

*Maghaberry, 12 August 2010*

**A. Agreement Reached on Dispute at Roe House in Maghaberry Prison**

Following a protest by Republican prisoners in Roe House, the Northern Ireland Prison Service (NIPS) and the prisoners agreed to engage in a facilitation process. A Joint Facilitation Group (Irish Congress of Trade Unions, Creggan Enterprises and Dialogue Advisory Group) met both parties on a number of occasions over the past several weeks. The discussions were underpinned at all times by the following principles:

**B. Fundamental Principles**

1. Arrangements are predicated on mutual respect;
2. Prisoner and staff safety must not be put at risk;
3. Arrangements should comply with human rights and equality requirements;
4. Revised arrangements and procedures should be achievable and sustainable;
5. Staff should be able to carry out their work professionally, free from harm, intimidation or threat;
6. The security of the establishment should not be diluted; and
7. The arrangements must strengthen public confidence in NIPS.

**C. Prisoner Forum**

An effective Prisoners' Forum will be established, in addition to existing processes for complaints and requests. This should provide a meaningful mechanism to address issues of mutual concern and is designed to build trust.

**D. Full body searching**

1. No random full body searching will take place on the way to domestic and legal visits and the videolink or from the SSU.
2. No "rubdown" searching internally, within Roe 3 and 4.
3. NIPS will introduce a new search facility and revised search policy for separated prisoners. The new facility will be located within the Bush and Roe complex and subject to CCTV and audio coverage. It will incorporate a combination of the latest technologies which will remove the requirement for **routine** full-body searching of separated prisoners within the prison. The search process for all separated prisoners entering the separated complex will be:
  - outer clothing, metal objects, belts and shoes removed and passed through scanner;
  - all prisoners undergo scanning by hand held metal detector;
  - all prisoners undergo thorough rub-down search; and
  - prisoners required to sit on BOSS chair (where outer clothing contains metal, prisoners may be required to remove this).
4. NIPS reserves the right, in exceptional cases, to require any prisoner to undergo a full-body search – under existing arrangements – if:

- there is a positive indication by the technology and the cause cannot be identified; or
  - there is reason through intelligence or suspicion that a prisoner may be concealing prohibited items on their person.
5. In such cases the full-body search must be authorised and observed by a supervisor and carried out in a manner which is both sensitive and dignified. The process of searching will be audited and monitored to ensure it complies with human rights standards.

#### **E. Movement / association**

1. The Prisoner Ombudsman's report of June 11 2010 recommended that a review of the separated regime should be included in the current independent Prison Review and that the review team should examine the evidence considered by the CJINI/HMCIP when it concluded in 2006 and 2009 that the arrangements for the movement of separated prisoners "were unnecessarily restrictive". (The HMCIP finding states that "there was severely restricted prisoner movement... this was particularly noticeable on the separated units where, even within the unit itself, the system of controlled movement meant that only three prisoners were allowed out at any one time, with no less than five staff present"). NIPS has fully accepted the Prisoner Ombudsman's recommendation.

2. Subject to the fundamental principles set out at section B above, NIPS's aim is to move from the existing arrangements towards a more progressive, supervised free-flow movement system within Roe House, on a phased basis, as follows:

##### ***Phase 1 - commencing August 2010***

NIPS will take steps to implement as quickly as possible from the date of this agreement:

- Association within the recreation room, yard and - when it is completed - the astro-turf pitch from 0830 until fifteen minutes before lock-up; and
- Considering the wing – for the purposes of movement – as one unit, rather than two landings. This will permit a maximum of 6 prisoners on the landing at any one time, while other prisoners will have access to kitchen, laundry room, classrooms, showers, ironing and haircutting room.

##### ***Phase 2 – commencing December 2010***

The independent Prison Review Team is expected to report on the Maghaberry regime by December 2010 and, in the light of paragraph E1 above, it is expected that their report will include recommendations on less restrictive movement arrangements within Roe House. In addition to implementing the recommendations of the Prisoner Ombudsman's report and this agreement, NIPS will take steps to implement agreed recommendations from the independent Review as quickly as possible.

### **Phase 3**

Beyond Phase 2 NIPS will continue to review and assess ways to further progress supervised free flow movement of prisoners. This will include implementing agreed recommendations – if any – contained in the final independent Prison Review Report of early 2011.

3. NIPS's ability to progress, implement and maintain phased changes to movement procedures towards a lasting solution will be determined by adherence to the fundamental principles set out in section B above. Throughout this entire phased process independent assessments will be conducted by NIPS, JFG and the Minister's representatives.

### **F. Next Steps**

1. The protest in Roe House will cease immediately;
2. The prisoners commit to refrain from intimidating, threatening, or harming prison staff in carrying out their duties.
3. Continuous monitoring and evidencing of this agreement commences.
4. NIPS will begin infrastructural change linking the exercise yard with the astro-turf pitch.
5. NIPS will commence work to design and build an enhanced search facility for separated prisoners, in line with the proposals at section D.
6. An initial prisoners' forum will be convened to address areas of mutual concern and to resolve grievances through dialogue within this Forum..
7. The "Separated Compact" will be revised to reflect changes from this agreement and the Prisoner Ombudsman's report and also, in due course, to reflect changes arising from the recommendations in the independent Prison Review's report.
8. Review of "full body searching" will report by end of September 2010 and agreed recommendations implemented as soon as possible.
9. Independent Prison Review's report on the Maghaberry regime by December 2010.
10. Full compliance of all parties with this agreement is imperative to building confidence and achieving a lasting solution – one that delivers a safe, secure and humane prison regime.