



Ms. Nicola Kelly, (Secretary)

Judicial Planning Working Group,
Department of Justice,
51 St. Stephens Green,
Dublin 2.

26 July, 2021

Dear Nicola,

I refer to your letter of 30 June, 2021 last requesting submissions to the Judicial Planning Working Group in relation to the Terms of Reference of the Working Group from the Irish Prison Service.

There are two specific issues which relate to the Group's Terms of Reference that I wish to comment on from the perspective of the Irish Prison Service (IPS). These relate to the number of prisoners on remand in the prison system and the need to continue and enhance the use of videolink for appearances at court hearings by those in custody.

1. Numbers in Custody and Increased numbers held on Remand/Trial

As you will be aware the number of people in custody in our prisons has always been subject to fluctuation, with trends of reducing prisoner numbers often followed by periods of sustained increase. Factors external to the Irish Prison Service are the main driver in these changing trends and these include overall population changes; changes in Garda numbers and the resulting crime detection rates; increases in court sittings and the resultant increase in court outcomes leading to custodial sentences.

All these factors impact the annual committal rate to our prisons. Prior to the onset of Covid-19 the numbers in custody had been subject to a sustained increase, with this increase only ceasing due to the impact of Covid-19 on the criminal justice system. In 2018, a sharp increase was experienced in the total number of prisoners in custody. By the end of 2018 the total number of people in custody in our prisons had increased to **3,911** – an increase of **265** or 7% on 31 December, 2017 (3,646).

This upward trend continued and by the end of 2019 the number in custody was **3,950**. The total number in custody in our prisons in 2019 consistently exceeded 4,000 throughout the year.

A notable factor that had been identified in the pre covid-19 increase in prison numbers was the increase in the number of people held on remand and the increase in the length of time some persons spent on remand. In this regard, there was a 15% increase in the number of persons who were committed to prison for trial or remand from 2013 (4,529) to 2019 (5,221). The proportion of committals for trial/remand as a percentage of overall committals to prison has increased steadily from 2013 (59.5%) to 2019 (65.5%).



In 2019, 11.3% of committals on remand were not released within the same year, compared with 6.5% in 2015.

As stated, the impact of covid-19 on the operation of the criminal justice system resulted in a decrease in committals to prison and a decrease in the number in custody. The total number of committals to custody in 2020 decreased by 29% compared to 2019. This is also reflected in the daily average number of people in prison. From March 2020 to March 2021, there was a 6.7% drop (-274) in the daily average number in custody.

However, it would appear that Covid-19 has also further increased the length of time some prisoners have spent on remand with the proportion of **remand prisoners** in custody for a period of one year or more increasing from 5.2% of all remand prisoners in March 2020 to 12.1% of all remand prisoners in March 2021.

Over the same period, the proportion of remand prisoners in custody for less than 3 months declined, from 58.8% to 54.7% of all remand prisoners (see **Table below** for detailed breakdown).

The IPS is a member of the Criminal Efficiencies Working Group and has fed into this Group's work on the impact of the Covid 19 pandemic across the justice sector.

	<1 month	1 to 3 months	3 to 6 months	6 to 9 months	9 to 12 months	1 to 2 years	2 years plus
Jan-20	29.9	31.9	18.5	10.0	3.8	5.3	0.6
Feb-20	36.9	22.2	22.2	7.7	5.6	4.9	0.6
Mar-20	26.9	31.9	23.3	7.4	5.6	4.4	0.6
Apr-20	26.3	30.1	20.9	10.0	6.4	5.7	0.6
May-20	26.3	27.1	20.3	13.5	5.2	7.0	0.8
Jun-20	28.9	25.8	21.9	11.2	4.8	6.7	0.7
Jul-20	30.6	25.1	19.6	10.2	5.7	7.9	0.8
Aug-20	25.0	29.1	19.8	11.3	5.9	8.1	0.8
Sep-20	28.3	24.9	18.7	12.3	7.3	7.3	1.1
Oct-20	30.0	22.2	22.0	9.9	6.1	8.7	1.1
Nov-20	30.3	26.5	17.8	10.2	6.3	7.8	1.0
Dec-20	23.4	27.1	19.9	11.5	6.5	10.2	1.3
Jan-21	27.1	22.2	20.5	11.7	6.3	10.5	1.6
Feb-21	31.6	21.9	18.5	9.4	6.0	10.9	1.7
Mar-21	25.1	29.6	17.7	8.6	6.9	10.2	1.9

Length of time on remand (%)



Use of video Link for Court Appearances

The *2007 Prisons Act, Section 33* legally underpinned the videolink system where prisoners could appear in Courts via videolink. It was however, limited in its scope, never really allowing the videolink proportion of escorts to exceed 10% of the total escorts.

The *Civil Law and Criminal Law (Miscellaneous Provisions) Act 2020* does not make videolink appearances the default in criminal matters, but allows for the type of hearings permitted to be extended to include arraignments, returns for trial, sentencing hearings and certain hearings in relation to surrender proceedings for extradition. While videolink is not the default, the Act gives this authority to the Courts allowing them to make certain proceeding of their choosing by default. This authority is vested firstly in the Presidents of the Courts and subsequently in the Judges themselves.

The use of video link has increased since its introduction over 10 years ago, increasing from 134 cases in 2009 to 3,978 in 2019. The use of videolink for courts appearances has been critical for the Irish Prison Service allowing significant numbers of prisoners to attend for court without compromising Covid-19 infection control measures. The use of videolink increased to 6,419 videolink appearances in 2020, an increase of 61.3% on the 2019 figure. The use of videolink has seen a further increase in 2021 from 6,419 in 2020 to 11,248 in 2021, an increase of 75%.

At the end of 2020 there were 58 courtrooms videolink enabled, with 41 additional courtrooms to be added to the system in 2021.

Data on the increased use of videolink between 2009 and 2020 and comparative figures for 2019 and 2020; and additional data on 2021 usage is set out in the attached document. This information may be useful for your group.

There are significant benefits to be realised to both the State and the IPS in financial terms, but also in less tangible means such as prisoner welfare; and prison and community safety. The benefits include:

- Improved security within prison (as fewer staff leaving on escorts)
- Financial savings (personnel, vehicle wear-and-tear, fuel, subsistence, victualling)
- Care for vulnerable prisoners is improved
- Less disruption of prison regime – workshops/schools open.
- Less disruption of prisoner's structured day by travelling to court for the day
- Minimal risk of escape.
- Reduction of drugs/weapons risk.
- Protection of witnesses and victims in court.
- Reduced wear and tear in Courthouse cells & IPS vehicles.
- Reduced need for cell accommodation at Court location



Yours sincerely,

A handwritten signature in black ink, appearing to read 'Caron McCaffrey'.

Caron McCaffrey,
Director General