

INSIDE ISSUES

Winter 2014



Tom McGonigle

Prisoner Ombudsman's Update

There have been some important developments since the last edition of Inside Issues.

The majority of complaints to my office come from Maghaberry Prison. The governor has initiated a programme to improve the outcomes of prisoners complaints. This includes training for SOs and managers in handling complaints; re-investigating complaints which we suggest could have been handled better at Stage 1 or Stage 2; and examining recommendations which the Prison Service has accepted, to assess how well they have been implemented.

My office is helping with this work: we identify the cases for re-examination and the sample of cases where our recommendations have been accepted; and we contribute to the SO training.

It would be very helpful to receive feedback from prisoners, so if you can provide any experience - positive or negative - of recommendations that were accepted, please let us know.

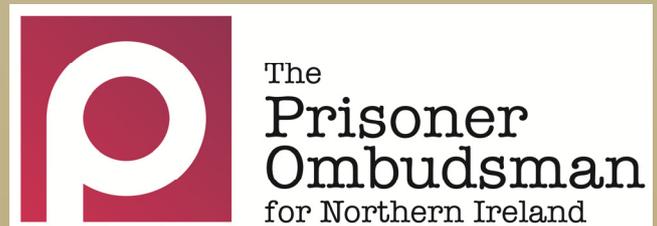
- o ***You can use the Freephone or write to us at Freepost RTHR-AYRR-TKJK, Unit 2, Walled Garden, Stormont Estate, Belfast BT4 3SH.***
- o In November I wrote to the Minister of Justice and the Minister for Health to draw their attention to my concern about death in custody cases where it has been necessary to repeat recommendations that were previously accepted. I hope this will lead to improvements.
- o One of the main recent complaint themes has been about unscheduled lockdowns and restricted regimes. I am concerned about the negative impact these can have on prisoners, especially if they become a regular occurrence. The Prison Service have assured us they are making every effort to keep unscheduled lockdowns to a minimum. However they explain that, due to staffing shortages, further unscheduled lockdowns may be unavoidable. I will continue to monitor this situation, and have recommended that all possible opportunities should be taken to provide prisoners with as much time out of cell as possible.



Welcome To

Robert Bannon who joined us in September 2014 as an Investigator on the prisoner Complaints Team.

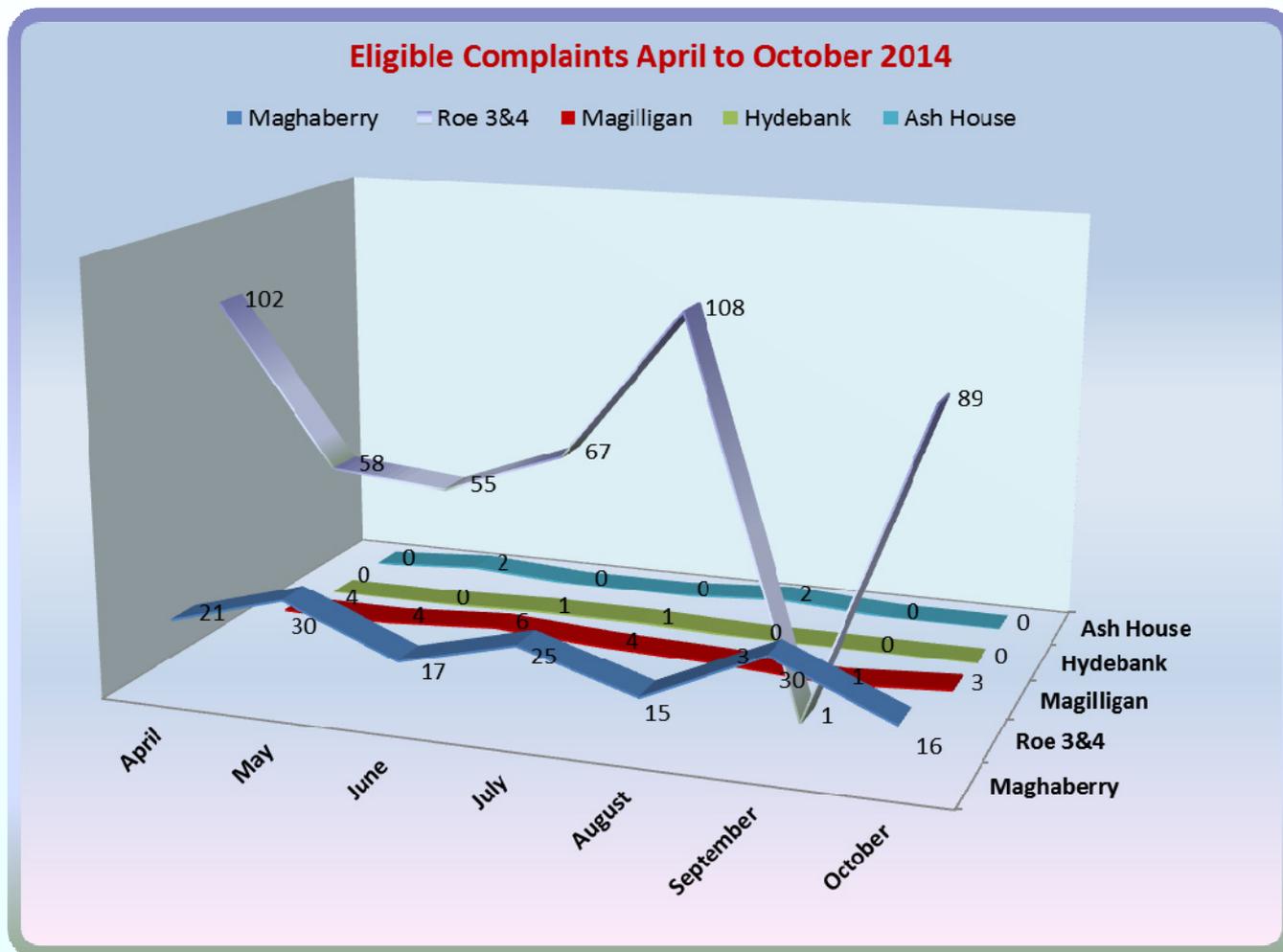
Robert has previously worked with the NI Housing Executive and has considerable investigative experience in the public sector.



The
**Prisoner
Ombudsman**
for Northern Ireland

Complaints Trends April 2014 – October 2014

Feedback from prisoners after the Summer 2014 Inside Issues requested more information about complaint trends. We received a total of 665 complaints between April - October 2014. The graph below shows that around 95% of complaints came from Maghaberry, of which 75% were from Roe 3&4. Magilligan Prison contributed around 4% and Hydebank Wood/Ash House about 1%.



Failed Drugs Test

Mr A complained that he had been dropped in regime following a failed drugs test, the results of which he disputed as he maintained he only took prescribed medication. Both residential and medical staff were surprised at the result, given Mr A's positive history. However the test was recorded on PRISM as a fail, and was considered as such during an adjudication.

Our investigation found evidence to suggest that Mr A failed the drugs test as the result of other factors, and not due to illicit drug use. A recommendation followed that the failed test should be expunged from his record.

While the Prison Service was initially not willing to amend Mr A's records our recommendation was accepted, and the reference to a failed drugs test was removed from Mr A's record.

Refurbishment of Ash House

In the Summer edition of Inside Issues we highlighted a complaint from Ms B about disruption caused by the construction work in Ash House.

The work was completed in September and the new accommodation, named Ornella (which is a flowering ash tree), appears to have been well-received by the women prisoners.

This is a positive development, as is the relaxation of movement between landings, which has considerably assisted the atmosphere for prisoners and staff in Ash House.

Privileged Mail

We have had several complaints about handling of privileged mail. Mr C complained about the treatment of his privileged (legal) mail during a cell search. He had been advised at Stage 1 of his complaint that his legal papers would have been searched, but not read. He said that he had not been given an opportunity to identify and take his legal mail with him during a cell search, and that his correspondence had not been left in proper order.

Our investigation found that a rub down body search was conducted at the same time as the cell search, and the prisoner would have been in the vicinity of his cell when it was being searched. He should therefore have been allowed to identify his legal documents, and they should have been examined, but not read in his presence; and he should have been allowed to remove them from his cell before the cell search. A Judicial Review in 2003 determined that 'the prisoner should be confident that the confidentiality of the documents will not be compromised.'

The NIPS has accepted a recommendation to remind staff they must ensure the confidentiality of legal and privileged documentation in the event of a cell search. In this instance an apology was also issued to Mr C.

Missing Property

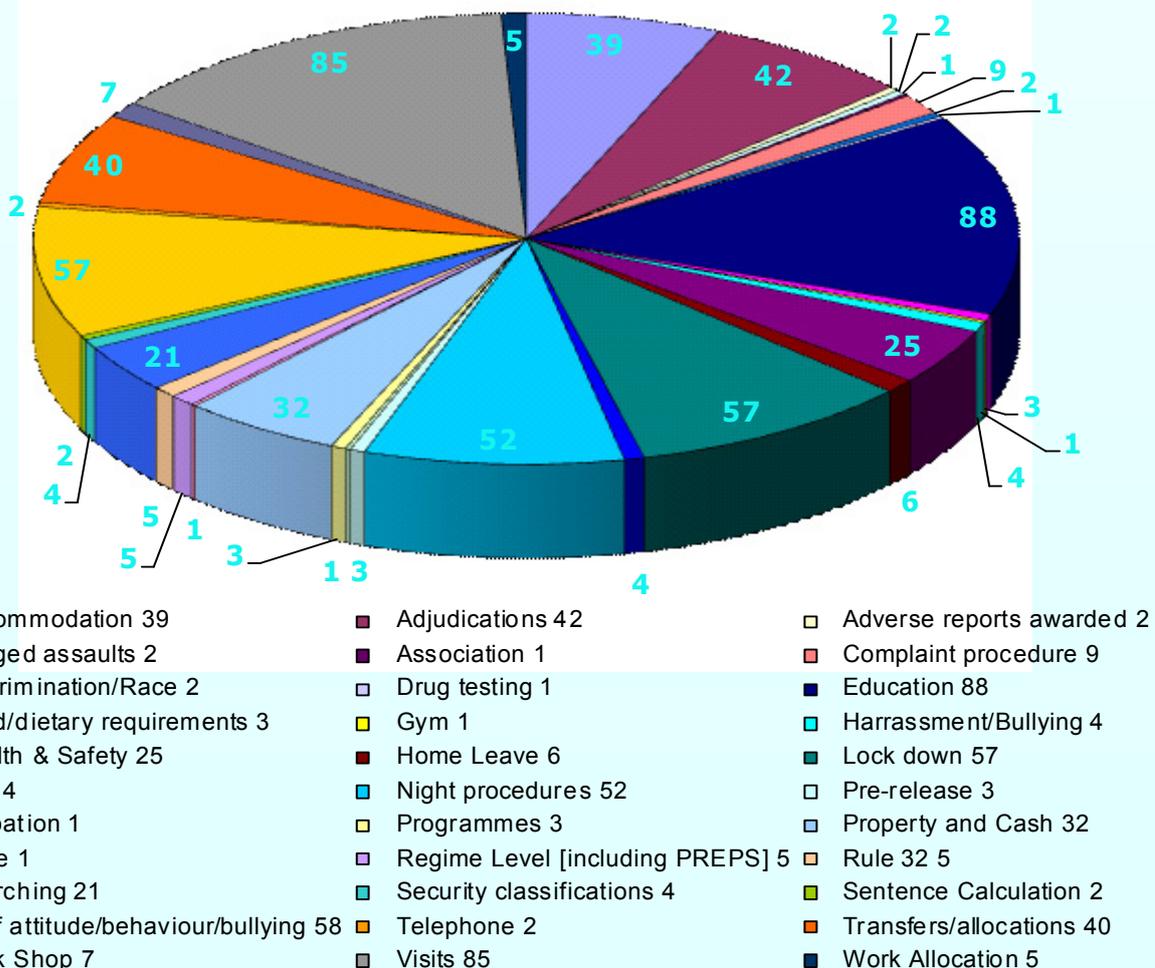
Mr D was unhappy with how a property claim had been dealt with in Maghaberry. The complaint related to the whereabouts of a gold chain that had gone missing about three years earlier, and who was responsible. The Prison Claims Unit made an offer of compensation but this was declined by Mr D. He then took his claim to the Small Claims Court but his claim was rejected as he had no proof of ownership.

The main element of Mr D's complaint to our office related to how the prison had investigated the loss, and possible theft of the chain. We have investigated other complaints about items going missing from the property rack in Maghaberry, and highlighted a lack of facilities for storing valuables securely.

A number of recommendations were made including better facilities for safe storage of prisoners' property, and reliable methods of recording to provide audit trails and accountability.

The Governor confirmed that a secure tagging system has been introduced, with clear audit trails, and security locks have been put in place in the main property store.

All Complaints by Topic April - October 2014



Visitor Complaint

Visitor E complained about her visit being suspended, without prior notice. Prison staff had reported that on her previous visit she threatened a passive drugs dog and it's handler after the dog indicated on a member of her party. Her visit was allowed to proceed on the day, but when she turned up for her next visit, admittance was refused because of the alleged threats.

The Prison Service deemed her behaviour 'unacceptable' but, imposed no further sanctions. The visitor accepted she had muttered in frustration at the time and commented that the dog "should be put down." We found that while the comment was made, there was no suggestion or evidence that she was physically threatening or abusive to the dog or its handler. We concluded that suspension of the subsequent visit was an over-reaction and recommended it be re-instated. We also recommended that she should receive an apology. Although the Prison Service accepted the first recommendation they did not accept that an apology was appropriate, stating that it was reasonable to suspend the visit pending the outcome of their internal investigation "which is the practice in all such cases". The visit was re-instated and, although the visitor did not receive an apology, she welcomed the conclusions and recommendations made.

Access to Library

Mr F complained about not being able to borrow books from the library. In response to his complaint the Prison Service advised him that the library's record IT system had developed a malfunction and services had to be temporarily suspended while technicians tried to fix the problem. Mr F was not happy with that response maintaining that he was "being wrongfully denied my right to borrow books at least once per week as provided in NI Prison Rules".

During our investigation the library staff were asked if consideration was given to manually issuing books during the time that the system had crashed. We were advised that as around 150 prisoners pass through the library and can each borrow 2, 4 or 6 books, depending on regime, this would not be feasible. Prison rules state that "a library shall be provided in every prison, and every prisoner shall be allowed to have books or other items borrowed from the library, and to exchange them, under such conditions as the Governor may determine. However, there is no requirement in the Rules to provide this service on a weekly basis.

We did not therefore uphold this complaint and made no recommendations.



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 Wyznieną mogą skierować sprawy 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 zacześć 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 anglškai 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 būsite sujungti, vertėjas padės mums Skundus nagrinėjantiam pareigūnui sužinoti 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.