

INSIDE ISSUES

Summer 2014



CORPORATE AND BUSINESS PLAN

In March the Prisoner Ombudsman published his Corporate Plan for 2014-17, and Business Plan for 2014-15.

Tom McGonigle said “These plans demonstrate how we will do the things that are required of us over the next three years; and our performance will be accounted for in Annual Reports.

The Plans take account of feedback from prisoners and their families; and they have been developed in consultation with the heads of relevant agencies, as well as Department of Justice officials.

The key goal for the incoming year is to place the Prisoner Ombudsman’s Office on a statutory footing, which will demonstrate visible independence, and underpin information sharing agreements with the other agencies. It is anticipated that legislation will be introduced in 2014 and commence in 2015, by which stage our Office will have been in existence for ten years.”



Welcome To:

Katrina Barr who joined us in July 2014 as Senior Investigator on the prisoner Complaints' Team.

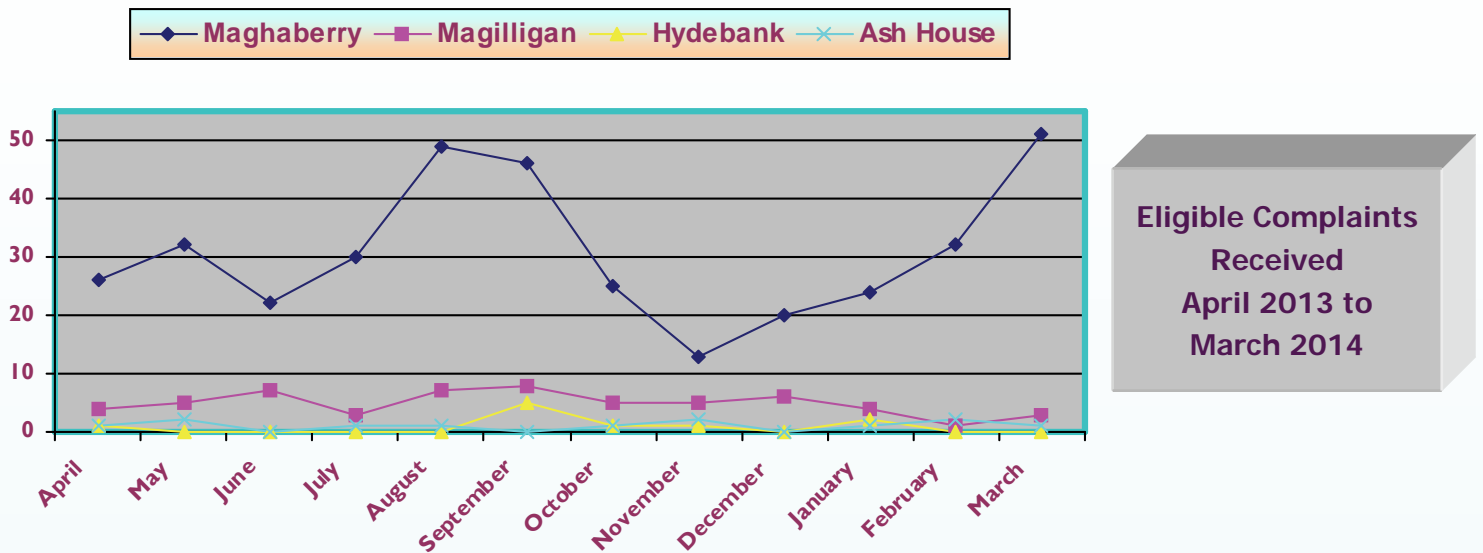
Katrina is a long time civil servant who has previously worked in the DHSS, NIO, Bloody Sunday Inquiry and the DOJ.



The
**Prisoner
Ombudsman**
for Northern Ireland

Complaints Trends April 2013 – March 2014

The NIPS dealt with 6,500 complaints at Stage 1, and 1,200 at Stage 2 during 2013-14. 450 of these were escalated to the Prisoner Ombudsman. The Table below shows that around 80% of the complaints we received came from Maghaberry. Hydebank Wood/Ash House and Magilligan Prison contributed around 10% each.



Did you Know?

Scotland has a much lower prison complaints rate than Northern Ireland. The Scottish Public Services Ombudsman 2012-13 annual report showed:

- 318 prison complaints were received (from around 7,500 prisoners);
- Only 2% came from women although they represented 6% of the prison population;
- 14 complainants made 22% of the complaints;
- 113 investigations were completed;
- 17 complaints were Fully Upheld and another 13 Partly Upheld; and
- 51 Recommendations were made.

The Scottish Public Services Ombudsman said *“Prison complaints tend to be relatively straightforward to handle. This is because rules, procedures and policies govern so much of prisoners’ lives... When we receive a complaint from a prisoner we check to see that the individual has been treated fairly....There is a low uphold rate of 26.5% in the prison sector, compared with 46% rate across all sectors.....”*

Developments since the last edition of “Inside Issues”

- The Statutory Footing consultation closed on April 18th 2014. There were nine responses, including one from a prisoner. The proposals were considered by the Justice Committee on June 11th.
- We published two Death in Custody reports – Mr E and Mr F – on April 30th and May 7th.
- Michael Hillis and Sorcha McGuinness have left the Prisoner Ombudsman’s Office.

RECENT COMPLAINTS EXAMPLES

Local Resolution

Mr A complained that he was not kept informed of the progress of a NIPS investigation into a complaint he had lodged. He suggested it was for the Prisoner Ombudsman to share the findings with him. We had received a copy of the NIPS investigation report, but said it was for the NIPS to share relevant extracts and conclusions of their report with Mr A. This was done and the complaint was therefore “Locally Resolved” without requiring further investigation.

Full body searching and data quality

Four prisoners complained about the extent of random full body searching to which they were subjected, when they were classified as trusted prisoners who complied with all that was asked of them.

Our investigation initially found that the NIPS data indicated the prisoners were not subject to disproportionate levels of full body searching; and that a recent judicial review upheld the NIPS right to conduct full body searches when necessary.

However, when they received the draft report, the prisoners countered that the data provided to us by the NIPS PRISM system was flawed. They were able to produce different data, also supplied by PRISM, which showed higher levels of full body searching.

The NIPS subsequently accepted the data that we received was flawed, due to human error in inputting. This meant it was impossible for the investigation to reach a definitive conclusion. We raised this as a major concern because it casts doubt on the quality of all data provided by the PRISM system.

The NIPS indicated that new arrangements for full body searching were due to be introduced in April 2014. These would be intelligence-led and based on prisoners’ risk categories, rather than random. We await analysis of the new arrangements.

Phone access, diet, full body search and staff attitude

Mr B spent two days on remand in Maghaberry. He outlined a list of concerns about phone access, diet, full body searching and staff attitude. We found that proper procedures were followed in each aspect of his complaint. In some matters there was explicit documentary evidence and/or computer records to disprove his claims.

While it was unfortunate that his period in the custody of Maghaberry Prison caused him distress, his complaints were not upheld.

Visits

Three prisoners complained about changes to their family visiting arrangements. They were low risk prisoners who had for several years enjoyed a relaxed visits regime, with the opportunity to share meals and interact with family members.

The NIPS considered the relaxed visiting arrangements created serious risks in their own right, and were unjustifiable when there was a purpose-built, underused visiting room nearby. It also said several long term, low risk prisoners would soon benefit from moving to the refurbished Burren House, where they would have better access to their families. However none of the three prisoners who complained to us would meet the eligibility criteria for moving to Burren House for 18 months.

Our investigation concluded the new arrangements represented a retrograde step for the complainants. We recommended a phased response so that they and their families would not be disadvantaged unduly.

The recommendation was not accepted by the NIPS. It bolstered staffing in the Visits Hall in order to protect vulnerable prisoners; and gave them an opportunity to walk through the Visits Hall before it officially opened.

Refurbishment of Ash House

Ms C complained that major structural work in Ash House was proving extremely unpleasant and disruptive to herself and everyone who lived there. The NIPS pointed out that the long term aim was to improve facilities for the prisoners, but accepted the high levels of discomfort entailed in the lengthy building process. We recommended that the governor should explore further options for those prisoners to help improve their conditions throughout the continuing construction work in Ash House.

Offending Behaviour Programmes

Mr D complained that a decision on whether or not he was suitable for the Cognitive Self Change Programme was delayed by over a year, which meant the Parole Commissioners had to adjourn his hearing for six months as he could not present evidence that he had made efforts to reduce his risks.

We found it was unacceptable that the assessment process and the commencement of the programme took so long. We recommended the NIPS should provide sufficient resources for the timely assessment of prisoners and subsequent commencement of programmes.

Shortly after this report issued a judicial review found in favour of another prisoner in similar circumstances.



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。



Slovak

Ak nebudete spokojný
s tým, ako Váženská služba
Vašu žiadosť prešetrila,
môžete svoju sťažnosť
predložiť Váženskému
ombudsmanovi
prostredníctvom
bezplatného telefonátu: 0800
783 6317. (08.30-12.00 &
16.00-17.00)

Telefonovať môžete aj
vtedy, ak hovoríte po
anglicky slabšie, alebo ak
anglický jazyk neovládate
vôbec. Stačí Vám len
povedať “**Slovak**,”
Slovenčina”, nechajú Vás
čakať na linke, linka sa
odmlíva, zatiaľ čo sa Vás
pokúsia spojiť s
tumočníkom. Dôležité je, aby
ste nezložili slúchadlo,
zostante na linke. Keď Vás
spoja, tumočník Vám vo
Vašom jazyku pomôže
komunikovať s našim
úradníkom pre sťažnosti
(Complaints Officer) za
účelom získania základných
informácií.



Lithuanian

Jei esate nepatenkintas (-a)
tuo, kaip Kalėjimų tarnyba
nagrinėjo jūsų skundą, galite
skundą perduoti Kalėjimų
ombudsmenui, 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 ve
rtėju. Yra svarbu nepadėti
ragelio ir laukti, kol jus
sujungs. Kai būsite sujungti,
vertėjas padys mūsų Skundus
nagrinėjantiam pareigūnui
sujungti reikalingą
informaciją apie jus.



Romanian

Dacă nu sunteți satisfăcut cu modul
în care Serviciul Penitenciar v-a
investigat sesizarea, o puteți aduce
în atenția Ombudsman-ului
deținuților apelând numărul nostru
gratuit, 0800 783 6317. (08.30-12.00
& 16.00-17.00)

Puteți apela numărul de telefon
gratuit chiar dacă nu vorbiți bine
engleza sau dacă nu o vorbiți deloc.
Trebuie doar să repetați
„**Romanian, român**”. Va trebui
să așteptați apoi - îi este posibil să
nu auziți nimic - în timp ce noi vom
încerca să obținem legătura cu un
interpret. Este important să nu
închideți telefonul și să așteptați.
Odată ce obținem legătura cu
interpretul, acesta îl va ajuta pe
funcționarul nostru care se ocupă
de sesizări să obțină de la
dumneavoastră anumite informații
de bază.



Spanish

Si no se sintiese satisfecho con la forma
en que el Servicio Penitenciario ha
investigado su reclamación, podrá
presentársela al Defensor de los Presos,
llamando a nuestro teléfono gratuito:
0800 783 6317. (08.30-12.00 & 16.00-
17.00)

Usted podrá llamar a este teléfono
gratuito incluso si habla poco o nada de
inglés. Sólo necesita decir: “Spanish,
Español”, y le pondremos a la espera;
quizás se produzca un silencio mientras
le conectamos con un intérprete. Es
importante no colgar y mantenerse al
teléfono. Cuando le hayan conectado,
el intérprete de su idioma ayudará, a
través de nuestro Funcionario de
Reclamaciones, a obtener cierta
información básica de usted.



Latvian

Ja jūsu vārds izvērtējis
apmierināt ar to, kā
Cietumu dienests izskatījis
jūsu sūdzību, jūs varat lūgt,
lai jūsu sūdzību izskatītu
Ieslodzīto ombuds,
piezvanot pa mūsu
bezmaksas tālruni 0800 783
6317.

Jūs varat zvanīt pa
bezmaksas tālruni arī tad, ja
runājat angliiski pavisam
nedaudz vai pat tad, ja vispār
nepārzina angļu valodu.
Jums tikai atliek pateikt
“**Latvian, latviešu**” un jums
būs kādu brīdi jāpagaida pie
tālruna (šajā laikā tālrunis
klusums), kamēr mēs centīsimies
pieslēgties tulkam. Ir svarīgi,
lai jūs nenoliktu klausuli un
paliktu pie tālruna. Kad tulkam
būs pieslēdzies sarunai, višs
vai viņa jūsu dzimtajā valodā
sadarbībā ar mūsu sūdzību
daļas darbinieku noskaidros
no jums pamata informāciju.



Polish

Osoby niezadowolone ze
sposobu rozpatrzenia skargi
przez Służbę Więzienną
mogą skierować sprawę do
rzecznika osób
odbywających karę
pozbawienia wolności
(Prisoner Ombudsman). Służby
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 zaczekać
na połączenie z tłumaczem.
W słuchawce może nastąpić
cisza, ale słuchawki nie
należy odkładać. Po
połączeniu z tłumaczem
osoba zgłaszająca skargę
będzie mogła porozmawiać
z urzędnikiem ds. skarg i
wyjaśnić, na czym ogólnie
polega jej skarga.



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.
Precisará 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.