

SAFETY REVIEW TEAM

**The Rt Hon Paul Murphy MP
Secretary of State for Northern Ireland
Northern Ireland Office
Block B
Castle Buildings
Belfast
BT4 3SG**

29 August 2003

Dear Secretary of State

REVIEW OF SAFETY AT HMP MAGHABERRY

When you appointed us on 7 August you gave us the following terms of reference:

“to consider, in consultation with prison management, staff, their unions, prisoners and other interested groups and taking account of relevant practice in other jurisdictions, the options for improving conditions at Maghaberry Prison, particularly as they relate to safety, for all prisoners and staff, remembering the Prison Service’s statutory obligations as set out in s. 75 of the Northern Ireland Act 1998, and bearing in mind the lessons of the past and the new environment created by the Good Friday Agreement, and to make recommendations to the Secretary of State for Northern Ireland”.

You asked us to report by the end of August and made it clear that what you wanted was a set of recommendations, not a weighty tome. We have taken you at your word. An account of the consultation exercise we carried out and our recommendations are contained in three Appendices to this letter covering options in relation to separation, other issues which came up and a list of the individuals and groups who helped us.

You will see that we have concluded in Appendix A that separation of paramilitary prisoners is necessary in the interest of safety. We reached this view after much soul-searching and on the basis that the Government will never again concede complete control of the wings to prisoners as happened at Maze. We have not spelt out how separation should be arranged within the prison. That is a matter for the Prison Service and the Governor but we are satisfied, from discussions with prison management, that suitable arrangements can be made. We hope that separation outside the wings, for example, in education, can be avoided. Otherwise the regime for separated prisoners could be affected.

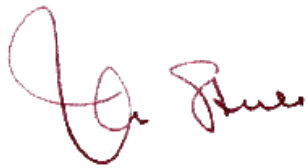
The issues set out in Appendix B all in one way or another relate to safety within the prison. In particular we believe that the regular delivery of a comprehensive regime makes a huge contribution to safety. We hope that the Government will ensure that the resources necessary for this will be made available.

We are very grateful to all those listed in Appendix C who gave us freely of their time and expertise. The Governor of Maghaberry, in particular, could not have been more helpful in facilitating our work in the prison.

There is one point not covered in the Appendices which we wish to raise with you. Unlike Great Britain, Northern Ireland does not have a Prison Ombudsman. We believe that such a post could make a valuable contribution to defusing the tensions which are bound to arise in prisons.

Finally, we should like to mention the contribution made by our Secretary. He arranged our programme and made the necessary appointments, provided us with papers and information and took a full part in our discussions. We could not have managed without him.


We would of course be happy to discuss our report with you.



John Steele



Kevin Donaghy



Barry Dodds

APPENDIX A

OPTIONS RAISED DURING CONSULTATION

1. Maintain Status Quo

Very difficult to do, particularly if, as is likely, protests become more widespread or escalate and the number of paramilitary prisoners continues to increase. Prison staff might well be put at even more risk. And we note in passing that it is only for so long that the system can go on returning prisoners from the special secure unit after punishment in the full knowledge that they will foul their cells to the detriment of everyone on the wing.

2. A Degree of Separation.

The only method of achieving this which the Review Team has identified would involve placing clusters of Republicans and Loyalists in cells at each end of a landing with ordinary criminals in between. Control of movement between the two halves of the wing would bring some increase in safety but would be unlikely to lead to the end of protests for separation. In addition, ordinary criminals would be even more open to bullying and recruitment than at present.

3. Use Cell Blocks At Maze.

Removing protesting prisoners to the Maze, where we understand two blocks remain functional, would be likely to lead to Maze-style segregation for both Republican and Loyalist prisoners. It would constitute a big backward step for the Prison Service and would be seen as such in the community.

4. Use of Magilligan.

High security prisoners could be moved from Maghaberry to the H block accommodation at Magilligan on separation with the lower risk Magilligan prisoners replacing them at Maghaberry. This would permit Maghaberry to operate as an integrated establishment. However, “Maze at Magilligan” would again be a step backwards. We note in passing that Magilligan is currently working well.

5. Compounds.

The establishment of compounds with military guards might well be welcomed by paramilitary prisoners and would permit Maghaberry to operate normally but in every other way would be unacceptable.

6. Religious Separation.

If Maghaberry was separated on religious lines the paramilitary prisoners might well feel safer but the ordinary criminals would have been delivered into their hands.

7. Separation By Paramilitary Affiliation.

This could provide a safer environment provided:

- staff remain on landings;
- normal lock-ups are applied;
- and
- prisoners have the option of mixed accommodation.

In other words, Maze-style segregation is out of the question on safety grounds and the Government and Prison Service would have to make it clear beyond doubt that 24 hour unlock and the withdrawal of staff are not negotiable. The staff involved would require special training

and strong support. Prisoners would be subject to punishment for misbehavior, perhaps using the Port Laoise model of loss of visits or television for a period instead of cellular confinement. In serious cases removal of a prisoner to another jurisdiction might be considered.

ISSUES WHICH AROSE DURING REVIEW

RESOURCES

1. Staffing Levels.

In recent times the Governor of Maghaberry has not been able to provide a full regime to prisoners, particularly those on remand. This seems to derive from recent protests and high levels of sick absence as well as an inefficient shift system. The Director General has told the Review Team that steps are being taken to improve attendance management and to deal with the high levels of sick absence. The Review Team welcomes this but wishes to emphasise that an irregular regime and long lock-ups work against the safety of prisoners and staff.

2. Fine Defaulters.

Fine defaulters consume a lot of resources which could be used more beneficially. The Secretary of State should find a way of dealing with them other than imprisonment, for example community service. In the meantime they should go to Magilligan rather than Maghaberry.

3. Detainees.

A number of detainees are held in Mourne House. The Review Team suggests that urgent steps are taken to deal with them outside the prison system.

STAFF

1. Morale

In general the morale of staff in Maghaberry is not high. The leaking of large numbers of their names and addresses has not helped. Neither has a subsequent incursion of Republican dissident supporters into Dundonald House. And these were compounded by what the staff see as foot-dragging and penny-pinching on security precautions at their homes. The pipe bomb attacks at the homes of several officers has emphasized the dangers. In addition, staff feel they do not receive credit for what they do and that management does not always support them as fully as they might. The Review Team's report may not help matters as it will be seen by many as another concession to prisoners. These issues together constitute a leadership/management challenge of a high order and a concerted strategy should be drawn up, involving Headquarters and the prison, to address it.

2. Prison Officers Association

Relationships are poor between the two local Maghaberry Committees of the Prison Officers Association and the Governor. So are the relationships between the POA at regional level and Prison Service Headquarters. This is unhelpful all round and steps should be taken to rectify matters. A good start was made during the Review when the POA responded positively to a Headquarters proposal for a review of the regimes, task lines, shift patterns etc.

3. Confidence

The Governor should do everything in his power to build up the confidence of staff, especially those who deal with paramilitary prisoners. Training, sympathetic management, close support and help after serious incidents, as well as regular change of work area, can all play a part.

4. Recruiting

When recruiting recommences a special effort should be made to recruit from the nationalist community. This may not be easy but the effort should be made.

REGIME

1. Doubling.

The Review Team considers that the cells in Maghaberry prison are unsuitable for holding two prisoners, except perhaps those serving very short sentences, and hope that the Governor will work towards a substantial reduction in this practice.

2. Remand/Sentenced.

At present sentenced prisoners and those on remand are held separately. The Review Team considers that greater efficiency in regime delivery might be achieved if they could be held together.

3. Bureaucracy.

It should not be necessary to apply every day for prescribed medication. Nor should it be necessary to fill in a form if you want to go to church. And an efficient letter censoring process should be regarded as a priority.

4. Newspapers.

Newspapers for prisoners can only be ordered and paid for at a newsagent in Maghaberry village where some nationalist families feel uncomfortable because of loyalist flags and symbols. A second supplier should be identified at a neutral location.

5. Drugs.

It is never going to be possible to eliminate drugs from a prison but every effort should continue to be made to do so. A drug-free area or areas should be established.

SECURITY

1. Cameras.

The Review Team considers that the closed circuit television system should be upgraded and extended throughout the prison.

2. Reserve accommodation.

At present there is little reserve accommodation available in the Northern Ireland Prison system (other than Maze which will soon become unavailable). This needs to be rectified as soon as possible either by accelerating a proposed new build at Maghaberry or by arranging other emergency measures.

3 Searching.

The Review Team was told that prisoners are not searched on return from workshops and that x-ray and metal detector machines are often turned off. This needs to be rectified.

4. Staff Security

Staff consider that their security could be improved if staff and visitors did not enter the prison at the same gates and if the staff car park could not be seen by visitors. The Review Team considers these fears to be not unreasonable in all the circumstances and suggests the Governor examines ways of meeting them. Similarly staff feel that security precautions at their homes are being implemented too slowly. The Northern Ireland Office should examine ways of speeding things up.

5. Quakers

At present Quaker staff are required to enter the visits area through the search box with prisoners. This can be an unpleasant experience and staff should be permitted to revert to entering with visitors.

VISITS

Family visits should be a pleasant and beneficial experience for all concerned. There is, however, at present a whole complex of problems associated with family visits at Maghaberry leading to much dissatisfaction and anger. There are problems getting through to the prison to make a booking, problems with queuing at the gate in all weathers, problems of timing, problems relating to the environment in visits and, last but not least, problems relating to the passive drug dogs and the use of closed visits. In addition, families allege that prison officers'

attitude to them is very much less than satisfactory. The Review Team has discussed the situation with the Director General and suggested to him that these problems are urgent and that closer management and training should be put in place immediately.

COMMUNICATION

1. Public Relations.

The general public in Northern Ireland harbour a number of misconceptions about prisons here. These range from “too soft” and “the prisoners get whatever they want” to “the prisoners are victimized by a sectarian staff”. The Prison Service should draw up a plan to inform the public about the realities of life in prison for staff and inmates. This would lead to greater understanding of the role of prison officers and make it more difficult to justify prison-related protests and street demonstrations. It may be appropriate to engage a public relations consultant/agency.

2. Prisoner Support Groups.

At present the Prison Service appears to have little communication with political and other groups representing the interests of prisoners. The Review Team believes that building constructive relationships with such groups at Headquarters and establishment levels could be useful for both the Service and the prisoners.

APPENDIX C

List of Consultees

Director General, Northern Ireland Prison Service

Director of Prison Operations, Northern Ireland Prison Service

Governor of Maghaberry Prison

Deputy Governor of Maghaberry Prison and Management Team

National Chairman of Prison Officers Association

Chairman of Prison Officers Association (NI)

Members of Maghaberry Prison Officers Association Committee

Members of Mourne House Prison Officers Association Committee

Area Chairmen and Secretaries of the Prison Officers Association

Chairman and members of the Prison Governors Association

Chairman and members of the Board of Visitors at Maghaberry

Representatives of the Northern Ireland Public Service Alliance

Maghaberry Chaplains

Maghaberry Education Staff

Head of Psychology at Maghaberry

Maghaberry Probation Staff

Individual members of staff at Maghaberry

Individual prisoners at Maghaberry (over 100 separate consultations)

Governor and senior members of staff during visit to Magilligan Prison

Individual prisoners at Magilligan

Governor and members of staff during visit to Hydebank Wood

Representatives of Prisoners Families

Northern Ireland Association for the Care and Resettlement of Offenders

Ex Prisoners Interpretative Centre

Prisoners Aid Networking Group

Ulster Political Research Group

Alliance Party

Social Democratic and Labour Party

Ulster Unionist Party

Sinn Fein

Progressive Unionist Party

Democratic Unionist Party

United Kingdom Unionist Party

Quakers

Irish Republican Prisoners Welfare Association

Loyalist Commission

Governor and senior staff during visit to Port Laoise Prison

Director General, Irish Prison Service

Director of Operations, Irish Prison Service

Written submissions to the Review Team (as at 28 August 2003)

Alliance Party

British Irish Rights Watch

Sinn Fein

Board of Visitors Maghaberry

Extern

Progressive Unionist Party

Individual Prisoners

Individual members of Prison Staff

Northern Ireland Association for the Care and Resettlement of Offenders

Ulster Political Research Group

Prisoners Aid Networking Group

Father Denis Faul

Principal Psychologist at Hydebank Wood

Head of Psychology at Maghaberry Prison

Dungannon and South Tyrone Borough Council

Law Centre (NI)

Ex Prisoners Interpretative Centre

Ex-prisoners Assistance Committee Ltd