

20210430 Briefing: High Level Task Force to consider the mental health and addiction challenges of persons interacting with the criminal justice system

Background:

The healthcare needs of vulnerable, sometimes seriously ill, people who interact with the criminal justice system are complex and require whole of systems consideration. It is widely acknowledged that these people are too ill to be in prison, as they require urgent medication and treatment.

The High Level Task Force ('HLTF) has been established to progress the Government's commitment to ensure the critical mental health needs and addiction treatments for people while imprisoned and primary care support on release. This is a Program for Government commitment. Kathleen Lynch, former Minister of State for Primary Care, Mental Health and Disability has been appointed Chair.

Terms of Reference:

The following terms of reference have been agreed:

- (i) To assess how best to take forward the recommendations from the first and second reports of the Inter Departmental Group to examine issues relating to people with mental health issues coming into contact with the criminal justice system.
- (ii) To consult with stakeholders and consider relevant reports, proposals, recommendations and strategic actions including, but not limited to, the recommendations of the Council of Europe Commission on the Prevention of Torture reports and the ongoing work of the Steering Group on the Health Needs Assessment underway in the Irish Prison Service, with a view to identifying any additional actions relating to people with mental health challenges or a dual diagnosis of mental health and drug or alcohol addiction challenges who come into contact with the criminal justice system that may be necessary.
- (iii) To prepare a High Level Implementation Plan by end of 2021 outlining lead responsibilities and timelines for any actions identified in (i) and (ii) with operational subgroups being set up as necessary.
- (iv) Report on implementation periodically to relevant Ministers and Ministers of State.

Membership of the Task Force:

In addition to senior officials from both the Department of Health and Department of Justice, the membership incorporates senior officials from relevant stakeholders, including representatives from the HSE, Central Mental Hospital, the Irish Prison

Service, the Probation Service, An Garda Síochána, the Department of Housing, and the Department of Children Equality Disability Integration and Youth.

Consultation/Stakeholder Engagement

The Task Force will consult with relevant stakeholders, as required, such as the Mental Health Commission, Inspector of Prisons, Prison Visiting Committees, Irish Penal Reform Trust and academia. Expressions of interest are already being received.

Reporting:

The Task Force will provide a progress report to the Minister for Justice and Minister for Health in Q.3 2021 on taking forward the Terms of Reference. A High Level Implementation Plan will be delivered by the end of 2021. It is envisaged that periodic reports on implementation will be provided to relevant Ministers and Ministers of State.

Work:

The inaugural meeting of the HLTF was held on Wednesday 28 April 2021. All parties were represented. The Chair, conscious of the extremely challenging timelines tasked the membership with completing a recommendations status update table by 12 May 2021, to facilitate the second meeting during the week of 17 May. The recommendations come from the work of the Interdepartmental Group to examine issues relating to people who come into contact with the criminal justice system.

The Interdepartmental Group included representatives of the Department of Justice and Equality, the Department of Health, the Health Service Executive, the National Forensic Mental Health Service, An Garda Síochána, the Office of the Director of Public Prosecutions, the Probation Service and the Irish Prison Service.

The Group's first report from 2012 focused on how diversion at all stages of the criminal process could be facilitated up to the conclusion of a criminal trial. The second report in 2018 focused on matters relating to mental health services for prisoners, persons subject to community sanctions and post-release health services. It also considered matters relating to patients detained under the Criminal Law (Insanity) Act 2006.

Under the first point of the HLTF's ToR the groups is tasked with examining and addressing the recommendations arising from these reports. Given the passage of time some actions will have been addressed, while others may be in the process of being addressed under different fora.

Operational Subgroups

The challenging timelines pose a risk; to mitigate against this risk the group is proceeding on an approach that utilizes operational subgroups. Specific tasks/recommendations will be assigned to the cross-agency partners based on responsibility and expertise. These operational subgroups will then be charged with leading the progress on their assigned responsibilities. This should ensure that multiple actions can be pursued in tandem, while ensuring the Chair and main group can continue with their high level work without being overburdened.