

# INSIDE ISSUES

Winter 2015

**The process of placing my office on a statutory footing continues and the draft legislation is currently being considered by the Justice Committee.** I have given evidence to the Committee along with the several others, and the outcome is expected to be decided by the end of this Assembly mandate in May 2016.

## Did You Know?

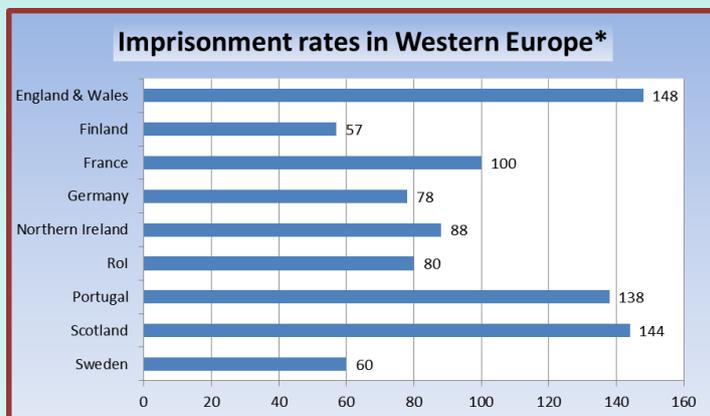
The overall Northern Ireland prison population has reduced by 15% during the past year: on 11th December 2015 the total population was 1,520, compared to 1,747 on the same date in 2014. The Bromley Briefing, produced by the Prison Reform Trust, provides some interesting comparative data with other prisons systems. In relation to prisons in England and Wales its Autumn 2015 edition said:

- At the end of September 2015, 70 of the 117 prisons were overcrowded;
- Increasing numbers of prisoners don't know if, or when, they might be released. 12,053 people are in prison serving an indeterminate sentence. This compares with 3,000 in 1992 and is more than three times as many as France, Germany and Italy combined;
- Purposeful activity levels are currently at the lowest inspectors have ever recorded - they were only good or reasonably good in around a quarter of prisons inspected;
- One in four of the country's prisoners comes from an ethnic minority - compared to one in 10 of the general population.
- During a period when crime has fallen sharply, average sentence length has increased by a third.
- The population of prisoners aged over 60 has tripled;



## Prisoner Ombudsman's Update

- Northern Ireland continues to hold a high proportion of people in prison on remand compared with other countries - 23%, compared with 14% in England and Wales and 20% in Scotland. The average time spent in prison on remand here has fallen by around six weeks and remandees now spend an average of 132 days in custody;
- The NIPS has had a 15% budget reduction in the last four years;
- England and Wales average annual cost per prison place in 2014 was £36,237; Scotland's cost was £34,102; and Northern Ireland's cost was £62,898.



\* per 100,000 population

*Tom McEgagle.*



The  
**Prisoner  
Ombudsman**  
for Northern Ireland

### Access to Rehabilitation Programmes

Mr A was concerned that he would not have sufficient time to complete the required rehabilitation programme in order to be considered eligible for parole.

We investigated his concerns and made a recommendation that the NIPS should make every effort to provide sufficient programmes to meet demand. In the event that this does not happen, the NIPS should explain their reasons for failing to provide programmes to the Parole Commissioners.

**The NIPS accepted the recommendation and said it will be taken forward by their Psychology Service. They also said Mr A would be referred for a programme as soon as possible.**

### Notice to Prisoners about personal property

Mr B complained that some of his clothing had gone missing while drying on a radiator in the recreation room. The Prison Service responded by saying that prisoners are responsible for their own property; and that the practice of drying clothes in communal areas is not advisable and is positively discouraged by staff.

**We did not uphold the complaint but recommended that notices should be placed in all communal rooms advising that property is left at the risk of the owner. The Prison Service accepted this recommendation and a notice to this effect was issued in November 2015.**

### Eligible Complaints Received April 2015 – November 2015

Location	Total	% of all complaints	% of complaints excluding Roe 4	% of overall prison population on 31 March 2015
Maghaberry	196	22%	91%	56%
Roe 4	695	76%	-	2%
Magilligan	18	2%	9%	31%
Hydebank Wood	0	-	-	7%
Ash House	1	-	-	4%
<b>Overall Total</b>	<b>910</b>			

### Access to Sanitation

Mr C complained that when he had been unlocked over lunchtime to use the ablutions, he had filled a basin to bring back to his cell. However an officer told him to put the basin back in the ablutions, and as result he had no access to water to wash his hands.

**The complaint was upheld with the recommendation that staff should be reminded that prior to planned lockdowns, all cells should be equipped with a hand basin and a supply of water. The NIPS accepted this recommendation and Notice to Staff 34/13 was re-issued.**

### Complaints Process - Stage 2 Responses

We noted that, in a large number of complaints which were escalated to our office, the Stage 2 response was still outstanding. We therefore made a recommendation that all prisoners should be routinely provided with substantive Stage 2 responses within the timescales and guidelines set out in the Internal Complaints Process.

**The Prison Service accepted this recommendation, saying that resources have been put in place to deal with the backlog and they are aiming to reach a position that complaints are answered as per the official timescales.**

**Freephone and Registering Complaints**

Depending on the time you use the Freephone to register a complaint you may go through to Voicemail. If so, please leave your name and NIPS complaint reference number so that we can register your complaint.

**Messages are checked daily and you will receive confirmation by letter that your complaint has been received.**

**Stage 2 Responses Overdue?**

**If you have not received a Stage 2 response from the NIPS within the 14 days you can escalate your complaint to us.**

Please call and advise that your response is overdue, or leave a message stating your name and the NIPS complaint reference number and we will progress your complaint.

**E-cigarette**

Mr D complained that he was unable to purchase an electronic cigarette through the tuckshop. The Prison Service responded by saying : *"E-cigarettes are not permitted within the NIPS due to the fact that they contain circuitry and require use of a concentrate of Nicotine solution. Should you wish to cease smoking, Healthcare will provide advice and alternative means of doing this through the use of Nicotine patches."*

We learned that Guernsey State Prison Authority had commissioned a report from the State Analyst's Laboratory on a product called E-Burn, which concluded that the product met their security specifications. After a successful trial, Guernsey Prison placed an order for the product for prisoners to purchase.

**We upheld this complaint and recommended that the NIPS should conduct similar trials on entry level, disposable, sealed-unit E-cigarettes with a view to making them available through the tuck shop. The NIPS did not accept this recommendation in the absence of the regulation of electronic cigarettes.**

**Adjudication Appeals Process**

We investigated a number of complaints about the adjudication process. These highlighted the fact that the NIPS does not have a clear policy regarding appeals against adjudication outcomes. Information Sheet 21 sets out how an appeal can be made: through a legal adviser or by submitting a complaint via the NIPS Internal Complaints Procedure and onwards to the Prisoner Ombudsman. There are a number of difficulties with this process: it is not made clear that making a complaint will be treated as an appeal; no information is provided regarding how, or by whom, an appeal will be considered; and no time limits are given. This Office is also aware that adjudication decisions are routinely reviewed, in the first instance, by the original decision-maker, which is a flawed process.

**We recommended that the NIPS develop a clear policy regarding adjudication appeals, setting out how they can be lodged, who will consider them and the time limits for the process. We further recommended that the NIPS should set an early target to complete its review of the process for appeals against adjudication outcomes. The recommendation, was accepted and NIPS Headquarters are taking it forward.**



**Welcome To:**

**Shirley Burden**  
who joined us in November 2015 as an Investigator on the prisoner Complaints Team.

Shirley has previously worked in the Community Safety Unit and the Department of Employment and Learning.

**FREEPHONE**

**0800 783 6317**

Monday to Friday  
8.30 am - 12.00 noon  
4.00 pm - 5.00 pm



**Remember!**

Your complaint will not automatically come to us.

Please quote your Prison Service Complaint reference number.

## Correspondence with Statutory Bodies in NI

Mr E complained about being told that the rule governing confidentiality of correspondence applied only to correspondence with a legal representative. The Prison Service's response to his complaint reiterated this position.

We established that the response to the complaint was not correct as there are a number of other bodies with whom prisoners can correspond confidentially and made the following recommendation:-

**NIPS should examine Standing Order 5.7.1 with a view to amending it to allow confidential access by a prisoner to his elected representative when acting in a constituency capacity. The NIPS should examine Standing Order 5.3.5 with a view to amending it to allow confidential access to the Law Society of NI, Professional Conduct Committee of the Bar Council of NI, Criminal Justice Inspection NI, IMB, Samaritans, and the Assembly Ombudsman for NI/NI Commissioner for Complaints.**

The NIPS accepted this Recommendation and undertook to review the relevant Standing Orders.

## Removal of Water Filters

Mr F complained that water filters had been removed from his house, and raised concerns about the taste of the tap water and health issues. He had suggested a number of alternatives including purchasing jug filters from the prison tuck shop.

**An investigation found that the filters were removed from the prison as a cost-cutting measure at a time of budgetary constraints. The Prison Service had tested the water in his house after removal of the filters and it was found to be drinkable. However several prisoners had concerns about their removal. We suggested that a pragmatic approach - at no cost to the Prison Service, but which would allay prisoner concerns - would be for filter jugs to be made available for purchase in the tuck shop. In their response the NIPS accepted the recommendation and said that a Governor will liaise with the Tuckshop Manager to take this matter forward.**

## Cleared complaint outcomes year to date

Period	Upheld	Not Upheld	Partially Upheld	Local Resolution	Withdrawn	Total
April to Oct 2015	565 (41%)	609 (44%)	137 (10.5%)	8 (0.5%)	58 (4%)	1,377



### Mandarin

如果你对使用监狱服务处的内部投诉程序有任何问题，请通知监狱人员或拨我们的免费电话，我们将会很乐意告诉你该如何进行。经过监狱服务处的调查后，如果你对结果仍旧不满意，你可以拨我们的免费电话 0800 783 6317 (08.30-12.00 & 16.00-17.00) 向犯人调查官投诉。即使你的英语有限，或完全不会说英语，你也可以拨免费电话。你只需说“Mandarin, 普通话”，接著，会要你稍候；在我们接通翻译之前，可能会暂时没有声音。很重要的。是，你不要挂掉电话，一定要等我们替你接通翻译。一旦接通所需的翻译后，他就能帮你向我们的投诉员提供一些基本细节。



### Polish

Osoby niezadowolone ze sposobu rozpatrzenia skargi przez Służbę Więzienną mogą skierować sprawę do rzecznika osób odbywających karę pozbawienia wolności (Prisoner Ombudsman). Służbę do tego bezpłatny numer telefonu 0800 783 6317. (08.30-12.00 & 16.00-17.00)

Z tego numeru mogą korzystać także osoby niemówiące po angielsku. Wystarczy powiedzieć „Polish, polski” i zaczeć na pożyczanie z tłumaczem. W słuchawce może nastąpić cisza, ale słuchawki nie należy odkładać. Po pożyczaniu z tłumaczem osoba zgłaszająca skargę będzie mogła porozmawiać z urzędnikiem ds. skarg i wyjaśnić, na czym ogólnie polega jej skarga.



### Lithuanian

Jei esate nepatenkintas (-a) tuo, kaip Kalėjimų tarnyba nagrinėjo jūsų skundą, galite skundą perduoti Kalėjimų ombudmeniui, paskambinę nemokamu telefonu 0800 783 6317. (08.30-12.00 & 16.00-17.00)

Šiuo nemokamu telefono numeriu galite skambinti net ir tuomet, jei angliškai kalbate labai nedaug arba visai nekalbate. Jums reikės pasakyti “Lithuanian, Lietuviškai” ir šiek tiek palaukti (gali būti, kad kurį laiką bus tylu), kol mes bandysime jus sujungti su vertėju. Yra svarbu nepadėti ragelio ir laukti, kol jus sujungs. Kai būsute sujungti, vertėjas padės jums Skundus nagrinėjantį pareigūnui suinoti reikalingą informaciją apie jus.



### Portuguese

Se não estiver satisfeito com a forma como o Serviço Prisional investigou a sua reclamação, poderá enviar a sua reclamação para o Provedor do Prisioneiro através do nosso número gratuito 0800 783 6317. (08.30-12.00 & 16.00-17.00)

Pode telefonar para o número gratuito mesmo se tiver poucos ou nenhuns conhecimentos de inglês. Precisar apenas de dizer “Portuguese, português”. Deverá esperar até a sua chamada ser transferida a um intérprete. É importante que não desligue o telefone e permaneça à espera. Quando a chamada for transferida, o intérprete prestará assistência na sua língua materna através do nosso Oficial de Reclamações para obter algumas informações gerais.