

High Level Taskforce on Mental Health and Addiction challenges of Persons interacting with the Criminal Justice System

Subgroup 2: Irish Prison Service and CMH Capacity

Wednesday 3rd March 2022

14:00 – 16:00 via Video Conference

Minute:

Agenda:

1. Introduction and Apologies
2. Minutes and matters arising
3. Group 2 report (this will provide an opportunity to discuss all recommendations)
4. Legislative issues
5. AOB

Attendees:

- **Chair** - John Devlin, Clinical Director, Irish Prison Service
- Prof. Harry Kennedy, Executive Clinical Director, Central Mental Hospital
- Mary O'Regan, Dept. of Justice, Principal Officer, Penal and Policing Policy
- Enda Kelly, National Nurse Manager, Irish Prison Service
- Ben Ryan, Assistant Secretary, Criminal Justice Policy, Dept. of Justice
- Michael Murchan, Assistant Principal Officer, Dept. of Health, Mental Health Unit
- **Secretariat** –Kerrie Keegan, Oonagh Ffrench and John Dunphy, Penal and Policing Policy, Dept. of Justice

Apologies:

- Deirdre O'Flaherty, Administrative Officer, Mental Health Unit, Department of Health
- Seamus Hempenstall, Principal Officer, Mental Health Unit, Department of Health
- Patrick Bergin, Head of Service, Forensic Mental Health Service, HSE
- Dr Narayanan Subramanian, Consultant General Adult Psychiatrist & HSE National Clinical Lead in Dual Diagnosis, HSE

1. Introduction and Apologies

- 1.1. The Chair opened the meeting, welcoming everyone and thanked the members for their work to date. The work of the Group is now coming to a conclusion and it is important to review the work to be undertaken and to make sure that the Groups remit under the IDG recommendations are complete

2. Minutes and matters arising

- 2.1 The first draft of Final Report has been circulated and includes updates on dual diagnosis and IPS step down facilities. The report needs some more editing and refinement and any repetition will be removed. The Group are asked to go through the report and review the Recommendations. It then be re-circulated with these amendments for review
- 2.2 Minutes from 9th February 2022 approved.
- 2.3 IPS meeting on the establishment of a drug and violence free unit has been rescheduled to March 24th 2022
- 2.4 Professor Kennedy has submitted extra text and an additional table but this needs to be included in the draft report

3. Group 2 report (this will provide an opportunity to discuss all recommendations)

- 3.1 All IDG recommendations and TOR have been reviewed at last meeting and the interim report has been updated to include some Recommendations.
- 3.2 The Chair walked the Group through the Draft report and discussion around the various points ensued. All agreed points will be taken on board in next Draft
- 3.3 A discussion regarding implementation was held. It was agreed that the subgroup and HLTF were not tasked with implementation but were required to deliver a high level implementation plan assigning responsibility and timelines. As a high level plan it was noted that the implementation plan would not go into detail on the particulars and that it would be premature to be overly specific. It was noted that budgets are outside scope but the Group can indicate resources that will be needed. This may include the flexibility around the planning of new ICRU models and separate facilities. A table will be circulated to members for these timelines to be set out together with which Department is responsible for implementation of the Recommendation
- 3.4 It was noted that development of PICUs and ICRUs are planned under Sharing the Vision, the national mental health policy. Text regarding implementation can include timeframes and the various actors involved which can then be teased out
- 3.5 The Chair has been in contact with Dr. Narayanan regarding dual diagnosis. The HSE has a funding stream to support this work. This is a major part of the Taskforce and reinforces the importance of a safe environment. There will be a need to establish an IPS Group to examine this and this will happen in the coming weeks.
- 3.6 The HSE will contact their drugs team and see if they have any additions to the text, especially as these are funded services

4 Legislation

- 4.1 Professor Kennedy gave an overview of required legislative changes as a follow-on to his letter circulated to members at last meeting. These included a provision of a delayed period before Court in order to provide an assessment
- 4.2 It was suggested that the Unfit To Stand Trial legislation needs to be abolished. This links in with CMH capacity and will need perhaps to be explored further at HLTF Plenary

- 4.3 It was stated that the verdict of NGRI will need to be amended as it outlines that person is unable to refrain from behaviour which simply does not exist. It is dehumanising and quite dysfunctional. It also impacts on CMH capacity as there is no timeframe involved in the detention of the person
- 4.4 Another option would be Hybrid Orders, which would involve persons receiving appropriate treatment after which they return to prison. At the end of the sentence they would enter into supervision in the community. The Courts would attach a tariff to the sentence so if the person needs further treatment after their sentence it will most likely be in a forensic setting
- 4.5 Proposed legislative changes will be included in the draft final report

AOB:

- The Chair will make appropriate changes to the report as per the suggestions at meeting. All members should submit text as soon as possible. Chair will keep refining text and share drafts as changes are made and will ensure that the agreed edits will be circulated in the Draft Final report
- Final SG2 meeting to take place on Wednesday, 16th March 2022 @2pm