

**Opening Statement to the Joint Committee on Justice**  
***General Scheme of the Inspection of Places of Detention Bill 2022***

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**Opening Remarks**

I thank the sub-committee for the invitation to contribute to the discussion of the draft Bill on Places of Detention and its facilitation to do so in the circumstances. *My name is Dr Joe Garrihy and I am an Assistant Professor of Criminology at the Maynooth University School of Law and Criminology. I am a specialist in penology including national and international frameworks, policies, prison systems and prison literature. I hold a PhD in Criminology from the UCD School of Law. My research examined diverse areas including prison officers' occupational cultures,<sup>1</sup> 'cocooning' in prison<sup>2</sup> and minority ethnic<sup>3</sup> and Foreign National Prisoners in Ireland. My collaborative and co-produced work has established relationships with the Irish Penal Reform Trust, the Irish Council for Prisoners Overseas, the Pathways Centre, the Irish Prison Service, the Probation Service and HM Prison and Probation Service in England and Wales among others.*

I welcome the production of a draft Bill as a step toward the ratification of the Optional Protocol to the UN Convention against Torture (OPCAT) and the associated progression in prison oversight in Ireland. The development and consistent review of an effective system of prison oversight should not be an aspiration, rather it is the minimum standard required of the Irish state and the Bill presents an opportunity that must be grasped to ensure this.

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<sup>1</sup> Joe Garrihy, "There Are Fourteen Grey Areas": "Jailing", Professionalism and Legitimacy in Prison Officers' Occupational Cultures' (2020) 17 Irish Probation Journal 128; Joe Garrihy, "That Doesn't Leave You": Psychological Dirt and Taint in Prison Officers' Occupational Cultures and Identities' (2022) 62 The British Journal of Criminology 982; Joe Garrihy, 'Prison Officers' Occupational Cultures and Identities: The Search for Meaning in Prison Work' (PhD Thesis [Unpublished], University College Dublin 2019).

<sup>2</sup> Joe Garrihy, Ian D Marder and Patricia Gilheaney, "Cocooning" in Prison during COVID-19 – Findings from Recent Research in Ireland' (forthcoming) 0 European Journal of Criminology 1; Office of the Inspector of Prisons, Joe Garrihy and Ian Marder, 'Ameliorating the Impact of Cocooning on People in Custody' (Office of the Inspector of Prisons 2020) <<https://www.oip.ie/wp-content/uploads/2020/07/Ameliorating-the-impact-of-cocooning-on-people-in-custody-a-briefing.pdf>>; Ian Marder, Joe Garrihy and Inspector of Prisons Patricia Gilheaney, 'How Would You Cope with Cocooning in Prison?' <<https://www.rte.ie/brainstorm/2020/0729/1156139-cocooning-prison-ireland-covid/>> accessed 26 March 2021.

<sup>3</sup> David M Doyle and others, "Sometimes I'm Missing the Words": The Rights, Needs and Experiences of Foreign National and Minority Ethnic Groups in the Irish Penal System' (Irish Penal Reform Trust 2022) <[https://iprt.ie/site/assets/files/7076/iprt\\_the\\_rights\\_needs\\_and\\_experiences\\_of\\_foreign\\_national\\_and\\_minority\\_ethnic\\_groups.pdf](https://iprt.ie/site/assets/files/7076/iprt_the_rights_needs_and_experiences_of_foreign_national_and_minority_ethnic_groups.pdf)>.

There are three key areas that I will briefly mention in this statement but I am happy to discuss the respective submissions of Dr Marder and myself afterwards.

These areas are:

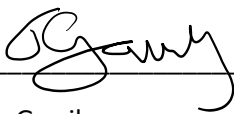
1. The independence of the proposed Inspector of Places of Detention (IPD).
2. The clarity of roles, obligations and expertise of the proposed IPD.
3. The implications and opportunities for a replaced or reformed Prison Visiting Committee (PVC).

The ratification of OPCAT is imperative but under Article 18 of the Protocol, oversight bodies or National Preventative Mechanisms (NPM) must have, in perception and practice, full independence from prison services (management and staff) and government officials and departments. This independence must include (but is not limited to) financial and resourcing, publication capacities, staffing and the commission of external expertise. NPMs must be precisely that, preventative rather than reactionary. The pernicious effects of imprisonment are well-versed in the literature and imposing sanctions must be proportionate while avoiding known collateral harms.

I acknowledge that the Bill remains in draft form and further work will provide additional details and clarifications on several matters. However, the draft Bill would benefit greatly from clarity in many areas of language, structure and content on topics including but not limited to IPD powers, obligations, expertise, and resources. Questions remain about these issues and the opportunities afforded by the spirit of the proposed Bill would be best served by careful evidence-based decisions in these areas.

The draft Bill will have major implications for the reform or replacement of Prison Visiting Committees. While overdue, fundamental questions must be addressed directly about the aims, role and structures of the PVCs. To maximise the utility and effectiveness of any future form of PVC, due regard must be given to issues such as role clarity and powers, the appointment of chairs and members, term limits, diversity and representation, training and expertise, publications, visibility and engagement with people in custody.

I appreciate that these comments are necessarily brief but I am happy to elaborate further upon request and look forward to the forthcoming discussion.



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