protection and the advice of the Ethics Committee were also taken into account as regards how issues relating to child protection that might arise in the course of the project would be dealt with by the Ombudsman for Children's staff. In the event, a child protection concern in relation to one young person did arise. It was dealt with and brought to the attention of the Deputy Governor by the Ombudsman for Children's staff immediately.

1.3. Legislative Context and Standards for Children in Detention

The Children Act, 2001 provides that detention of children should be a measure of last resort. Its central ethos is the diversion of children away from the criminal justice system. As the Ombudsman for Children noted recently, the Act's focus on preventative measures and restorative justice mechanisms represents an approach that can protect the rights of children and young people who come into conflict with the law and address their complex needs without resort to youth justice measures.

The 2001 Act, as amended by the Criminal Justice Act, 2006 brought detention services for children and young people under 18 under the aegis of the Department of Justice, Equality and Law Reform and provides for all children under 18 to be detained in Children's Detention Schools. In 2007, responsibility for these detention schools was vested in the Irish Youth Justice Service within the Department. In accordance with the provisions of the 2001 Act, the Government sanctioned proposals in 2008 to build a new National Children's Detention Facility at Oberstown near Lusk in Co. Dublin. An important element of these proposals is to end the detention of 16 and 17 year old boys in St. Patrick's Institution. The current status of these plans indicates that completion of phase one of the new facility and, with it, an end to the detention

of young people under 18 in St. Patrick's Institution will be achieved in 2013/2014. In the interim, and in accordance with provisions of the 2006 Act, 16 and 17 year old boys can continue to be detained on remand or to serve a sentence in St. Patrick's Institution.

The problems of St. Patrick's Institution have been well documented at national and international levels and have been the focus of sustained comment and criticism, including by the prison's chaplains, the prison's Visiting Committee, the Office of the Inspector of Prisons, the Irish Human Rights Commission, non-governmental organisations working in the field in Ireland such as the IPRT and the Peter McVerry Trust, the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), the Council of Europe's Commissioner for Human Rights, and the UN Committee on the Rights of the Child.

In its 1985 Report of Inquiry into the Penal System, the Whitaker Committee recommended closure of St. Patrick's Institution, considering it so outdated as to be beyond renovation and condemning it as **'an environment that would contribute to further delinquency of the juvenile rather than any rehabilitative function'** (Walsh, 2005, p.483). Some two decades later and in their 2008 Annual Report, the prison's chaplains, while commending 'the real and genuine commitment of prison management to improve conditions', characterised St. Patrick's Institution as **'a monument to the failure of the state'** that **'points to the state's previous social failures'** and constitutes **'a blot on our nation'** (PC, 2008, p.4). Taken together, the criticisms levelled at the Institution from diverse quarters during the years bridging these two reports touch on almost every aspect of provision in the Institution: the failure to detain young people under 18 separately from adults; the absence of sentence plans and programmes to address young people's offending behaviour and prepare them for release; the adverse physical and psychological effects on young people of the general unsuitability and poor material conditions of the buildings; the prevalence of drug taking, inadequate levels of support to enable young people to become drug-free and policy regarding who can be held in D Division; the negative impact on young people of the protection regime on C3 landing; the high levels of peer-intimidation, bullying and violence among young people, including over drugs; inadequate education, training and recreation facilities and their contribution to a high incidence of boredom and increased levels of assault and conflict on young people and between young people and staff; detrimental restrictions on young people's contact with family and disproportionate interferences with their right to respect for private and family life; the high level of disciplinary problems and corresponding P19 reports; low staff morale; and the absence of an external, independent mechanism to handle individual complaints from young people.

Measures have been taken in an attempt to address some of these concerns, including improved provision for the separation of young people from adults, the aforementioned construction of a separate school for young people under 18, and enhanced security and screening to curtail the flow of drugs and other contraband into the prison. The perspectives of young people detailed in this report suggest, however, that some of these developments are not without their own problems and their critical voices on these and other aspects of provision can be seen to vindicate and be vindicated by those of other commentators. Ultimately, the changes made are not such as to soften the imperative to act on the consensus which has finally emerged at policy and political levels in Ireland that the Institution must close and 16 and 17 year olds who may need to be detained must be accommodated in a child-centred, rehabilitative, care setting equipped with the facilities and the professional supports required to meet their multiple and complex needs. The Irish Prison Service agrees with this view and is working towards the opening of phase one of the new detention facility at Oberstown in 2013/2014.

In light of the fact that young people under 18 can continue to be detained in the Institution until completion of phase one, the Inspector of Prisons' publication in September 2009 of Standards for the Inspection of Prisons in Ireland – Juvenile Supplement is a very welcome interim development. In his introduction to the Standards, the Inspector of Prisons emphasises that

'the deprivation of liberty is a punishment in itself, and should not deprive juveniles of human rights that are not lawfully taken from them as a consequence of imprisonment' (IP, 2009, p.6). Moreover, the Standards recognise from the outset that the detention of young people under 18 should only be used as a last resort and for the shortest appropriate period of time and that the State has a responsibility to treat children in custody in a manner consistent with Ireland's international obligations. The Standards themselves focus on the purpose of custody in relation to young people under 18; procedures and practices for working with young people committed to the prison; and the conditions in which young people committed to the prison are held. They cover key areas, including: the physical environment and accommodation; sentence planning and management; issues relating to safety; health, including mental health; education, training and recreation; contact with family and community; disciplinary procedures; complaints; reintegration into society; and staff selection and training.

Principal among international standards concerning the rights of children is the UN Convention on the Rights of the Child (UNCRC), which was adopted by the UN General Assembly in 1989 and ratified by Ireland in 1992. The rights enshrined in this international agreement apply to all children under 18 years of age, including children and young people in detention. These rights include what are known as the UNCRC's four general principals, namely: children's right to non-discrimination (Article 2); children's right to have their best interests treated as a primary consideration in all decisions and actions concerning them (Article 3); children's right to life, survival and development (Article 6); and children's right to be heard in all matters concerning them and to have due weight afforded to their views in accordance with their age and maturity (Article 12). Other rights provided for in the UNCRC include rights to education, health, privacy, recreation, information, protection from all forms of maltreatment, and to be and remain in contact with family. Article 40(1) of the UNCRC, which relates to the administration of juvenile justice, recognises the right of every child and young person to be treated by and within the justice system 'in a manner consistent with the promotion of the child's dignity and worth'. Article 37 sets out specific provisions for children and young people who have been deprived of their liberty. It specifically requires that the detention of young people must be a measure of last resort and for the shortest period of time and that the inherent dignity of young people must be respected in the context of their detention. In 2007, the UN Committee on the Rights of the Child (UN Committee), which is responsible for monitoring ratifying States' progress towards implementing the UNCRC, issued a General Comment on children's rights in juvenile justice. In this Comment, the UN Committee summarises why children and young people under 18 who come into conflict with the law must be treated differently to adults and characterises the different ethos and approach that must underpin the administration of juvenile justice:

'Children differ from adults in their physical and psychological development, and their emotional and educational needs. Such differences constitute the basis for the lesser culpability of children in conflict with the law. These and other differences are the reason for a separate juvenile justice system and require a different treatment for children. The protection of the best interests of the child means, for instance, that the traditional objectives of criminal justice, such as repression/retribution, must give way to rehabilitation and restorative justice objectives in dealing with child offenders.'
(CRC, 2007, para.10)

While the UNCRC sets out the rights of all children and young people under 18, other international standards outline the minimum standards for the treatment of young people who come into conflict with the law. Of these, the standards referenced throughout this report due to their focus on the rights of young people that need to be respected in order to counteract the negative consequences of detention are the 1990 UN Rules for the Protection of Juveniles Deprived of their Liberty (the Havana Rules). These Rules provide that rehabilitation and reintegration must be the principal aims of detention and shape how young people in custody are treated. The Havana Rules emphasise, *inter alia*, that children and young people in detention have the

right to a wide range of activities, including education, vocational training and recreation, and to contact with the outside world. They also underscore the importance of providing ongoing training to those working with children and young people in detention and the need to ensure that comprehensive record keeping systems are in place.

Two additional sets of standards referenced throughout this report are the 2006 Standards developed by the CPT, which has visited St. Patrick's Institution in the past and most recently in early 2010, and the European Rules for juvenile offenders subject to sanctions and measures (European Rules), which were adopted by the Committee of Ministers of the Council of Europe in 2008 and which cover matters such as admissions; accommodation; nutrition; the use of physical restraint; contact with the outside world; and preparation for release.

1.4. About this Report

The main section of this report presents the findings of the Ombudsman for Children's consultation with young people in St. Patrick's Institution. In accordance with the project's overall aim, the report does not engage in detail with international standards or offer a fully comprehensive picture of the Institution. Rather, it focuses on presenting participating young people's experiences of and perspectives on different aspects of their detention there. It incorporates their ideas for changes, which they feel would improve the conditions of young people's detention in the Institution. It also includes observations and recommendations on the part of the Ombudsman for Children's Office, which take account of national and international standards, previous observations made by other commentators, and participating young people's own accounts of their experiences.

The report presents the findings of the Ombudsman for Children's consultation with young people according to the thematic areas explored with them. Each thematic area comprises three parts: a brief overview of national and international standards relating to the area in question; an account of participating young people's experiences, opinions and, where made, ideas for change; and the observations and recommendations of the Ombudsman for Children's Office. The purpose of doing so is to situate young people's perspectives and views in the context of relevant national and international standards and to benchmark their experiences and perspectives against these standards.

This report and the project to which it belongs derive not only from the Ombudsman for Children's statutory obligations under Section 7 of the 2002 Act, but from the Ombudsman for Children's view that, as provided for under Article 12 of the UNCRC, children and young people with the capacity to form views have a fundamental right to express their opinions on matters affecting them and to have due consideration given to their views in the context of actions and decisions affecting them. There is no question but that decision-making at political and public policy levels concerning the future of St. Patrick's Institution as a place of detention for 16 and 17 year olds as well as decisions made on a daily basis regarding procedures and practices in the Institution are impacting directly and profoundly on the current situation and future prospects of young people committed there. From our own experience of working with children and young people, the Ombudsman for Children believes that recognising young people's right to be heard in the context of such decision-making is not only a matter of adhering to standards: doing so has the potential to yield benefits for participating young people and adult professionals, including as regards their relationships with each other.

As such, and given that young people under 18 will be detained in St. Patrick's Institution until 2013/2014 or such time as the first phase of the new detention facility becomes operational, the Ombudsman for Children hopes that those with responsibility for the rights and welfare of young people in the Institution will give serious consideration to the accounts of young people

contained in this report and the corresponding recommendations made.

It is important to emphasise that the preparation of this report, together with the concerns expressed and recommendations made in it, are underpinned by an understanding of the complex challenges faced by senior management in running St. Patrick's Institution in accordance with national and international standards. These challenges include::

- making a transition from a culture of custody to a culture of care that is underpinned by a recognition of young people detained in the Institution as children first, a respect for young people's inherent dignity and human rights as well as an understanding of and commitment to the rehabilitative aims of juvenile justice;
- providing for the accommodation, welfare and safety of young people under 18 in an outdated facility that is unfit for purpose;
- supporting key staff in developing appropriate knowledge and skills to meet young people's complex developmental and care needs and to safeguard their protection.

In addition, this report is informed by an appreciation of measures that have been taken to improve conditions for young people under 18 in St. Patrick's Institution and of the generally positive comments that young people who participated in the Ombudsman for Children's consultation made as regards their relationships with most categories of staff, including the Deputy Governor, the chaplains, teaching staff and drugs counsellors.

As such, in voicing its concerns and making its recommendations, the Ombudsman for Children's purpose is to encourage the Irish Prison Service and in particular those with responsibility for running St. Patrick's Institution in their efforts to move towards more child-centred policies and practices and to secure change in accordance with the best interests, rights and welfare of young people detained there. The change ultimately required is closure of St. Patrick's Institution to young people under 18 years of age. In the interim, those responsible for the safety, care and welfare of young people in the Institution need to be given support to discharge their responsibilities effectively.

2. Findings of the OCO's Consultation with Young People

2.1. Committal, Orientation and Sentence Planning

The standards that apply to the admission of a young person to custody are straightforward. The Inspector of Prisons' Standards stipulate that a sentence plan should be drawn up for each young person as soon as possible after committal. The views of the young person should be given due consideration in the development of the plan. It should be multidisciplinary in nature, aim to address the young person's offending behaviour, and prepare him for release into the community.

On admission, each young person must be informed about the rules and regulations that apply. Both the Havana Rules (24 and 25) and the European Rules (62.3) stipulate that young people must be given a copy of the rules and a written description of their rights and obligations in a form that they can understand. The Havana Rules (27) and European Rules (62.6) also stipulate that on admission, or as soon as possible afterwards, each young person should be interviewed and that a psychological and social report, identifying any factors relevant to the young person's care programme, should be prepared. This should lead to an individualised care plan being developed for each young person by trained personnel.

Young people who participated in the Office's consultation described various experiences of arrival in St Patrick's Institution. Some reported a situation where they received no or very little specific information regarding the rules and regulations that govern the Institution. They said this applied in the case of first and subsequent admissions:

'... we don't know what the rules are ... We don't know what we're entitled to.'

Others reported that they had received written information about the regime in the prison and indicated that this was a relatively recent innovation. Regardless of whether written information had been made available to them or not, most young people interviewed said that, on first committal, they relied heavily on informal communications with their peers and on their own observations to find out about how things work and about programmes and services available in the prison:

'... you'd find out off someone out in the yard or you'd learn it yourself.'

'... for the first good few weeks I was in, I was just down in the gym every day, because I didn't have a clue how to get classes ... And I just copped on after a while and went up for an interview then.'

Referring to an information sheet about the regime in the Institution, several of the young people welcomed efforts to provide young people with written information on their committal:

'It'd be handy ... At least they'd know they're getting up at a certain time, and ... when they're going back to their cells.'

However, they were concerned that young people with literacy difficulties would have problems understanding this written information. They agreed that it would be very useful for young people to have a one-to-one information session with a member of staff following committal and covering practical issues such as educational opportunities provided in the school.

The young people described their first meeting with the Deputy Governor following committal as a check-in and advice session about behaviour in the prison. They also described initial interviews with probation service staff and their medical assessment, which included the issue of drug use. The young people did not experience or perceive these initial interviews and assessments as part of a process leading to the creation of an individualised care or sentence

plan and had no sense of their views being considered in the development of such a plan. None of the young people said anything to suggest they were aware of or understand Positive Sentence Management, the phased introduction of which the Inspector of Prisons was informed about in 2008 (IP, 2008, para.12.7).

The Ombudsman for Children's Recommendations

It is of concern to the Ombudsman for Children that participating young people had no conception that interviews and meetings attended on their committal to the Institution led to a care or sentence plan being developed for their time in the prison. It is also concerning that the young people had no sense that their views were seriously considered in the context of any sentence plan being developed for them. These matters need to be addressed in the interests of providing effectively for a rehabilitative approach and the preparation of young people for release.

The Ombudsman for Children welcomes steps taken by St. Patrick's Institution to ensure that young people receive written information on committal regarding rules, regulations and services in the prison. However, the Ombudsman for Children is concerned that young people continue to rely heavily on informal communications with their peers and on their own observations to access basic information. The Ombudsman for Children suggests that prison management take steps to facilitate young people to contribute to the development of new, accessible and youth-friendly information materials that address the full range of issues, which young people and their families need to be clearly informed about. Information materials should be readily available to young people and their families and young people should be consulted about the best ways to facilitate their access to and use of this information. Serious consideration should also be given to the young people's suggestion about providing a one-to-one information session for all young people shortly after their committal to the Institution. In this regard, the Ombudsman for Children recommends that the skills of certain staff be developed to provide this service.

Committal, Orientation and Sentence Planning

Irish Prison Service comment

All the young offenders in St Patrick's Institution receive an information booklet on committal which outlines their rights and obligations under the Prison Rules. This is being reviewed with a view to making it more accessible to the under-18s. Other communication methods and materials will be developed, in conjunction with the Ombudsman for Children's Office (OCO), which are appropriate to the age group and take account of varying literacy levels. Young people will be consulted in the process. A two-day induction course is also being introduced, in line with a recommendation made by young people who participated in the Office of the Ombudsman for Children's consultation and the Ombudsman for Children.

Currently, all offenders are met soon after committal by a member of prison management (i.e. a Governor, Deputy Governor or Assistant Governor) and by the head teacher in the education centre. Referrals are made subsequently to other services. In future, the head teacher will be accompanied by the head of the work/training service (see also IPS comment in section 2.2). The preparation of individualised sentence plans for each offender is now being strengthened by the formalisation of the process, with direct input from the offender and the various prison services. The plans will focus on needs and strengths and help the boys make the most of their time in detention and assist their reintegration into the community.

2.2. Separation from Adults

The Inspector of Prisons' Standards state that young people under 18 must be detained separately from adults (197). This standard is in keeping with the provisions of international standards relating or relevant to juvenile detention, including Article 37(c) of the UNCRC, the Havana Rules (29), the European Rules (59.1) and the CPT's Standards (CPT, 2006, para.25).

The experiences shared by the young people who participated in the Ombudsman for Children's consultation indicate that the separation of young people from adults in the prison continues to be other than definitive. The young people explained that accommodation in B Division is not strictly limited to young people under 18. They suggested that a small number of young people who had reached 18 years of age while in the prison continued to be accommodated in B Division. There would appear to be various reasons for this, including that a young person might wish to stay in B Division having reached 18 years of age and that a young person might continue to be detained there in the interests of his safety and welfare.

The young people explained that young people under 18 can be detained on C3 landing in C Division if they are placed or request to be placed on protection, a practice which is provided for in the 2007 Prison Rules as a means of safeguarding vulnerable prisoners by separating them from other prisoners who are 'reasonably likely to cause significant harm to him or her' (PR, 2007, para. 63(1)). The young people went on to explain that C3 is the protection landing for 'everybody' in the Institution. They also suggested that a young person could be placed on protection in B Division.

At the time of the Ombudsman for Children's consultation it was the case that, while steps had been taken to curtail the inflow of drugs to the Institution through the introduction of enhanced security and screening at the entrance and the use of sniffer dogs and screened visits, young people in B Division continued to have opportunistic access to drugs by way of '**dropsies**' or '**parcels**' thrown over the perimeter wall into B Division yard. Referring to this, participating young people clarified that a young person under 18 can request to be accommodated in D Division, the prison's drug-free wing:

'D wing is not all 18. There's ... 16, 17, 18 ... D wing is mostly 17 and 18 year olds. You get over there if you're nearly 18'.

In addition to explaining how different divisions are organised and used, the young people spoke about other occasions when young people under 18 years may come into contact with adult prisoners in the Institution. One such circumstance is when young people accommodated in B Division go to the prison shop in the Institution, which they consider to be 'not safe' because it is in C Division. The young people also indicated that there might be times when young people in B Division receive visits in the 'visiting box' in C Division rather than in B Division.

For a number of the young people, measures taken to separate young people under 18 from adults through the construction of the school attached to B Division are experienced as a barrier to accessing a more varied programme of educational and training opportunities:

'School is grand ... but we should be able to go round to the workshops ... Every other wing gets ... the school workshops ... There's metalwork ... woodwork, industrial skills ... You can make a lot more stuff, and sign out a lot more stuff ... There's much better equipment down there than anywhere else.'

Taken together, participants' perspectives on the matter of young people under 18 being accommodated separately from adults are characterised by ambivalence. Their individual views are shaped by how the approaches being taken impact on their day-to-day lives in the Institution and, in particular, on their sense of personal dignity, self-respect and being respected

by others; having a voice and their wishes taken into account; personal safety and welfare; and access to education and training opportunities.

Ombudsman for Children's Recommendations

The Ombudsman for Children understands that the physical environment of St. Patrick's Institution presents considerable challenges as regards providing for the separation of young people under 18 from adults. Having been among those to voice concern in the past at the detention of 16 and 17 year olds alongside adults in St. Patrick's Institution (2006b, p.19f and 2006c, p.50f.), the Ombudsman for Children welcomes the opening in April 2007 of the school attached to B Division as a measure to improve provision for accommodating young people under 18 separately from adults.

Consistent with the views expressed by the UN Committee in its General Comment on children's rights in juvenile justice (CRC, 2007, para.85-86), the Ombudsman for Children considers that, when young people in B Division reach 18 years of age, they should move without undue delay to another wing unless it is in their best interests and in no way contrary to the safety and welfare of other young people in B Division for them to continue to be accommodated in B Division. When a decision on this matter is being made, the young person's views should be considered and, once made, the decision should be explained to the young person in terms that he understands clearly.

The Ombudsman for Children would welcome steps by prison management to examine further the scope for improving current provision as regards the separation of young people from adults in the prison. Among the issues that a review and corresponding follow-up actions might usefully address are:

- current policies and procedures regarding separation to ensure that the best interests, safety and welfare as well as the views of young people are the key drivers of decision-making;
- the scope for limiting the use of C3 landing in C Division to accommodate young people under 18 who are or request to be placed on protection;
- the dependence on D Division to provide a drug free environment for young people under 18; *and*
- the scope for enabling young people under 18 to access additional training opportunities in the prison workshops without coming into contact with adult prisoners.

Separation from Adults

Irish Prison Service comment

Separation of offenders aged 16 and 17 from young adults (aged 18-20) is the rule rather than the exception. They are segregated as regards accommodation, education, work/training and recreation/exercise. In respect of accommodation, the B Division accommodates 44 young people in single cells. Unless exceptional circumstances arise, all 16 year olds are accommodated there, as are the majority of 17 year olds. A small number of 17 year olds are kept in the main part of the prison, generally in a single cell in a drug-free area. A small number of underage protection prisoners were held on the C3 landing with other protection prisoners, but steps are being taken to accommodate them on the B3 landing. An offender who has reached 18 years of age may sometimes be accommodated for a short transition period in the B Division before being moved. Where this occurs, it is always in the best interests of the young person and in consultation with them. As regards education, a dedicated centre for use exclusively by under-18s was opened in 2007. Opportunities for work/training are limited because of segregation, but steps have been taken to timetable protected access to workshops in the main part of the prison. The heads of education and work/training will in future carry out committal interviews jointly and assess boys' interests across a broader range of courses. The young offenders in the B Division dine communally there and enjoy their own recreation and exercise areas. Given the physical layout of the prison, it is difficult to avoid entirely contact between the boys and the young adults at times of movement (e.g. to visits and to the tuckshop), but staff are always present and a further review is under way.

Various security measures have been taken aimed at eliminating drug supply, including the installation of horizontal netting in the B Division exercise yard. Mandatory drug testing with enhanced addiction counselling and support has been introduced as part of an IPS strategy. Plans are advanced for the establishment of drug-free areas in the B Division and for the random use of active search dogs in addition to the regular passive search dogs.

2.3. Accommodation

In addition to young people's separation from adults, the Inspector of Prisons' Standards cover a number of issues relating to the accommodation of young people who have been committed to St. Patrick's Institution. The Standards state that young people must be accommodated in conditions that respect their need for privacy (198) and that young people should be able to have authorised personal belongings (199), be permitted to wear appropriate personal clothing and be entitled to shower every day in a way that respects their privacy (201).

International standards engage with these matters in some detail. In its General Comment on children's rights in juvenile justice, the UN Committee emphasises the importance of providing young people deprived of their liberty **'with a physical environment and accommodation, which are in keeping with the rehabilitative aims of residential placements'** (CRC, 2007, para.89). The Havana Rules state that sleeping accommodation should comprise individual bedrooms or small group dormitories and that it is preferable for young people under 18 to have private bathroom facilities within their bedrooms (33 and 34). The European Rules posit that facilities should meet the individual needs of children detained there and that accommodation should be organised into small living units (53.1 and 53.4). The CPT Standards state:

'A well-designed juvenile detention centre will provide positive and personalised conditions of detention for young persons deprived of their liberty. In addition to being of an adequate size, well lit and ventilated, juveniles' sleeping and living areas should be properly furnished, well-decorated and offer appropriate visual stimuli' (CPT, 2006, para.29).

While the school attached to B Division provides a modern setting for young people under 18 to participate in education and sport, the residential buildings of B Division, which include the accommodation, dining, showering and indoor recreation areas, date back to the nineteenth century. At European level both the CPT and the Council of Europe's Commissioner for Human Rights, while noting improvements made, have commented critically on the built environment of the Institution (CPT, 2007, para.52; CHR, 2008, para.69) while the prison chaplains were scathing in their more recent characterisation of its **'harsh physical realities'** (PC, 2008, p.4).

Young people who participated in the Ombudsman for Children's consultation spoke in some detail about aspects of their accommodation in the prison. In doing so, it became clear that the built environment of and accommodation in the prison have a considerable impact on the young people's experiences of detention and on their perceptions of the extent to which their dignity and worth are respected.

The young people told the Ombudsman for Children's staff about a range of areas in the prison, including the reception, the cells, the showers, the yard, the indoor recreation area, the special observation cell, the gym, sports hall, and kitchen in the Special School building, and the different visiting areas. While several of these areas are referred to in other relevant sections of the report, this section focuses on their accommodation and related matters.

Several of the young people were meticulous in their efforts to describe the cells:

'There's a bed, there's a telly. There's a mattress that's ... like a duvet cover. ... The mattress is that skinny, you're able to fold it into a little ball ... You're sleeping on a lump of steel ... You can feel everything on your back ... It's just like a concrete block. ... There's a counter beside the bed. A little metal counter. Stuck to the wall ... And two little lockers ... You'd fit ... a t-shirt and a pair of bottoms and a pair of jocks and socks in this thing. ... Then there's a shelf with your telly on it. And then there's a toilet'

They explained how the cells are heated and complained that, in cold weather, the cells can become very cold. They criticised the poor ventilation, the discomfort of the beds and the condition of some of the bed linen. They explained their responsibilities for keeping their cells clean and, while they welcomed the fact that there is sanitation in each individual cell, several of the young people expressed frustration at the difficulties they experience in trying to keep their cells clean and fresh:

'There's a smell of piss ... You know when somebody's settled in for about two weeks, and [it's] freezing and the smell of piss and all out of it ... There's some smells that won't flush down the toilet.'

'... the inside of it [the toilet] is dirty ... You can barely get fresh air.'

'... we don't have enough time to clean our cells. ... And the stuff they give you to clean your cell is manky ... And the bleach just makes your floor smell like fish. ... [W]hen you mop your floor ... and then you go out and then you come back at 12 o'clock, the smell of your cell.'

'And you'd think we'd get a clean bed sheet when we go round ... to change ... our bedclothes ... I've half a bed sheet up there now that covers half of my mattress because it's ripped ... And the dirt of the pillows and blankets'

In speaking about the conditions of their cells, a number of the young people alluded to the psychological impact of these conditions. One young person spoke of this directly: **'We're going off our head in the cells'**.

From the manner in which the young people spoke about their cells, it became apparent that, within the prison environment, the cells represent a personal space for many of them. This was impressed on the Ombudsman for Children's staff by some of the young people's descriptions of the innovative steps they have taken to personalise their cells and to keep them fresh. Referred to in section 2.7 of this report, young people's criticisms of the conditions in which some prison officers have left their cells following searches may be better understood in the light of these efforts.

Some of the young people see their cells as a safe space while others also associate the cells with anxiety. In some cases, this anxiety relates to having limited privacy in their cells due to the hatch in the cell door, which can be opened at any time by a prison officer:

'Every so often they [the prison officers] come around and check the hatch and then they walk on ... you could be going to the toilet, and the officer's staring in on top of you'.

The issue of privacy did not arise as a source of concern in relation to showering arrangements for young people in B Division.

On the matter of personal belongings and clothing, the young people explained to the Ombudsman for Children's staff what kinds of personal belongings they are allowed to have in the prison, what items for personal use they can buy in the prison shop, what items of personal clothing they can wear, where items brought in by visiting family members are stored, and how often they can collect these items. A number of the participants complained that items brought in by family members **'sometimes ... go missing'** and suggested that access to these items could depend to a certain extent on which officer is on duty. There were also a number of complaints that personal items in the young people's cells are not always respected by some of the officers.

An issue that prompted considerable comment and that the young people all agreed on concerned the degree to which they are permitted to wear their own clothes. The young people dislike having to wear prison issue clothing. They complained about having to share prison clothing and that prison clothing could be in very poor condition. Acknowledging that the damage to prison clothing was caused by young people themselves, they said that young people's lack of regard for this clothing did not extend to personal clothing items:

'Do you know why they get ripped? Because they're prison issue ... [You] don't see anything wrong with any of our [own tracksuit] pants.'

'We should be allowed just wear our own clothes ... [S]omeone could have that t-shirt or the jumper before you and all rips and burns all over it ... Then you've to wear that ... Some of us have the big green jackets, but they're ... ripped to bits. They don't keep the heat in ... If we had our own clothes, they wouldn't be getting ripped as much and burned ... There'd be no one robbing anything ... [T]hey only do it to your prison clothes ... People have respect for your own clothes ... You care more about your own.'

The young people made several concrete suggestions for improving the current situation in relation to these issues. Their ideas included:

- improving ventilation and introducing more storage space for personal items in the cells;
- providing young people with more support to keep their cells clean, which they are generally happy to have responsibility for, including by giving them readier access to cleaning materials and ensuring cleaning materials are fit for purpose;
- allowing young people to use two mattresses or introducing thicker mattresses, washing blankets and pillows regularly, and ensuring bed linen is in reasonable condition;
- enabling young people to wear their own clothes and to wash these clothes on the landings;
- taking more account of young people's need for privacy, including when they are in their cells.

The Ombudsman for Children's Recommendations

The Ombudsman for Children is aware that the age, condition and original purpose of the accommodation buildings in St. Patrick's Institution present very considerable difficulties as regards meeting national and international standards in relation to young people's accommodation. While the provision of in-cell sanitation is welcome, the Ombudsman for Children is concerned that the condition of the cells is such as to pose a risk to young people's physical and mental health. The Ombudsman for Children recommends that the prison authorities give serious consideration to the young people's practical suggestions for improvements. The minimum standard to be attained in the interests of young people's welfare is that each cell is adequately ventilated, appropriately heated, and well lit and maintained.

The Ombudsman for Children is concerned that young people's privacy is not adequately respected in certain circumstances, including when they are in their cells. While appreciating that hatches in cell doors are necessary for safety reasons, the Ombudsman for Children suggests that young people's anxieties about cell hatches being opened when, for example, they are using the toilet, could be readily addressed.

Given that the young people have relatively few personal possessions and the significance of these items to them, it is important that they have adequate in-cell storage for their possessions

and that all staff respect young people's personal items. The Ombudsman for Children would also welcome steps by prison management to address any inconsistencies in young people's access to items left in for them by their families as well as any incidence of these items going missing.

In light of the opinions expressed by young people in relation to clothing, the Ombudsman for Children recommends that prison management consult as required with young people and their families to see whether it is feasible for young people to wear more of their own clothes.

Accommodation

Irish Prison Service comment

During their most recent visit in January 2010, the CPT found that “in St Patrick’s Institution, cells were suitably equipped, with adequate access to natural light and sufficient ventilation; all cells had integral sanitation. Nevertheless, there is a need for a rolling programme of refurbishment.” The IPS can confirm that such a programme is in place.

Regular checks on prisoners are necessary to ensure their safety and security. In relation to in-cell sanitation, modesty screens are being installed in all cells to ensure privacy. Plans are advanced for the provision of small lockers with keys, which will enhance the security of personal property.

The boys wear official issue clothes consisting of grey tracksuit bottoms and T-shirt, plus jumper and coat. Underwear is provided, but they may wear their own. They are permitted to wear their own clothes to the gym. They wear their own shoes. It is not proposed to change this policy because of concerns over theft, bullying and pressure on families.

2.4 Health

The Inspector of Prisons' Standards include several standards relating to young people's physical and mental health. These standards stipulate that young people must have access to relevant health information; drug prevention and rehabilitation programmes must be available to any young person wishing to avail of them; health care services must be provided by healthcare professionals and be equivalent to those provided in the community; special attention is to be paid to young people's mental health, prevention policies must be in place in relation to self-harm and suicide, and any young person who self-harms or attempts suicide must be examined by medical personnel and be treated and/or receive counselling as required (208-213).

The right to physical, mental, spiritual and social health and development set out in Article 27 of the UNCRC applies to all young people under 18. The range of provisions covered by the Inspector's Standards touch on the detailed provisions of international standards concerning the health of young people deprived of their liberty. The Havana Rules set out the type and range of preventative and remedial health care services that should be available to meet young people's physical and mental health needs, including any special medical conditions or dietary requirements they may have as well as any history of substance abuse (49 and 51). Recognising that children and young people entering detention can have existing health problems and that these may be related to their offending behaviour, the Havana Rules (50) and the CPT's Standards (CPT, 2006, para.39) require that young people receive a medical examination immediately upon entering detention. The Havana Rules posit that youth detention facilities should include access to medical facilities, and have medical equipment to meet the needs of those detained and appropriately trained staff (51). The Havana Rules (49) and the UN Committee in its General Comment on children's rights in juvenile justice recommend that medical care **'should be provided, where possible, by health facilities and services in the community'** (CRC, 2007, para.89) where the detention facility is located. The European Rules (74.1) and the CPT's Standards (CPT, 2006, para.38) underscore the importance of health care being provided as part of a multi-disciplinary programme of care. The CPT's Standards further emphasise the importance of health education to address risk-taking behaviour and as **'an important element of a preventive health care programme'** (CPT, 2006, para.41).

In sharing their experiences of being in St. Patrick's Institution the young people spoke about several issues relating to their physical and mental health, including: access to health professionals; alcohol and drug cessation programmes and counselling services; treatment of illness and accidents; food and access to clean drinking water.

In doing so, it became evident that the young people's knowledge of the health services available in the prison drew heavily on their own experiences of accessing specific services. While they mentioned that the prison authorities had started giving out information leaflets, most were not familiar with the information these materials contained and could not pinpoint any health promotion materials available to young people in B Division.

The young people explained that, on committal to the prison, prison staff check for and note any injuries a young person may have. Subsequently, they have a medical examination by a doctor, which the young people described as a **'check-up'** on their general health and an examination of any existing injuries. They indicated that prison staff are notified by the doctor of any medical conditions or needs a young person may have: **'... say there's something wrong with you, [the doctor will] say it to the officers, put him down for this, put him down for that'**.

Participants explained that they can go to 'the medic' if they are feeling physically unwell. They were somewhat caustic about how more minor physical illnesses or injuries are handled, with the words **'two painkillers'** used by several of the young people to sum up the response in these instances. However, they did say that a medic notifies the doctor if necessary. A young person

can also put his name down on a list if he wishes to see the doctor and will generally be seen in his cell by the doctor during his morning rounds. A number of the young people explained that in the case of more serious injury or illness, young people are brought by prison officers to the nearby Mater hospital to receive medical treatment.

A focus of criticism by some participants concerns the provision of dental treatment. They explained that a young person puts his name down on a waiting list if he wishes to see the dentist and is brought over to Mountjoy for treatment. Young people's complaints primarily concerned waiting times for initial and any follow-up treatment:

'I went over for fillings and that ... I was waiting to come back over here and they fell out ... I'm still waiting to go back over ... There's still a hole in my tooth ... It's only going to get worse'

'Well a young fella ... was looking to get a filling fixed, about six months ago, and they come back to him there about two weeks ago ... You'd be waiting.'

As diet is a key aspect of health, it was not surprising that the young people spoke about the food in the prison when the issue of health was raised:

'There's no real way to stay healthy. You get what food they give you.'

'... we can't choose a diet ... we eat whatever's given to us, and then that's pretty much it.'

Participants spoke at length about daily meals and the food they receive. They explained that meals are provided four times daily and that this includes two hot meals per day. The information the young people provided about the types of food they are given for each meal suggests that a balanced diet is made available to them on a daily basis. However, while they refined initial characterisations of the food as **'horrible'** by saying that **'some of it'** is alright, the young people were very critical of some of the food, in particular the boiled and mashed potatoes and the **'buns'** or **'scones'** provided in the evening. The young people were also acutely aware of the amount of food they are given: **'twenty chips ... two sausages ... four chicken nuggets'**. Given their age and stage of development, it is not surprising that the young people said they are not full after meals:

'You could eat more ... you'd be kind of hungry on the beds and that, do you know what I mean?'

'Two sausages and a plate of beans... Otherwise ... they give you a piece of lettuce and a tomato. I mean, it's fucking lettuce and a tomato ... Some days they don't even give the ham. Just a lettuce and a tomato ... What's the whole point of that?'

Accordingly, the young people relished their cooking classes each week as an opportunity to learn how to cook, to make food they enjoy and to supplement the amount of food they receive through the meals provided. One young person summed up what the cooking classes mean to the young people succinctly: **'It's a legend'**.

Participants explained that milk is available to drink as well as hot water for making tea. When asked about access to drinking water, the young people referred to the water available in their cells and in the gym. While they were uncertain as to whether or not this water was intended for use as drinking water, the young people said that it **'looks horrible'**, **'tastes like poison'** and that **'you have to be desperate'** to drink it.

As regards personal hygiene, the young people are pleased they have in-cell sanitation. They explained that they can buy personal hygiene items in the prison shop to supplement items provided. They said that young people could shower twice-a-week and were also able to take a shower after using the gym. Referring to being able to have a shower on Wednesdays and Fridays, one of the young people suggested it would be better if these twice-weekly showers were spread across the week.

Young people made reference to the issue of drug and alcohol use among young people in B Division on several occasions during the course of the Office's consultation. They explained that programmes are in place to support young people who wish to address any alcohol or drug dependencies they may have. Programmes named by them included a methadone replacement programme for young people addicted to heroin, Alcoholics Anonymous and Narcotics Anonymous. Explaining where these meetings are held, the young people's understanding of the purpose of these meetings extended to **'you go in and talk about your problems'**.

Several participants also spoke about the drug counselling service. They indicated that access to this service could be by way of a recommendation from the Deputy Governor or an officer or that a young person might put their name down for the service **'with the welfare'**. In speaking about the drug counselling service, it was clear that young people find it helpful and that the support it offers extends beyond the matter of drug use to overall psychological well-being:

'You just go in and you talk to her ... and she talks to you about drugs ... and tells you what's in them ... It's alright.'

'... in the drug counselling ... I just pretty much talk about general things ... I like going ... I was supposed to stop going ... and I just asked could I stay on because ... I like doing it.'

'I was doing the drug programme ... It's alright ... It's in general ... anything that went through your mind ... It's good ... [W]hoever wants to do it should be able to do it.'

That the young people see this service as much as a beneficial opportunity to **'talk about general things'** as a chance to address their drug use is notable in light of what participants in the consultation had to say about the issue of mental health. In general, the young people felt that they could not speak openly if they were **'finding it hard'**: **'You can't really talk to anyone like'**. While their reticence may not be unusual for young people their age (Headstrong, 2009), these young people's comments suggest that their unwillingness to speak up is heightened by their perception that the prison authorities may respond by placing them on protection on C3 landing or putting them in **'the pad'** (special observation cell), both of which they regard as places to avoid:

'... you could talk to the Governor, but that means you'd be going on protection ... Just get locked up 23 hours a day.'

'... if you went down there and you said to one of the counsellors 'I'm suicidal, I'm thinking of killing myself' ... they stick you in the pad, do you know what I mean? That's why you don't ... You don't open your mouth about anything like that ... You don't open your mouth.'

During the course of the consultation, it became clear to the Ombudsman for Children's staff that young people derive a measure of support from the camaraderie and friendships they share with some of their peers in B Division. Understandably, however, participants were unwilling to say as much explicitly. Instead they focused on the negative peer dynamics, including bullying and intimidation, which is also a feature of peer relationships among young people in the prison.

Across the range of health issues touched on, the young people proposed the following improvements:

- reducing waiting times to see the dentist;
- spreading the twice-weekly showers across the week;
- improving the quality of some of the food and increasing portion sizes;
- improving the quality of drinking water.

The Ombudsman for Children's Recommendations

Given the young people's quite limited knowledge of the prison's health services, the Ombudsman for Children recommends that accessible information about these services be given to young people upon their committal to the prison and explained, together with information about other aspects of the prison's regime, by an appropriate member of staff as part of the young person's initial orientation. Accessible health promotion and information materials should also be placed in areas of the prison used by young people on a daily basis.

Information provided by the young people about medical services relating to their physical health suggests that their needs in this area are broadly being met. The Ombudsman for Children would appreciate follow-up by prison management in relation to young people's claims of delays in the response to more minor illnesses or injuries and as regards the need and corresponding scope for reducing waiting times for dental treatment.

In light of the pivotal role played by diet in young people's health and development and participating young people's strong views on the meals provided, the Ombudsman for Children recommends that prison management, in consultation with relevant staff and with young people, review the quality of some of the food and the amount of food provided. The Ombudsman for Children also suggests that prison management take steps as required to ensure that drinking water is clean, palatable and readily available to young people. In addition, it is recommended that further work is done to develop young people's understanding of issues relating to nutrition and diet.

Any actions to further promote and support young people's self-care in relation to personal hygiene would be very welcome. Taking account of the Inspector of Prisons' standard concerning opportunities for young people to shower daily, the Ombudsman for Children recommends that one such measure will be to enable young people in B Division to shower daily irrespective of their use of the gym.

As noted above, the Ombudsman for Children is concerned about young people's ongoing opportunistic access to drugs and urges prison management to take appropriate additional steps, other than limiting young people's use of the yard, to curtail access to drugs thrown over the wall into B Division yard.

The Ombudsman for Children welcomes young people's positive assessments of the drug counselling service, including its benefits to their general mental health. However, taking into account that young people may be experiencing mental health problems prior to their committal to the Institution as well as the adverse psychological impact of imprisonment and aspects of young people's daily lives in the prison itself, it is very concerning, if not surprising, that young people are so unwilling to speak openly if they are feeling anxious or distressed. Their reticence is clearly compounded by their concern that, notwithstanding the availability of a psychologist or psychiatrist to young people in the Institution three times per week, speaking out could result in their being placed on protection or in the special observation cell. Noting the

CPT's criticisms in its 2007 report as regards provision for psychiatric care and suicide prevention in the Institution (CPT, 2007, para.83), the Ombudsman for Children strongly recommends the implementation of additional measures that support young people to take a proactive approach to their mental health with the confidence that they will be met with an appropriate response. Young people's vulnerability and welfare interests require that they have ready and timely access to appropriate professional support as regards identifying and treating any mental health problems they may be experiencing as well as following incidents of self-harm, attempted suicide or other actions indicative of significant psychological distress.

The Ombudsman for Children also recommends that the prison authorities forge links with relevant agencies with a view to improving health education for young people. Particular attention should be given to young people's mental health and to the delivery of programmes that bolster young people's willingness and capacity to speak about and become active participants in safeguarding their mental health.

Health

Irish Prison Service comment

Dental treatment is provided in the surgery in Mountjoy Prison and access is regulated to ensure segregation and safety of prisoners. This can cause minor delays for accessing routine treatment, but probably no longer than would arise in the community. A review of scheduling is under way.

The quality and quantity of food provided in St Patrick's is the same as in all prisons. A 28-day menu is in use and is based on healthy eating and daily recommended calorific guidelines. It offers a nutritious and balanced diet to all offenders. A sample week is outlined below. Minor additions to some choices, consistent with the standardised menu's objectives, have been introduced to meet the concerns of the boys. In addition to the three daily meals provided, the boys have access to the prison tuck shop where additional food items such as confectionary and fresh fruit are available.

Day 1	Day 2	Day 3	Day 4	Day 5	Day 6	Day 7
bacon chop parsley sauce, cabbage, creamed potatoes	beef stew	coddle	homemade beef burgers, pepper sauce, turnip, carrot roast potatoes	breaded fillet of fish, peas, boiled potatoes	chicken curry, rice	pork loin chop, gravy, carrots, parsnip, roast potatoes
fruit yoghurt	stewed apple, custard	fruit jelly	fresh fruit (banana)	rice pudding	ice cream	trifle
steak + kidney pie and peas	cheese salad roll	chicken burger and salad	freshly made vegetable soup with cheese roll	chicken goujons, chips.	mini grill, beans	cheese salad, fresh baked potato

The quality of drinking water is tested regularly and IPS can confirm that it is clean and palatable. The majority of the boys have access to showers on a daily basis, including after gym use. With the refurbishment of eight additional showers, all will be in a position to shower each day. In addition, each cell has a wash-hand basin.

Measures aimed at reducing access to illicit drugs have been described in the IPS comment in section 2.2.

As regards mental health, deficits in service provision which exist in the community are reflected in the prison setting. Nevertheless, offenders have several possibilities to raise issues, including access to the IPS psychologist and nursing staff. In addition they can access the following psychiatry services:

- a regular psychiatrist (adult psychiatry services) who attends three 5-hour sessions per week;
- a visiting senior psychiatric registrar from the Central Mental Hospital who attends once a week;
- a child and adolescent psychiatrist in addiction from the HSE who attends one half session per week for the purpose of addressing complex addictions-related issues.

The community forensic psychiatric nurse who attends the complex keeps a watching brief on relevant cases. With the HSE, we are exploring the possibility of providing adolescent forensic psychiatry services.

2.5. Education, Training and Recreation

The Inspector of Prisons' Standards stipulate that education and vocational training should be prioritised over work, that young people must be afforded a reasonable amount of time daily to participate in recreational and physical activities and that young people should have opportunities to take part in constructive activity and have a minimum of one hour of daily exercise outdoors (214-216).

Articles 28 and 31 of the UNCRC provide respectively that children and young people have the right to education and recreation. In its General Comment on children's rights in juvenile justice, the UN Committee takes account of these rights in asserting that young people deprived of their liberty should have:

- **education suited to their needs and abilities and designed to prepare them for their return to society as well as to receive vocational training in occupations likely to prepare them for future employment;**
- **opportunities to participate in sports, physical exercise, in arts, and in leisure activities (CRC, 2007, para.89).**

Similarly, the Havana Rules state that young people in detention have the right to education suited to their needs and focused on preparing them for a return to society as well as to appropriate opportunities for recreation and physical activities (38-42; 47). The European Rules specify in some detail what kinds of educational, vocational training and personal and social development activities as well as sport and recreation opportunities young people in detention should have access to and reiterate that the focus of education and training activities should be on young people's rehabilitation and preparation for release (77-78; 80-81). In its Standards, the CPT recommends that young people deprived of their liberty **'should be offered a full programme of education, sport, vocational training, recreation and other purposeful activities'** and emphasises the importance of physical education within such a programme (CPT, 2006, para.31).

Following its visit to Ireland in 2006, the CPT criticised what it described as the **'inadequate activities regime at St. Patrick's Institution'** and recommended that **'the Irish authorities take appropriate measures to improve the regime of activities ... offered to young offenders'** (CPT, 2007, para.59). Visited by the Council of Europe's Commissioner for Human Rights in November 2007, the school opened in April 2007 represents a significant development to improve provision for education and training for young people in B Division and has been praised accordingly by the prison's Visiting Committee in its recent annual reports (VC, 2007, p.2; 2008, p.2; 2009, p.2f.).

Due in part to differences among them as regards the extent of their participation in education, the young people who participated in the Ombudsman for Children's consultation had varying degrees of awareness and experience of the educational and training opportunities available to them in the Institution.

A number of the young people explained that the decision about whether or not they go to school rests with them and that young people who wish to attend select the subjects and classes they want to do by filling out a form and attending an interview with the principal of the school. They welcomed this opt-in approach as well as the flexibility afforded to them on an ongoing basis as regards subject choice and change. A number of the young people also welcomed having the opportunity to take FETAC accredited courses and, in particular, to prepare for State examinations. These young people appreciated the facilitative approach taken by teaching staff in this regard.

The young people indicated that subjects and educational activities available to them are

English and literacy, woodwork, art and crafts (making 'soft toys'), cooking, computers and the gym. While they clearly enjoy some of these subjects and activities, several participants expressed dissatisfaction with the range of education and training options available to them and a corresponding wish to avail of additional training opportunities, some of which are provided in the prison workshops:

'... We don't get a chance to get out to the workshops ... There's metalwork, woodwork, industrial skills, computers ... You can do a lot more down there ... Much better equipment down there than anywhere else.'

'It's [school's] grand, but ... you get sick of doing the same things every day ... they only have a few subjects'

'I used to like woodwork ... [I'd like to do] metalwork or something ... [but] we can't get onto the workshops.'

Among the additional training opportunities that the young people would welcome are metalwork, mechanics, industrial skills and technical drawing. A number of the young people who were not participating in education or only doing so to a limited extent at the time of the Ombudsman for Children's consultation suggested that they might be more inclined to get involved in education if such opportunities were available to them.

The young people who attend school generally spoke highly of the teaching staff, praising their flexible and supportive approach, their teaching skill and their respectful attitudes towards the young people themselves. It was apparent from the way in which the young people spoke about the educational opportunities available to them that their decisions about which classes to attend and persevere with are informed not only by their interests, but also by the attitudes and skills of individual teachers:

'And art ... I get on with the teachers really well and I just love doing it. ... They will ask you to do work and they don't ... push you or anything ... [they're] just sound'.

For those young people who do participate in education, their principal motivations are twofold: going to school is **'better than being in the cell'** as well as an opportunity to develop skills and work towards attaining qualifications that may help them to secure employment in the future. It was notable, however, that the young people who go to school and wish to gain qualifications viewed working in B Division as a cleaner as preferable: **'I'd rather have a job'; 'I'd rather have a job on the landing.'** In explaining the appeal of having a job, these young people suggested that working on the landings is more relaxed and that 'cleaners' do not have to sit out in the yard at weekends:

'... if you have a job ... up on the landing, you get to sit there at the weekend ... At the weekend, we just sit out in the yard and do nothing ... They get to chill out, drink tea, sit on the landing all day.'

Participants in the consultation who have worked as cleaners shared the view that doing so is preferable to going to school and that this work has advantages, including preferential treatment by some prison officers: **'... cleaning job. It's ... more freedom'; 'Oh, they're [prison officers] grand if you're a cleaner'.**

As regards sport and recreation activities, the prevailing view of the young people was that the range of activities available is inadequate and that boredom is endemic. In speaking about the facilities available, young people indicated that they enjoy using the gym and the sports hall, but criticised the limited range and poor condition of facilities in the 'rec' and the fact

that young people serving a sentence can only avail of the library, which they like using, on Sundays. Frustration was also expressed at not being able to move freely between B Division yard and the indoor recreation area:

'... we used to be able ... to walk ... from the yard straight down to the rec room, no hassle, and then walk back up ... Now ... you're trapped in the yard or you're trapped down in the rec and you're going nowhere.'

Periods when the school is closed appear to be particularly challenging for young people. Participants suggested that they spend a lot of their time at weekends in B Division yard and explained that, due to the windows facing onto the yard from the school, they are unable to play ball games there. As a result, they have little to do and become very bored:

'Just sitting there, I mean, banging your head off the wall doing nothing.'

'You're just stuck there doing nothing ... just bored ... There's nothing you can do out in the yard.'

The young people had several suggestions for improving education and recreation provision for young people in B Division. As regards education and training, they would welcome access to a wider range of classes and, in particular, to some of the classes currently provided in the prison workshops. Their ideas for change in relation to recreation included:

- being able to move more freely between the yard and the 'rec', especially at weekends;
- fixing or replacing the pool table and providing additional recreational amenities (e.g. game consoles) in the 'rec';
- having more frequent access to the library;
- installing a shelter in B Division yard and getting foam balls so young people can play football and handball in the yard without any risk of windows breaking;
- having more frequent sports competitions in the sports hall.

The Ombudsman for Children's Recommendations

Recognising that the provision of quality and varied educational and training opportunities is a cornerstone of a rehabilitative approach to juvenile justice, the Ombudsman for Children appreciates the commitment to improving education provision for young people detained in B Division signalled by the opening of a dedicated school attached to it. The Ombudsman for Children also welcomes the opportunities afforded to young people to pursue their formal education and to work towards gaining accredited qualifications. The Ombudsman for Children commends the commitment as well as the flexible, supportive and individualised approach taken by the principal and teaching staff to encouraging and facilitating young people's participation and attainment in education. Noting the young people's perspectives on how their interest and participation in education might be improved as well as the Inspector of Prisons' recent proposal that training provision in the Institution be expanded (IP, 2010a, para. 17.12), the Ombudsman for Children recommends efforts to improve and extend the range of accredited education and training options available, including by affording young people in B Division access to a more varied range of skills-based, trade-oriented training opportunities, which reflect their interests and prepare them for employment.

It is very concerning to the Ombudsman for Children that even those young people who are currently availing of classes available in the school attached to B Division expressed a preference for working as cleaners in B Division. From the young people's perspectives, the apparent advantages of working as a cleaner while detained in the prison outweigh the long-term value

of pursuing their education. Noting the age and difficult backgrounds of most young people detained in the Institution, the CPT made the point in its 2007 report that this kind of work offers 'little in the way of vocational value' and stressed that 'it is imperative that every effort is made to encourage inmates to attend educational classes and to participate in workshops where they can learn skills to assist them upon their release' (CPT, 2007, para.59). The Ombudsman for Children recommends that prison management take further action to address the perceived perks young people associate with working as a cleaner and to motivate young people to participate fully in education.

The young people's characterisations of the recreational activities available to them in B Division suggest that current provision is inadequate and that young people are spending long periods of inactivity in the yard, a space which the prison's Visiting Committee described in its 2006 Annual Report as 'oppressive' (VC, 2006, p.4). The time available for recreational and sporting activity is considerable and the absence of an adequate range of activities, in particular at weekends and during longer periods when the school is closed, constitutes a missed opportunity to facilitate in a more comprehensive way young people's personal, social, physical and cultural development as well as to provide for their physical and mental well-being while detained in the prison. The Ombudsman for Children would welcome steps by prison management to build on the young people's concrete suggestions for change in this area and to consult further with young people in B Division to identify additional ways of improving current provision. The Ombudsman for Children suggests that the authorities give particular attention to building on existing work to bring in external organisations to deliver organised programmes of activity that enable young people to develop existing and new interests.

Finally, the Ombudsman for Children encourages prison management to ensure that the education, recreation and exercise opportunities available to young people on protection are maximised in so far as is practicable.

Education, Training and Recreation

Irish Prison Service comment

Young people working as cleaners are provided with training and certification in industrial cleaning and are now also required to participate in education. Opportunities to engage in a broader range of work training activities are being developed (see IPS comment in section 2.2).

As regards recreation activities, substantial changes are being made that take account of suggestions made by young people who participated in the Ombudsman for Children's consultation. The recreation area is being redecorated and additional age-appropriate activities introduced, including table games and consoles. Facilities such as the pool table and cues are damaged from time to time, but defects are remedied on an ongoing basis. Plans are well advanced to open a resource centre exclusively for the under-18s that will complement the library and give significantly greater access throughout the week. A shelter is to be installed in the yard. Additional group activities and competitions are being introduced, some involving external organisations.

Various initiatives are under way to improve the access of protection prisoners to education, the library and resource centre and outdoor exercise.

2.6 Contact with Family and Community

Taking account of relevant international standards, including Articles 3, 8 and 37(c) of the UNCRC, the Inspector of Prisons' Standards state that young people **'must be encouraged and should be facilitated in maintaining contact with their families and community providing it is in the juveniles' best interests'** (217). These Standards also stipulate that withdrawal of contact with family must never be used as a disciplinary measure other than in exceptional circumstances and having regard for a young person's best interests (218).

Reflecting Article 37 of the UNCRC, the UN Committee has affirmed the right of young people deprived of their liberty to maintain contact with their families through correspondence and visits. It has stipulated that, in order to facilitate family visits, a young person **'should be placed in a facility that is as close as possible to the place of residence of his/her family'** (CRC, 2007, para.87). The relevant authorities responsible for young people in detention should be proactive in their approach to supporting young people's contact and communications with 'family, friends and other persons or representatives of reputable outside organisations' (CRC, 2007, para.89). Similarly, the CPT's Standards assert that the **'guiding principle should be to promote contact with the outside world'** (CPT, 2006, para.34). The Havana Rules state that young people should be entitled to frequent visits and that visiting conditions should respect their need for 'privacy, contact and unrestricted communication' (60).

The Havana Rules also posit that young people in detention should have the right to communicate in writing or by telephone and to receive correspondence (61). They should be able to keep up to date with news and wider developments in the outside world by having access to newspapers and other publications, radio and television (62).

The Havana Rules (59) and the UN Committee (CRC, 2007, para.89) recommend that young people deprived of their liberty should have the opportunity to visit their homes and families during the period of their detention. The UN Committee has stipulated that any limitations on a young person's contact with his/her family **'should be clearly described in the law' and 'not left to the discretion of the competent authorities'** (CRC, 2007, para.87) Likewise, the CPT has stressed in its Standards that **'a juvenile's contact with the outside world should never be restricted or denied as a disciplinary measure'** (CPT, 2006, para.34).

The young people who participated in the Ombudsman for Children's consultation shared their views on a number of issues relating to maintaining contact and communications with family and the outside world during their detention in the Institution. From the perspectives they shared, it is clear that this matter and, in particular, the issue of contact with family and how it is facilitated by the prison are very important indeed to the young people.

As regards visits to the Institution by their families, participants explained that young people who have been sentenced are permitted two half-hour visits per week and that young people on remand can have up to five fifteen-minute visits per week. They went on to say that these visits usually take place in the 'screened visits' room. Completed in July 2007 as one of several measures implemented by the prison authorities to combat the flow of drugs and other contraband into the Institution, this area is so called because it contains a perspex screen, which is placed between young people and their visitors to preclude them from making physical contact with one another.

During the period of the Ombudsman for Children's consultation, phones were installed in the screened visits room to facilitate better communications between young people and their visitors. This development is very welcome given that inability to hear and communicate clearly with their visitors was a key criticism about screened visits made by young people who participated in a group interview in early December 2009 on the topic of contact and communications:

'There is a big screen in the way ... you've all people roaring trying to hear ... You can't hear nothing ... You're trying to hear something and you can't hear. You spend most of your visit saying 'What?'

A second group of young people who participated in a group interview about this topic in January 2010 said that, while the situation has improved since the phones were installed, difficulties still arise when the screened visits room is busy:

'... they [the phones] have made ... a difference. But still, ... when the room's packed and everyone's talking, you still can't hear a word they're [your visitors] saying ... [Y]ou could stick it, do you know what I mean, just.'

Several of the young people had a number of additional complaints about screened visits. These regarded limitations on privacy in their communications with their families, restrictions on physical contact and concerns about the impact that the use of screens might have on young children visiting:

'... screen visits with an officer sitting there, close enough to you ... and they can hear what you're saying ... there's no real privacy'

'... it's not right for a kid to be coming up looking at you behind a screen ... You want it to look normal for him. You don't want a kid looking at you behind glass for the rest of your life.'

Participants also spoke about the duration of visits, with a number of the young people perceiving the amount of time they actually have with their visitors to depend to a certain extent on which officers are on duty. The young people had different views on how long visits should be. While several participants indicated that they would welcome having more time, one young person noted that longer visits would present challenges as regards finding things to talk about. It was evident from the young people's discussions with one another on this issue that they are acutely aware of and sensitive to their families' perspectives and needs:

'... our families have to travel a long way ... [for] half an hour, twenty minutes ... It's a load of bollocks.'

'... you're locked up ... What is there to talk about? ... What? ... [If you had an hour,] you spend the first half an hour talking. You've got half an hour fucking looking at them ... Trying to think of something to say ... You're hardly going to tell them 'I'm finished talking to you now. Just go away.''

Participants also explained that they can apply to the Deputy Governor for a 'special visit' or 'family visit' using one of the open visits rooms, which resemble a living room. They said that use of this room is a 'privilege' and that young people can be refused a visit in an open visits room if they receive a disciplinary report in advance of the visit: ***'You can't get a P19 for the month before you get a family visit'***. Young people with previous experience of having a 'special visit' spoke much more favourably about the open visits rooms as spaces for meeting their visitors. They characterised these rooms as a more 'normal' environment for meeting visiting family members and suggested that this greater degree of normality impacted positively on communications:

'It's grand ... It's much better ... [Y]ou could give your family a hug and all that ... Even to be able to just have a proper chat.'

They were critical, however, of those occasions when a prison officer sat in the room during a 'special visit'. They felt this was an unnecessary intrusion on them and their families given that

officers can observe the visit through a screen from outside the room and the range of other security measures in place to curtail the flow of drugs and other contraband into the prison:

'That's still a stupid room ... because an officer has to sit in with you. Officer's listening to everything you're saying. Officer's staring at you.'

'You can't say nothing in front of the officers ... You can't get drugs in there because the dog is right outside the door ... You have to go through a metal detector ... So it's not as if you can get anything.'

Participants in the consultation also spoke about their experiences of other ways in which they can keep in contact with their families. A minority of the young people spoke about their experiences of writing and receiving written correspondence, with some young people indicating that literacy difficulties all but precluded their use of this form of communication. Among those young people who do write letters, there were differences of opinion about the fact that their letters may be read. One young person, for example, was uncomfortable with what he experienced as an intrusion on his privacy while another held the more pragmatic view that, while he did not like his letters being read, he understood that it may be necessary:

'... they shouldn't be allowed to read your letters, they shouldn't.'

'... I suppose they have to ... You could be saying anything ... I don't like them reading it, but ...'

In expressing their views on this matter, the young people made no direct reference to any of the rules governing the examination of letters and, as such, it is not clear whether they were made aware of these rules (PR, 2007, paras. 43-45).

As regards phone calls, the young people explained where phones are located, how many phone calls they can make per week, how many numbers they can have on their phone, how often they can change these numbers, how calls are made and how long calls can be. While participants held different views about whether or not there are enough phones available for use by young people in B Division, there was consensus that the permitted time of six minutes for a daily phone call is too short. Young people also complained that their phone calls could get cut short, that they occasionally experience technical difficulties using the phones and that they cannot bank a call if they are unable to make it on a given day or if the call is cut short. As the young people did not provide any specifics in their criticisms of calls being cut short, it is unclear whether they are aware of sanctioned grounds for this practice (PR, 2007, para. 46(8)) or indeed if they were referring to it:

'... you should get longer. You only get six minutes a phone call ... That's all you're allowed ... [T]he phones are fucked as well ... You'd be on the phone and all of a sudden the thing would knock off in the middle of a call on you ... Then other times ... the other person can't hear you.'

'Six minutes isn't that long ... It's not enough time. You could be in the middle of a conversation and next minute the phone just goes 'Please replace handset' ... Most of the time they do work properly, but sometimes they don't and that's just your phone call wasted.'

'... if I didn't use my phone call today, that's just gone ... [Y]ou should be able to get that phone call [back].'

Several participants also expressed frustration at not having privacy from their peers when

making phone calls:

'... when you're in the yard, you don't get privacy talking on the phone ... Everyone is sitting there with you when you're talking on the phone ... Everyone just sits around the phone.'

As regards opportunities for young people to be released temporarily for the purposes of seeing their families, participants perceive such opportunities to be very rare indeed and suggested that what opportunities do exist are dependent on good behaviour and/or linked to specific circumstances:

'Christmas is the only one if you're very good ... you'll be able to get a Christmas TR [temporary release].'

'You haven't a hope of getting out of the place. If there's a funeral, say if your mother or father died, you'd get out for it alright. That's about it. Or your brother or sister.'

The young people's perceptions of the types of sanctions that can be imposed on foot of receiving a P19 report and, as such, as part of the prison's disciplinary regime suggest that deprivation of phone contact may be used on occasion as a sanction. A number of participants also perceived deprivation of contact as one of the side-effects of being placed on protection on C3 landing:

'... you go to C3, ... you lose your visits, ... you lose your phone calls, ... your letters ... You lose all privileges ... They shouldn't be able, they shouldn't be allowed to stop you having visitors.'

In addition to sharing their experiences of keeping in contact with families and friends, the young people referred to the different ways in which they can keep abreast of broader events happening in the outside world. They explained that they can buy a radio and that they are permitted newspapers, but would need to arrange to buy newspapers through the prison shop if they wanted regular access to them. There was consensus among the young people that television is the primary way in which they stay informed. Although they welcomed the fact that there is a television in each cell, they would like to have access to more channels.

Young people's ideas for how current provision for contact and communications with family and the outside world could be improved are as follows:

- remove the screens in the screened visits area or, if this is not possible for security reasons, implement additional measures that enable young people and their visitors to hear one another more clearly, have more privacy and communicate in a more normal way;
- enable young people to use the open visits rooms more frequently to meet their families and have prison officers remain outside the room and observe the visit as required through the glass screen;
- give young people and their families the option of having longer visits;
- allow young people on protection on C3 landing to have visits from and maintain contact with their families;
- allow young people to make longer phone calls and to bank calls and look at installing some more phones;
- give young people access to more television channels as well as readier access to newspapers and consider introducing supervised internet access.

The Ombudsman for Children's Recommendations

The issue of visits and contact with family members and those they are closest to are matters of critical importance to the young people who took part in the Ombudsman for Children's consultation. As noted, their keen interest in seeing improvements made to current provision is informed not only by their own needs, but also by their awareness of and sensitivity to the needs of their families. The Ombudsman for Children encourages work by the prison authorities focused on encouraging and supporting families to maintain relations and contact with their children while they are in custody and when this is in the young people's best interests.

While appreciating that the screened visiting area was introduced to reduce the flow of drugs and contraband into the prison, the Ombudsman for Children is concerned that its introduction was a blanket, indiscriminate measure and concurs with the prison chaplains that the 'impact on mothers and fathers trying to communicate with their child or young son through glass screens, as well as the impact and lasting effect on the young person, is not to be ignored' (PC, 2008, p.4). There is no question that, notwithstanding the recent introduction of phones to facilitate young people and their families to hear one another better, the presence of the screens is curtailing the scope for normal communications, including physical contact, between young people and their families. If safety and security considerations preclude the screens' removal, the Ombudsman for Children encourages prison management to identify additional measures that could enhance provision for privacy and assist with normalising communications and contact between young people and their families. One measure, which may merit consideration in this regard is revising the current status of open visits as a 'privilege' and, in so far as practicable, mainstreaming the use of rooms currently designated for 'special visits', including by increasing the number of days on which these rooms can be used. The Ombudsman for Children would also welcome efforts to ensure that prison staff observe visits from outside the room and through the glass screen. In cases where prison staff need to be in the room for safety and security reasons, staff should be encouraged to maintain a discreet presence so that young people's privacy is respected when they are using an open visits room.

The Ombudsman for Children is concerned about the short time permitted for visits for young people serving a sentence as well as for young people on remand. In particular, the time permitted is disproportionate to the long and costly journeys that some families have to make in order to visit. The Ombudsman for Children suggests that the prison authorities, in consultation with young people and their families, explore the scope for introducing a more flexible approach to visits that takes due account of the different needs of families. In this regard, the Ombudsman for Children recommends that the prison authorities give further consideration to the Visiting Committee's proposals that Sunday visits and use of the open visits room on Saturdays be introduced on a trial basis (VC, 2006, p.3; 2007, p.5; 2008, p.5). Any additional supports that can facilitate young people and their families to maintain regular face-to-face contact would be welcome. The Ombudsman for Children suggests that the authorities explore whether communication methods supported by new media technologies might be introduced on a pilot basis to complement and supplement existing approaches to enabling young people and their families to maintain contact.

Given the importance attached by young people to maintaining contact with their families and that international standards identify such contact as 'essential' to preparing young people to return to society (Havana Rules, 59), the suggestion by a number of participants in the Ombudsman for Children's consultation that deprivation of telephone contact is occasionally used as a disciplinary measure is of concern. Of additional concern is young people's perception that loss of visits and contact can be a side-effect of being placed on protection. If such practices are happening on reasonable grounds, these grounds need to be clearly stated and communicated, including to young people themselves.

Given the limitations of existing arrangements for visits, the Ombudsman for Children would welcome steps on the part of prison management to build on the young people's suggestions as regards being permitted to make longer phone calls and to bank calls. The Ombudsman for Children also encourages prison management to assess whether there is adequate telephone access for all young people in B Division.

The Ombudsman for Children appreciates and encourages initiatives on the part of the authorities to enable representatives from relevant outside organisations to visit St. Patrick's Institution to meet and work with the young people. The Ombudsman for Children would welcome improvements as regards young people's contact with and access to information concerning developments in the outside world and encourages prison management to consider young people's ideas in this regard.

Contact with Family and Community

Irish Prison Service comment

IPS shares the objective of maintaining links with family and community and is reviewing ways to maximise the frequency, duration and quality of contact, subject to safety and security constraints.

Visits in the main visiting area are screened visits, which since their introduction have had a significant impact on the availability of contraband, including drugs, and for this reason have been commented on favourably by many families. It is not proposed to implement changes in this regard. The improvements to the acoustics and the introduction of phones in the visit area have helped reduce communication difficulties and will continue to be kept under review.

Family visits take place on Tuesdays and Thursdays. They are applied for by the offender and are generally granted where he has been of good behaviour or where special needs arise. The facilitation of family visits on other days is being examined. However, the experience is that families do not always wish to avail of the opportunity and we could already accommodate more family visits if the boys or their families wanted them. Safety and security considerations require staff to be able to observe the visits and may require that they are present in the room.

Current staffing configurations do not allow for weekend visits at present. However, it is something that will be examined in the course of the task review under the Croke Park agreement.

Consideration is being given to installing phones in cells on a trial basis and to allowing longer calls as part of earned enhanced regimes. The phone system does not currently allow the possibility to bank calls, but options are being examined. The deprivation of telephone calls is used as a sanction of last resort, for example, where calls were made to organise criminal activity. The claim that prisoners on protection are deprived of visits, phone calls or letters is completely without foundation.

When opened, the resource centre in B Division will give the inmates access to a range of newspapers and magazines that will facilitate keeping in touch with events in the community.

2.7. Safety, Protection and disciplinary Measures

The Inspector of Prisons' Standards stipulate that physical restraint and use of force by staff must only be used in exceptional circumstances, be the minimum necessary and for the shortest period of time required. Such actions should never humiliate or degrade the young person and, if used, the Governor should ensure that the young person involved is examined by a healthcare professional as soon as is reasonably practicable. In addition, the Standards state that appropriate steps should be taken to address peer-bullying and violence among young people (203-207). The Standards also state that young people on protection should have access to human contact and reading material, be afforded a reasonable opportunity to participate in constructive activity, and weather permitting, have a minimum of one hour of daily exercise outdoors (216). Finally, they provide that solitary confinement must never be used as a disciplinary measure (221).

International standards provide that children and young people in custody have the right to protection from harm, whether caused by staff or other young people. Article 19 of the UNCRC obliges the State to take all appropriate measures to protect all children and young people under 18 from all forms of violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse, while they are in the care of parents, legal guardians or any other person charged with responsibility for their care. As regards young people in detention, Article 37(c) of the UNCRC provides that every child in custody should be treated with respect for their inherent dignity. Echoing the Havana Rules (67) and building on the provisions of the UNCRC, the UN Committee has commented that:

***'Restraint or force can be used only when the child poses an imminent threat of injury to him or herself or others, and only when all other means of control have been exhausted ... Any disciplinary measure must be consistent with upholding the inherent dignity of the juvenile and the fundamental objectives of institutional care; disciplinary measures in violation of Article 37 of the CRC must be strictly forbidden, including corporal punishment, placement in a dark cell, closed or solitary confinement, or any other punishment that may compromise the physical or mental health or well-being of the child concerned.'* (CRC, 2007, para.89)**

According to the Havana Rules, detention should take place under conditions that ensure young people's **'protection from harmful influences and risk situations'** (28). The Havana Rules stipulate that disciplinary measures should uphold young people's inherent dignity (66) and be applied in strict accordance with the law and regulations in place (68). Young people should be informed of the alleged infraction in a manner that ensures their full understanding and they should have a proper opportunity to mount a defence and appeal decisions about sanctions to a competent authority (70).

Both the Havana Rules (67) and the European Rules prohibit the use of solitary confinement as a measure to discipline young people (95.2-95.3). The CPT's Standards state that conditions resembling solitary confinement must be regarded as highly exceptional and that, where young people are kept separate from others, such separation should be for the shortest possible period of time. Young people held in such conditions should be guaranteed human contact, granted access to reading material and offered at least one hour of outdoor exercise every day (CPT, 2006, para.35).

Young people who participated in the Ombudsman for Children's consultation were generally ambivalent in their assessments of how safe they felt in St Patrick's Institution. For example, one young person said: **'Can't say I do feel safe, but I don't feel threatened either.'** Many of the young people agreed that the very fact of being in prison had implications as regards how safe they felt: **'It's a prison ... You can't seem to feel safe in a prison.'** The young people felt safest in

the school and in B Division yard, with several indicating that the installation of CCTV cameras in the latter had improved their sense of safety there.

Feelings of being unsafe related in part to a history of conflict between different groups of young people in the prison. The young people had different views about the prevalence of peer-bullying in the prison. Some feel it is widespread and continuous while others regard it as a rare occurrence. This discrepancy may be accounted for in part by their different views on what constitutes bullying. One young person commented: ***'Well there's lots of messing ... They mess, hitting each other and all. The officers class it as bullying, but we class that as messing.'***

The young people reported that, where detected by staff, peer-bullying is usually dealt with by means of sanctions and a P19 report. They suggested that the victim is often placed on protection. They also suggested that victims are likely to be reticent about seeking support as any approach to staff is liable to see the victim branded a 'rat' and treated accordingly by their peers. They reported that the young people themselves sometimes dealt with bullying informally and usually by way of physical retaliation.

During the course of the consultation, the young people also spoke about their relations with different categories of staff they have dealings with in the prison. The influence and impact of relationships with staff on the young people's experiences of daily life in the prison permeated the interviews and was articulated concisely by one young person when he simply said that ***'it makes a really big difference'***.

The young people spoke positively about the Deputy Governor. They felt she respects and listens to them. Where frustration was expressed, it related to decisions of the Deputy Governor not always being implemented or being implemented in a delayed fashion:

'She does be alright in all fairness to her. Anytime ... I go in and ask her for something, she'll most likely give it to me.'

'She's alright. You can talk to her.'

Most of the young people were also positive about their relations with teaching staff:

'Teachers are grand.'

'They don't give you hassle or anything at all. They just come in and do their work and they're grand.'

All of the young people spoke in very positive terms about the prison's chaplains, appreciating the practical support provided to them by the chaplains on a daily basis as well as the respectful way in which the chaplains treat the young people:

'They're sound. They're the nicest people in the jail.'

'Oh, they're grand. They come over chatting to you and all.'

'They come round nearly every second day and they just keep going round and saying hi to everyone and just asking 'Is everything ok?' and 'Do you need anything done or anything?' and if you're grand.'

The young people see the main role of probation staff ('the welfare') as being to check how they are getting on in the prison. Any negative perceptions of the probation service among the young people were linked to their association of the service with the courts and sentencing.

As regards their relations with prison officers, when the young people did comment favourably on some of the officers, they referred to their sense of humour, the respect they show the young people and the regard they have for their personal property:

'[They] ... don't threaten you. They don't do anything to your cell. They don't hit you. They don't agree with fighting.'

However, the young people had a generally negative view of prison officers and raised concerns about the behaviour of some officers. They felt that some officers have very little respect for them. They complained about the condition their cells are occasionally left in following searches by some officers. They also complained about threatening behaviour on the part of some officers, with one young person suggesting that he sometimes felt unsafe in his cell by virtue of being alone there and his attendant anxiety about some officers' behaviour:

'I don't feel threatened or anything ... unless something happens ... then I just feel threatened from officers.'

'The only people I could be afraid of something happening is the officers ... once you hear that [cell] door opening and you think something's going to happen.'

The young people felt in general that officers have a prejudice against young people from the Dublin area and suggested that this may be because drug incidents in the yard mainly involve young people from Dublin.

As regards disciplinary measures, the young people perceive the issuing of P19 reports as a common occurrence and listed some of the sanctions that may be imposed. Sanctions identified by them included fines, 'nights' (being locked in the cell from 4.00pm), loss of shop privilege, loss of time in the yard and loss of phone calls. They had a generally good understanding of the P19 disciplinary process and the respective roles of the prison officers and the Deputy Governor in operating and managing the process. However, they perceived a lack of consistency among prison officers as regards what constitutes a breach of prison rules and indicated that the sanctions imposed can vary depending on who is making the decision on a given P19 report: ***'You can get any punishment for anything ... It depends on what Governor is on.'*** The young people welcomed the fact that specific P19 reports are occasionally struck out by the Deputy Governor as unnecessary or inappropriate sanctions.

The young people also spoke about their experiences of being on protection. As noted in section 2.2, they explained that this involved being placed either on C3 landing in C Division or in B Division. While participants understood why a young person might be placed on protection, they identified placement on protection as something to be avoided and felt aggrieved by some of the side-effects of being on protection. They suggested that, in addition to having to spend up to 23 hours per day 'locked up', these consequences could include loss of contact:

'You lose your visits, your soap, your phone calls, your letters ... they shouldn't be allowed to stop you having visitors.'

Moreover, several of the young people referred in graphic detail to their experiences of being in the special observation cell ('the pad'). The 2007 Prison Rules include clear provisions on the use of this cell, including that it cannot be used to accommodate a prisoner for any purpose other than preventing a prisoner from causing imminent injury to him-/herself or others, that its use requires input from and the advice of the prison doctor, and that it must never be used to punish a prisoner (PR, 2007, 64(1) - 64(13)). It is clear that participating young people did not understand what 'the pad' is for and were afraid of it. They perceived placement in it as punitive rather than as a protective measure and experienced it as degrading:

'Fucking freezing! A padded wall, no clothes on you, only a pair of y-fronts, a pair of knickers.'

'Ashamed of your life putting them on ... a big shitty pair of shorts.'

'It's horrible ... the smell of the blankets, ... cockroaches and mice running round, ... shite stuffed in the walls.'

'Fucking no exercise or nothing, in a pair of y-fronts for days.'

The Ombudsman for Children's Recommendations

The Ombudsman for Children welcomes the young people's reports of having generally positive relations with the Deputy Governor, school staff, the chaplains, probation staff, drug counsellors and some prison officers. The positive and supportive nature of these relationships was very evident to the Ombudsman for Children staff during the course of the consultation. What appears to lie at the core of these relationships is a regard on the part of these staff for the rights, dignity and worth of young people in the prison, sensitivity to their complex needs, an interest in their well-being and an understanding of the importance of relationships being anchored in mutual respect.

The Ombudsman for Children is aware that senior management in the Institution face considerable and unfavourable restrictions as regards the recruitment of staff from within the Irish Prison Service to work with young people under 18 in St. Patrick's Institution. The Ombudsman for Children also appreciates that working with young people in custody is a complex task and that it is likely to be particularly challenging for staff that are not recruited specifically to work with young people and who do not have a professional background or the requisite training in child care, welfare and protection. However, the young people's accounts of their relations with and treatment by some prison officers is of serious concern, suggesting that staff recruitment procedures together with a deficit in staff training to work appropriately with young people under 18 in the Institution risks compromising the safety and welfare of young people. The Ombudsman for Children strongly recommends that staff working directly with young people under 18 in the Institution, particularly prison officers, should have initial and follow-up training in the following areas:

- child protection policy, procedures and practices;
- children's rights and the rehabilitative aims of juvenile justice, with an emphasis placed on developing empathetic understanding among staff of the multiple and complex needs of young people committed to the Institution;
- building and maintaining positive relationships with young people;
- effective and appropriate handling of peer-bullying, intimidation and violence among young people;
- standard behaviours associated with psychological and medical conditions as well as communication disorders that are more prevalent among young people in conflict with the law.

Young people's safety in custody is of paramount importance. It is a cause of very considerable concern to the Ombudsman for Children that, at the time of its consultation, different child protection procedures were being employed to those set out in the Children First National Guidelines for the Protection and Welfare of the Children. The Ombudsman for Children strongly recommends that protocols be developed without delay between the Irish Prison Service and the HSE to ensure that child protection concerns are handled in accordance with the guidance

set out in Children First.

The Ombudsman for Children is also concerned about the practice of placing young people on protection on C3 landing given national and international standards concerning the separation of children from adults in detention and in light of the adverse effects which placement there may have on young people's well-being. Of special concern is the secondary victimisation entailed in placing victims of peer-bullying, intimidation and violence on protection on C3. The Ombudsman for Children recommends that prison management examine the scope for improving provision as regards young people's protection in B Division and for alternative measures to safeguard victims. The Ombudsman for Children also encourages the authorities to ensure that placement on protection of young people under 18 does not adversely affect their contact with family and the outside world (see section 2.6) or their access to services that are vital to their welfare, development and rehabilitation such as education, recreation and physical exercise.

As regards use of a special observation cell, the Ombudsman for Children understands that the 2007 Prison Rules permit its use and clearly state when and how it may be used. The Ombudsman for Children also appreciates that exceptional circumstances may arise when a young person under 18 requires observation for medical reasons and by virtue of presenting an imminent risk of injury to himself and/or others. However, the Ombudsman for Children is deeply concerned by the young people's accounts as regards their perceptions and experiences of being in the special observation cell. These accounts indicate that the young people are anxious and fearful about the special observation cell and that they regard aspects of placement in 'the pad' as degrading. The Ombudsman for Children strongly recommends the implementation of measures to address this unacceptable inconsistency between the intended purpose of the special observation cell and how it is perceived and experienced by young people themselves. Taking account of the Inspector of Prisons' observation that **'an even higher standard of care is owed to prisoners in safety observation cells by reason of their inherent vulnerability'** (IP,2010c, para. 4.3), the Ombudsman for Children suggests that such measures should include:

- a review of existing support services in the Institution to ensure that preventative interventions are adequate enough to preclude use of the special observation cell in all but the most exceptional circumstances;
- improvements in information for and communications with young people so that young people understand why and how this cell is used without individual young people's confidentiality being compromised;
- a review of relevant procedures and practices to ensure that young people accommodated in the special observation cell are treated at all times and by all relevant staff in a humane, empathetic and respectful way.

The Ombudsman for Children recognises that disciplinary measures in St. Patrick's Institution must strike a balance between respecting young people's rights and securing both their safety and that of others. The Ombudsman for Children notes that, while participating young people generally understood the roles of the various actors in the disciplinary regime, they were sometimes unclear about what constitutes a breach of the rules or why different sanctions are imposed. The information sheet given to young people on their committal to the Institution does make reference to P19 reports and the breaking of prison rules, but does not elaborate beyond this cursory reference. Bearing in mind the Inspector of Prisons' recent guidance regarding prison discipline (IP,2010b), the Ombudsman for Children believes that there needs to be a standardised approach to disciplinary measures on the part of all relevant staff and that the details of this approach should be clearly communicated to young people.

Safety, Protection and disciplinary Measures

Irish Prison Service comment

A child protection policy is in place. It was drawn up in consultation with the Irish Youth Justice Service and takes full account of the Children First National Guidelines for the Protection and Welfare of Children. Protocols with the HSE are under active development. Steps are being taken to accelerate the delivery of training and communication with staff and inmates in the matter.

Training was provided for prison officers working with young people when the new facilities were opened in St Patrick's in 2007. Additional training was provided in 2009 in the context of sentence planning for inmates aged under-18. Further training and staff placements are planned in association with the Irish Youth Justice Service. The training will incorporate the areas recommended by the Ombudsman for Children in the present report.

Systems and procedures are in place to minimise risk of violence against inmates. Bullying and violence are not tolerated. All reports of bullying are investigated and staff are required to be vigilant to its occurrence. Responses to bullying range from informal resolution to disciplining and isolation/protection of the parties where appropriate. A new anti-bullying programme is under development. CCTV camera coverage has been extended to include all common areas. Use of force by staff is rare and is tightly controlled: it is restricted to the minimum required in any situation and strict reporting mechanisms are in place. A system of complaints is in place and steps are being taken to increase inmate confidence in making complaints. Allegations of physical abuse are automatically referred to the Gardaí for investigation. Young people on protection, for whatever reason, will in future be accommodated on B3 landing where their access to activities will be enhanced (see also IPS comment in section 2.2).

The special observation cells are used for specific purposes and under strict controls. Contrary to the perception of the boys, they are never used as a punishment. From time to time, use may arise from an incident which results in a disciplinary hearing, but the purpose of use is the immediate safety of the inmate and others. Use ends when the immediate danger passes. This will be made clear to the boys at induction and at the time of use. IPS is satisfied that occupants are treated in accordance with acceptable norms and all aspects of use are subject to monitoring and review.

IPS shares the objective of transparency and consistency in the application of discipline and striking an appropriate balance between security and rights. An introduction to the prison rules and behaviour that constitutes a breach of discipline will form an important part of the induction course being developed for inmates and information being provided to them in written format. The material is being developed in consultation with the Ombudsman for Children's Office.

2.8. Complaints and Inspections

The Inspector of Prisons' Standards provide that young people should be permitted and, if necessary, facilitated to make a complaint to an independent authority (219). In his recent guidance on best practice for prisoners' complaints, the Inspector advises, inter alia, that any complaints procedure must be fair, transparent and inspire prisoners' confidence and that a prisoners' complaint system **'should have two aspects to it – one within the prison system and one independent of the prison system'** (IP, 2010b, paras. 1.3 and 3.5).

As regards international standards, the UN Committee has commented that independent and qualified inspectors should be empowered to conduct regular, unannounced inspections on their own initiative and should place special emphasis on talking in a confidential setting with detained young people. In accordance with Article 12 of the UNCRC, the Committee has also affirmed that young people should have the right to be aware of and have ready access to complaint mechanisms, to make a request or complaint to an 'independent authority', and to be informed of the response without delay (UNCRC, 2007, para.89).

The Havana Rules (72) stipulate that independent inspectors should be empowered to conduct unannounced inspections of all facilities where young people are detained. The Havana Rules (72-74) and the European Rules (126.1-126.3) also outline conditions regarding, inter alia, the independence of inspections, young people's access to inspection bodies, the publication of inspection findings, the focus of inspections, the participation of medical personnel in inspections, and the content of inspection reports.

International standards also provide that young people in detention and their parents or legal guardians should have ample opportunity to make requests or complaints to the authority responsible for the particular institution. Procedures for making such requests or complaints should be clear, simple and effective, include an appeals mechanism to an independent and impartial authority, and provide assistance if needs be for young people who have difficulties reading or writing. Identifying effective complaint and inspection procedures as 'basic safeguards' against ill-treatment of young people, the CPT states in its Standards, for example, that **'juveniles should have avenues of complaint open to them, both within and outside the establishments' administrative system, and be entitled to confidential access to an appropriate authority'** (CPT, 2006, para.36).

While the young people who participated in the consultation knew who the Inspector of Prisons is, were aware that they could bring concerns to the Inspector and several of them had met and/or spoken to the Inspector in the past, they had little to say by way of comment other than querying the extent to which the inspection process could contribute to improving conditions and the situations of young people detained in the prison. This was also the case as regards their perceptions of and perspectives on the prison's Visiting Committee.

As regards complaints, participating young people were broadly aware of the complaints process, including avenues of appeal available to them. They said that, in addition to knowledge gleaned from peers who had made a complaint, they had been informed about the process during the period when the Ombudsman for Children 's consultation was underway by means of information sheets placed by the authorities throughout the prison. They reported that this was a change to previous practice:

'... they're after sticking up a load of signs around the jail ... if you want to put in a complaint, do this and do that.'

'... the last week or something, they started putting round little sheets saying ... [they] take complaints very seriously and ... how to get a complaint form'.

Some of the young people said that they had not had reason to make a complaint about the prison: ***'I never really had to put one in'; 'I have nothing to complain about'***. Irrespective of whether or not they had made a complaint in the past, all of the young people were sceptical as to whether a complaint brought by them against a member of staff would or could be handled impartially. Their doubts about the impartiality of the complaints process applied to how a complaint might be handled internally as well as dealt with by existing external bodies:

'... you can call a witness but there's fucking no point calling a witness because ... [they] won't believe them either ... And they never listen to you when you say 'I want to call a witness'.'

'... I don't think complaints are looked at fairly.'

'Anyone that you're saying it [a complaint] to is all got to do with prisons. Like, you make your complaint, you're seeing the Visiting Committee, they're part of the prison. The Governor's part of the prison and the Director of the Prison Service is part of the prison. And the Garda is the same. ... In here, you're just more or less relying on luck.'

In addition, most participants were fearful that making a complaint against a member of staff would have adverse consequences for them:

'All of the officers would turn on you if you did.'

'... the officers just look for an excuse to sack you [from your job].'

'... they just go ... calling you a rat and all'

'There was one officer that was always intimidating, saying he'd punch the head off you if you stuck in a complaint about him.'

A number of the young people said they would navigate this dilemma by making complaints informally and anonymously through the chaplains:

'The best person would be the nuns [the chaplains]. They keep your name quiet and they do something about it.'

Referring to the difficulties of bringing a complaint, one young person suggested that there was a need for an independent, external mechanism to deal with complaints:

'They have one [an ombudsman] for the Garda and they have one for children, like. They should have one for prisoners as well.'

Several young people also suggested that a young person bringing a complaint should be able to call other young people as witnesses and that due account should be given to the accounts of witnesses. They felt this would assist in developing a more comprehensive and accurate picture of what had actually occurred in respect of a particular incident.

The Ombudsman for Children's Recommendations

The Ombudsman for Children welcomes the fact that information about how to make a complaint is now being made more readily available to young people and acknowledges that some members of staff in the prison, including the Deputy Governor and the chaplains, have

been facilitating young people to make a complaint. However, despite this evidence of good practice, the Ombudsman for Children is very concerned that young people feel unwilling to bring a formal complaint. They expressed a lack of confidence that their complaint would be handled impartially and feared that bringing a complaint, in particular against staff they are in daily contact with, would have negative consequences for them.

Concurring with the Inspector of Prisons that 'the perceived fairness of a complaints system by prisoners is fundamental to its effectiveness' (IP, 2010b, para. 3.11), the Ombudsman for Children urges the prison authorities to take all necessary steps to ensure that the internal system for handling complaints from young people is consistent with best practice. One measure that the Ombudsman for Children recommends in this regard is that all young people under 18 detained in the prison should be supported by an appropriate person in the context of bringing a concern or complaint to the attention of the authorities as well as in any other circumstances where they may feel vulnerable or lack confidence that their voices will be heard and their views taken into account – for example, in relation to the handling of child protection issues or of any infractions they may be involved in.

The Ombudsman for Children is of the opinion that the young people's perspectives, together with the Inspector of Prisons' preclusion under the Prisons Act, 2007 from handling individual complaints, highlight the need to introduce an external, independent mechanism to handle complaints from young people in St. Patrick's Institution. As noted in the introduction to this report, section 11(1)(e)(iii) of the Ombudsman for Children Act, 2002 currently precludes the Ombudsman for Children's Office from examining complaints from young people detained in St. Patrick's Institution. However, the Oireachtas intended for this provision to be temporary, as the Act goes on to specify at section 11(2)(a) that the exclusion shall cease to have effect on and after such date as may be specified in an order made by the Minister for Health and Children, with the consent of the Minister for Justice and Law Reform. When St. Patrick's Institution ceases to be used as a place of detention for those under the age of 18, 16 and 17 year olds in detention will be able to make complaints to the Office by virtue of the fact that they will be placed in a children detention school. It is anomalous that this same cohort of young people cannot make complaints to the Office at present because they are in a prison rather than a children detention school. This is an issue that the Ombudsman for Children has raised with the Oireachtas and with the Government on a number of occasions and one which has also attracted criticism from international human rights monitoring mechanisms. In light of this, the Ombudsman for Children would urge the Minister for Health and Children and the Minister for Justice and Law Reform to remove the exclusion to her investigatory mandate by making an order in accordance with section 11(2)(a) of the Ombudsman for Children Act. This would ensure that for so long as young people continue to be detained in St. Patrick's Institution, they will have access to an independent, statutory complaints-handling mechanism.

Complaints and Inspections

Irish Prison Service comment

IPS is reviewing the complaints procedures with a view to strengthening confidence. All formal complaints are investigated, allegations of assault are referred to the Gardaí and mechanisms for appeal to IPS are in place. Initiatives to encourage use of the complaints mechanisms include the enhanced provision of information about rights and processes, including during the new induction course, recognising that complaints must respect the rights of those complained against and be based on sound evidence. Confidence is built through firm action where warranted and through explanation, feedback and ongoing vigilance.

2.9. Rehabilitation and Reintegration

According to the Inspector of Prison's Standards, providing for young people's reintegration into society following their detention should involve developing an ethos and environment that counteracts the harmful effects of detention; ensuring young people have access to programmes that help them to address their offending behaviour; affording young people opportunities for social integration in the community while they are in custody; and close linkage between prison services and community services to ensure support is available to young people in their communities following their release (222-225).

In its aforementioned General Comment, the UN Committee forges an explicit link between the best interests of the child, which is enshrined in Article 3 of the UNCRC, and a rehabilitative approach to juvenile justice:

***'The protection of the best interests of the child means ... that the traditional objectives of criminal justice, such as repression/retribution, must give way to rehabilitation and restorative justice objectives in dealing with child offenders.'* (CRC, 2007, para.10)**

As indicated by references made in previous sections of this report, international standards pertaining to juvenile justice and the treatment of young people deprived of their liberty consistently identify the rehabilitation of young people and their reintegration into society, family life, education and employment as the principal objectives of detention. A rehabilitative approach will be multi-disciplinary and inform the approaches taken to matters including accommodation; contact with family and the outside world; health, including drug treatment programmes; and education, training and recreation.

It became apparent during the course of the Ombudsman for Children's consultation that several participating young people had been detained in the prison on one or more previous occasions. One of the most notable features of the consultation was that, while the young people spoke in considerable detail about different aspects of their daily lives in the prison, they appeared to have no real sense that the regime or the services and programmes available to them might facilitate their rehabilitation or their reintegration into society in any full or lasting way.

None of the young people interviewed by the Ombudsman for Children's Office had any wish to be in or return in future to the prison. Moreover, none of the young people were knowingly resigned to future involvement in criminal activity and several of the young people were explicit about their aspiration to further their education upon their release and to move on from whatever the circumstances and actions were that had led to their detention. Instead, the perspectives they shared were suggestive of their being overwhelmed, caught in and between two worlds – 'inside' and 'outside' – and of not being equipped with the choices, opportunities or skills as well as the intensive supports needed to break this cycle:

'They don't help. How are they meant to help us?'

'You're in here, you're trying to stop drugs. You get out, you're selling them ... Big difference.'

In speaking about the period leading up to their release from the prison, the young people had little tangible sense of receiving support focused on preparing them to leave. Rather, a number of the young people described the process of leaving in terms suggestive of a relatively sudden event comprising a series of procedural actions:

'It's a joke really. They should let you know at least a week [in advance] anyway before you go.'

'They bring you down, they give you your clothes, they sign you out and then they fuck you outside the gate. They give you your train ticket ... you get all your grant money ... Same routine as [when] you come in ... It's just backwards.'

'You've to wait in reception until they call you. Then you go down to reception and the holding cell. You get your own clothes ... Then they bring you up to the main office and get your money and your jewellery or phone.'

'If you're under 18, they'll ring your ma ... and try to arrange someone to pick you up ... You just find out [on] the day and then you pack your stuff.'

Suggesting that young people can become institutionalised by the regime operated in the prison, others did not feel they received adequate support to make the transition between what they experience as two very different environments:

'... most people do re-offend. ... Look at the time he's done ... he's institutionalised. There's nothing else he could be used to. The same way with everyone else ... you just get institutionalised ... You get sentenced to six months, ... you're just doing your six months, and there's nothing at the end of that. You're just told 'Here you go, the six months is over, you have to go.' ... You can get yourself ... used to doing things in here. ... Just do things differently on the outside ... You don't have somebody walking beside you every time you move.'

'... the few months before you get out, they should do things like let you go home for a day ... You don't get nothing ... you're just thrown back out to what you're used to ... There's nothing waiting for you ... [T]hey should let you start going home for the night, weekends. Because then you're used to being outside.'

Although several of the young people commented favourably on the benefits of some of the services available to them in the prison, including drug counselling and education, none of them recognised these services as part of a rehabilitative sentence plan and most of the young people could see little or no effective linkage between services provided to them in the prison and services available to them upon their return to their communities. While several young people were aware of the work of one community-based professional to link young people with programmes in their local community and one young person praised the efforts of his probation officer to facilitate his access to education and training opportunities 'outside', questions put by the Ombudsman for Children's staff to the young people about links between prison-based and equivalent community-based programmes were repeatedly answered by the words 'No' and 'None'. One young person felt he would have to depend on his own initiative if he wanted to change things upon his release: **'Sort it all out yourself.'**

Speaking about their aspirations to pursue their formal education and diagnosing the absence of something concrete to do as the principal reason for 'getting into trouble', a number of the young people had a relatively clear vision of the preparation they felt young people should receive prior to their release from the Institution:

'I've nothing to do all day. It's no wonder I can get into a lot of trouble ... Something to do five days a week, you're getting your few pound ... And it's not much, but you know ... I put my name down for it [an education course] ... weeks are going by, nothing ... I'm bored out of my head ... I'm just sitting at home all day doing nothing ... They should have all that ready for you before you get out ... to have your mind focused on something'.

'I'd like to go to Youthreach when I get out ... It was good ... Six months before your release date, start making a plan ... If you don't have something to do, you're just going to end up doing the same thing ... Try to make a plan ... for you ... like a FÁS course so that you have it ... in the first week you're out ... No-one wants to be just going back out and just getting straight back into trouble, because that's what's going to happen if you don't have anything there to do.'

It is notable that the young people's perspectives on the institutionalising effects of detention in the prison and ideas for supports that would facilitate their reintegration and diversion from future criminal activity (pre-release planning, including advance enrolment in education and training programmes and opportunities to return temporarily to their families and communities while in custody) reflect provisions of national and international standards in this regard.

The Ombudsman for Children's Recommendations

It is of concern to the Ombudsman for Children that comprehensive and systematic reintegration measures of the kind provided for in national and international standards and proposed by the young people themselves may not currently be in place. It is also of concern that participating young people did not have a clearer understanding of existing supports available to them both prior to and following release. The Ombudsman for Children recommends that the prison authorities and relevant staff consult further with young people in B Division to identify what additional supports they feel are needed to prepare them for release, how information concerning post-release supports and opportunities can be better communicated, and how young people can be facilitated to become more active participants in planning and decision-making relating to their release and their reintegration into the community following release.

Rehabilitation and Reintegration

Irish Prison Service comment

St Patrick's Institution offers a diverse range of general and specialist services provided both by the Irish Prison Service and in-reaching statutory and non-statutory services. Among these are healthcare, psychiatric, psychological, educational, vocational, counselling, welfare and spiritual services. These services are important in addressing offending behaviour, drug and alcohol addiction, missed educational and vocational opportunities, anger management and self-management in the interest of encouraging positive personal development in prisoners and preparing them for reintegration and resettlement on release from custody.

St Patrick's Institution also offers a range of in-house programmes in the areas of addiction awareness, treatment and counselling (i.e. drugs, alcohol) and takes a proactive approach in developing and maintaining links with a wide range of community and voluntary bodies. There are about 50 such bodies and groups with which the Institution engages and interacts either on an in-reach basis or with a view to securing post-release placements.

The preparation of individualised, coherent sentence plans for offenders is now being strengthened by the formalisation of the process, with direct input from the offender and the various prison services. The plans will help the boys make the most of their time in detention and assist their reintegration into the community. Pre-release planning and contact with community-based agencies will be an important part of the process (see also IPS comment in section 2.1).

3. Summary of OCO Recommendations

Recommendations on cross-cutting Issues

Hearing and involving young people

- Develop safe, inclusive and effective mechanisms for young people to express their views and participate in appropriate areas of decision-making. Ensure young people are supported by an appropriate person to bring concerns and complaints to the attention of the authorities.
- Provide for consultation with and the active involvement of young people in actions and initiatives to improve conditions and approaches to provision for young people under 18 detained in the Institution.

Inconsistent practices

- Implement measures to ensure that a standardised approach is taken to decision-making and the implementation of procedures and practices, including disciplinary measures.

Information and communications

- Facilitate young people to contribute to the development of new information materials about the prison's services and regime. Ensure a proactive approach is taken to making these materials readily available to young people and their families.
- Give serious consideration to young people's proposal about providing a one-to-one information session for all young people shortly after their committal to the Institution. Develop staff skills to provide this induction service.

Staff training and development

- Provide for staff working directly with young people under 18 in the Institution to receive initial and follow-up training in the following areas:
 - child protection policy, procedures and practices;
 - children's rights and the rehabilitative aims of juvenile justice, with an emphasis placed on developing empathetic understanding among all staff of the multiple and complex needs of young people committed to the Institution;
 - building and maintaining positive relationships with young people;
 - effective and appropriate handling of peer-bullying, intimidation and violence among young people;
 - standard behaviours associated with psychological and medical conditions as well as communication disorders that are more prevalent among young people in conflict with the law.

Recommendations on specific Issues

Separation from adults

- Conduct a review and, in so far as is practicable, take corresponding actions focused on improving provision for the separation of young people under 18 from adults in the Institution.

Accommodation

- Implement measures as required to ensure that all cells in B Division are adequately ventilated, appropriately heated, and well lit and maintained. Give serious consideration to young people's practical suggestions for improvements in this regard.
- Take steps to ensure that young people's privacy is appropriately respected, including when they are in their cells.

- Promote respect among all staff for young people's personal belongings.
- Examine whether it is feasible for young people to wear more of their own clothes instead of prison clothing.

Health

- Follow up on young people's views that waiting times for dental treatment need to be reduced.
- As required, review the quality of some of the food and the amount of food provided.
- Take steps as required to ensure that drinking water is clean, palatable and readily accessible to young people.
- Implement any additional measures that can further encourage and support young people's self-care, including the opportunity for young people to shower daily irrespective of their use of the gym.
- Identify additional measures that can further limit dependence on D Division to provide a drug free environment for young people under 18.
- Review the adequacy of existing preventative and remedial mental health services for young people under 18 in the Institution with a view to ensuring that young people have timely access to appropriate, professional support. Introduce measures that bolster young people's capacity to participate actively in safeguarding their mental health. In this respect, forge additional links with appropriate external agencies to improve health education provision, particularly as regards mental health.

Education, training and recreation

- With a view to improving current levels of participation by young people under 18 in education:
 - take further action to address the short-term advantages young people associate with working as a cleaner and to motivate young people to participate fully in education and training opportunities provided in the Institution;
 - work to extend the range of education and training options available to young people in B Division, including by affording them access to a wider range of trade-oriented training opportunities, which reflect their interests and prepare them for future employment.
- Improve current provision in relation to recreational activities. Give serious consideration to young people's concrete suggestions in this regard and particular attention to building on existing work to facilitate external organisations to deliver organised programmes of activity for young people in the Institution.

Contact with family and the outside world

- Examine the scope for taking a more flexible approach to visits, including by giving further consideration to the Visiting Committee's proposals for Sunday visits and use of the open visits room on Saturdays.
- Take a more versatile approach to individual young people's use of the screened visiting area. Endeavour to identify additional measures that could facilitate more privacy and more normal communications between young people and their families in the context of screened visits.
- Examine the feasibility of mainstreaming use of the open visits rooms, including by increasing the number of days on which these rooms can be used. Ensure prison staff respect young people's privacy when they are using the open visits rooms.
- Give serious consideration to young people's ideas for change in relation to phone calls (longer calls and banking calls) and assess whether additional phones need to be installed in B Division.
- Examine whether new media technology might be used and introduced on a pilot

- basis to add to the ways young people and their families can keep in contact.
- Follow up as required on young people's claims that loss of telephone contact is occasionally used as a disciplinary measure and that loss of contact, including visits, can be a side-effect of being on protection. If such practices are being implemented on reasonable grounds, clarify and communicate these grounds to young people.
- Implement additional measures as required to ensure that provision for young people's contact with family and the outside world complies with relevant national and international standards.

Safety and protection of young people

- Develop protocols between the Irish Prison Service and the HSE to ensure that child protection standards and practices implemented in the prison comply with the Children First National Guidelines for the Protection and Welfare of Children.
 - As regards current provision for young people on protection:
 - assess the feasibility of improving capacity to accommodate young people under 18 on protection in B Division;
 - identify protection measures that limit the risk of secondary victimisation involved in placing victims of peer-bullying on protection;
 - ensure that access for young people under 18 to education, recreation and exercise opportunities while on protection are maximised in so far as is practicable.
- Implement measures to address the unacceptable inconsistency between the intended purpose of the special observation cell and how it is perceived and experienced by young people themselves. Such measures should include:
 - a review of existing support services in the Institution to ensure that preventative interventions are adequate enough to preclude use of the special observation cell in all but the most exceptional circumstances;
 - improvements in information for and communications with young people so that young people understand why and how this cell is used without individual young people's confidentiality being compromised;
 - a review of relevant procedures and practices to ensure that young people accommodated in the special observation cell are treated at all times and by all relevant staff in a humane, empathetic and respectful way.
- Take steps as required to provide for a standardised approach to disciplinary measures on the part of all relevant staff and communicate the details of this approach to young people.

Complaints

- Take all necessary steps to ensure that the internal system for handling complaints from young people is consistent with best practice.
- Given the clear need to establish an external, independent mechanism to handle individual complaints from young people in the Institution, I urge the Minister for Health and Children and the Minister for Justice and Law Reform to make an order in accordance with section 11(2)(a) of the Ombudsman for Children Act, 2002 so that my Office is enabled to receive complaints from young people under 18 detained in the Institution.

Reintegration

- Review the adequacy and appropriateness of current reintegration measures and improve current provision as required.

Appendix

During the preparatory phase of this project, OCO staff made contact and held discussions with the following organisations and individuals:

- Fr Tony Riordan
- HSE
- Include Youth (Belfast)
- Inspector of Prisons
- Irish Association of Young People in Care
- Irish Human Rights Commission
- Irish Penal Reform Trust
- Irish Youth Justice Service
- National Council for Curriculum and Assessment
- Northern Ireland Prison Service
- Peter McVerry Trust
- Samaritans
- Staff at Woodlands Juvenile Justice Centre, Co. Down
- Postgraduate students who had conducted research in St. Patrick's Institution

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