**Action Required**

Government is being asked on Tuesday next to approve the establishment of a High-Level Taskforce to consider the mental health and addiction challenges of persons interacting with the criminal justice system. Briefing and observations (welcoming its establishment) below.

**Executive Summary**

The Programme for Government contains a commitment to establish a high-level cross-departmental and cross agency taskforce to consider the mental health and addiction challenges of those imprisoned, and primary care support on release. The Minister for Justice hosted a meeting on this issue on 22/9/20, at which our Minister, and Ministers of State agreed to consider draft terms of reference, which were subsequently agreed with her Department by letter, dated 30/11/20, within certain understandings. The terms of reference are set out below. Ms Kathleen Lynch has been proposed as the chair of the Taskforce. M/Justice is bringing the Memo to Government as a joint memorandum with the M/Health, MOS Mental Health and Older People and MOS for Public Health, Wellbeing and National Drugs Strategy

**Detailed Information**

A key objective of the Task Force will be to review and improve inter-agency co-operation and care options for those in prison, including greater diversion away from the judicial system. Arising from a meeting of relevant Ministers late last year, the D/Health agreed with D/Justice Terms of Reference (TOR) and Membership of the Group. D/Justice have agreed to provide secretariat support.

As indicated in the TOR in the Govt. Memo, the Task Force will assess how to take forward a wide range of recommendations in two reports compiled by an Inter Departmental Group, to consult with relevant stakeholders and consider other relevant reports. This will include ongoing work of a separate Health Needs Assessment on health needs of the Irish Prison Service, which this Department is involved in.

The new Taskforce will be chaired by former Minister of State, Ms Kathleen Lynch.

A progress report is expected by Q3 2021, and an Implementation Plan by end 2021.

Significant advances have been made in the provision of services which are of assistance to the criminal justice sector since the finalisation of the two reports of the previous Dept. of Justice Group. These include:

* commencement of implementation of the new mental health policy *Sharing the Vision;*
* the upcoming opening of the new HSE National Forensic Mental Health (NFMHS) complex at Portrane, with associated step-down facilities;
* agreed community care options between the Irish Prison Service and the HSE, including multi-disciplinary post-release care;
* HSE mental health and addiction services for prisoners on release.

It should be noted that addiction, as referenced in Programme for Government, should correctly apply solely to dual diagnosis (addiction aspects) in the mental health context so as to avoid overlap with the Health Diversion Programme under the National Drugs Strategy, which the Government has decided will enable people with addiction to be diverted from the criminal justice system for a first and second offence for possession. Responsibility for addiction services in prison should, in addition, remain exclusively the responsibility of the Dept of Justice. The title of the Task Force, as worded would imply the HSE taking responsibility for treating addiction within the Prison Service.

Overall, it is important to note that the capacity of the health sector to provide further services for the criminal justice sector will depend on overall resources available for mental health, and which require additional financial support from the Justice sector.

The terms of reference are:

The following terms of reference have been agreed:

1. 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 (summary of the recommendations attached).
2. 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 and addiction issues who come into contact with the criminal justice system that may be necessary.
3. 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.
4. Report on implementation periodically to relevant Ministers and Ministers of State.

**Membership of the Task Force:**

Senior officials from D/Justice and D/Health

HSE

CMH

Irish Prison Service

Probation Service

An Garda Síochána

Department of Public Expenditure and Reform

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.

**Proposed Observations on Government Memo**

“The Minister for Health, and the Ministers of State for Mental Health and Older People, and for Public Health, Wellbeing and National Drugs Strategy welcome the establishment of the High Level Task Force which will assess how best to take forward the recommendations from the reports of the Interdepartmental Group.

The Minister for Health notes that significant advances have been made in the provision of services which are of assistance to the criminal justice sector since the finalisation of the two reports of the Group, including commencement of implementation of *Sharing the Vision,* the newMental Health Policy,the upcoming opening of the new Central Mental Hospital, and ongoing implementation of the National Drugs Strategy in relation to addiction.

The Minister for Health also points out that the responsibility for prisoner addiction should remain the responsibility of the Irish Prison Service. On release, prisoners with mental health (dual diagnosis) addiction issues would be entitled to avail of general services available for this purpose.

The Minister also points out that capacity of the health sector to provide further services for the criminal justice sector will depend on overall resources available for mental health, and that financial support will be required from the Justice sector for any further service development which comes under its remit. “

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