



**Updated on 13 November 2020**

**For the current health advice, visit:**

[www.hse.ie](http://www.hse.ie)

[www.gov.ie/health-covid-19](http://www.gov.ie/health-covid-19)

The Department of Justice is part of a series of cross-government structures which are addressing the significant challenges brought about by the COVID-19 pandemic.

The Department of Justice continues to work closely with all relevant justice and public health agencies, including An Garda Síochána, the Irish Prison Service, the Courts Service, the Department of Health and the HSE, to adopt measures that are in line with public policy and the evolving situation.

The Department has established a cross-functional COVID-19 response team comprising of senior officials from within the Department and from the key front-line agencies at this time.

We have put in place a coordinated approach to COVID-19 response in relation to, for example, employees' health, welfare and the ability to perform their roles; the provision of information on good respiratory and hand hygiene practices; contingency planning; and response for service provision aligned with HSE guidance, interagency coordination and communication. This team inputs to national structures established to manage the risk of COVID-19.

The Department is redeploying staff as required to facilitate the provision of essential public services, including redeployment to other Departments / Agencies.

**The sector-specific information below will be updated as the situation develops.**

## **An Garda Síochána**

In supporting the COVID-19 public health guidelines, An Garda Síochána has adopted a graduated policing response based on its tradition of policing by consent. This has seen Garda members engage, educate, encourage and, as a last resort, enforce.

An Garda Síochána's plans, as announced by the Commissioner on 13 March, are maximising the availability of Gardaí for high visibility policing, in order to support the community and businesses to the greatest degree possible as well as covering any illness that may arise on the frontline. These plans have included new roster arrangements, postponing retirements, extracting 319 recruit Gardaí to allocate to front-line duties with appropriate supervision, and redeploying Gardaí who work at the Garda College to frontline duties. The organisation also hired 210 vehicles to provide additional mobility to members nationwide for increased community support and community engagement across the country. The combined organisational changes result in a 25% uplift in Garda personnel resources being made available to support communities as AGS deal with the impact of COVID-19 on our communities.

High visibility patrolling is being carried out by Garda members across the country in line with the public health measures announced by the Government. The focus of this activity is on encouraging people to adhere to the public health measures. An Garda Síochána will take a graduated approach at this time, informing and encouraging compliance by the public, as well as taking enforcement action where required.

An Garda Síochána has recommenced Operation Fanacht, a major operation to ensure public compliance with travel restrictions in place while the country is under level 5 restrictions. In accordance with these restrictions, people are asked not to leave their place of residence unless it is for essential purposes. Gardaí will be conducting checkpoints on main routes and this may lead to traffic disruption.

This phase of Operation Fanacht will involve 132 large-scale checkpoints a day on main arterial routes around the country in addition to thousands of mobile checkpoints on secondary routes in towns and villages a week.

In this, as in all its work, AGS continues to implement its ethos of community policing, seeking out those who are vulnerable and providing assistance and making sure they don't feel alone.

Normal policing operations to prevent and detect crime are continuing. Gardaí continue to use all powers available to them, including arrest, where appropriate. The enforcement of Road Traffic Legislation, in particular drink/drug driving, including breath tests, will continue. These measures have been communicated to the Garda representative associations, who all

appreciate the extremely grave situation facing the country and the need to seek to have maximum capacity available to maintain service delivery and support the public as required.

### *Nationwide Checks of Licensed Premises in Support of Public Health Guidelines*

On Friday 3 July, An Garda Síochána launched Operation Navigation to conduct checks of licenced premises nationwide in relation to adherence to the public health guidelines.

Since Friday 3rd July, An Garda Síochána has conducted thousands of checks on licensed premises throughout the country. In conducting these visits, An Garda Síochána continued its graduated policing response based on its tradition of policing by consent. This has seen Garda members engage, educate, encourage and, as a last resort, enforce.

While the vast majority of licensed premises were found to be in compliance with regulations and licensing laws, in a small number of cases Gardaí found potential breaches of the health regulations or licensing laws even after providing the premises with the opportunity to rectify the situation. As of 31 October, the total number of these potential breach incidents since Operation Navigation began is 287. The DPP will be consulted in each of these cases.

### Operation Treoráim

In support of public health measures, An Garda Síochána began conducting checks of retail premises across the country to ensure compliance with public health regulations on 25 October. AGS report that the vast majority of retail premises were found to be compliant or came into compliance when requested to do so. This is being verified by follow-up inspections.

However, up to 31 October 2020, there have been 11 incidents where premises have continued with suspected breaches of regulations. In line with Garda policy, files relating to these incidents will be sent to the DPP.

### *Oversight & Transparency of New Garda Powers*

The Minister for Justice requested the Commissioner to compile and publish a record of any use of powers granted to An Garda Síochána under the Health Act 1947, with a view to ensuring transparency. The Commissioner has undertaken to submit and publish this data on a weekly basis. Latest figures on the use of these regulations show:

In supporting the COVID-19 public health guidelines, An Garda Síochána has adopted a graduated policing response based on its tradition of policing by consent. This has seen members of An Garda Síochána engage, educate, encourage and, as a last resort, enforce.

In what is a very small minority of cases across the country, despite receiving a number of warnings, some individuals were still not willing to take steps to comply with the public health guidelines and the regulations were used under the Health Act 1947. From 8 April, which was when the regulations came into effect, until 24 October 2020 inclusive, Gardaí invoked the regulations 394 times out of more than a million interactions with the public. These include both arrests and incidents without arrest where name and address details were taken for consultation with the DPP on the decision to issue charges. Arrest remains a last resort.

The types of incidents encompassed in these figures include breaches of domestic travel restrictions, face covering restrictions, international travel restrictions and other restrictions such as the organisation of events.

Of the 368 incidents, two were as a result of an instruction from a relevant medical professional as per the Act.

Under Operation Navigation, An Garda Síochána has recorded 281 incidents relating to breaches of regulations concerning licensed premises.

As per Garda policy in relation to the regulations, in all cases where arrests were made under the regulations, members of An Garda Síochána must consult with the Director of Public Prosecutions on the decision to charge.

To provide additional public assurance on the appropriate and proportionate use of these powers, the Minister for Justice also asked the Policing Authority to assess and report regularly on the use of these regulations by An Garda Síochána. The ninth report of the Policing Authority to the Minister of Justice was published on 11 November 2020. This full report can be accessed at the following link: [Ninth Report of the Policing Authority on use of Covid-19 powers by An Garda Síochána \(09 November 2020\)](#)

Information on the use of Covid-19 related powers by An Garda Síochána can be found here: [Use of Covid-19 related powers by An Garda Síochána](#)

## **Coroners and Pathology Services**

A Mortality National Oversight Group has been established, chaired by the Department of Housing, Planning and Local Government.

A sub-group of Coroners was created, meeting twice weekly at first, to coordinate their responses to COVID-19 along with Department of Justice, An Garda Síochána, and the State Pathologist, with support from the Department of Health and the Department of Housing, Planning and Local Government as required. The final meeting of this group was held on August 5th.

As the Department of Justice has responsibility for the Dublin Coroners Court, the Department has appointed two additional deputy coroners and increased the number of administrative staff to support with increased workload of recording notifiable deaths.

The Coroners Society of Ireland originally published their 'Guidance in relation to the Coroners Service and Deaths due to COVID-19 infection' on 11th March, with version 5 of this document published on 15th April. That guidance seeks to minimise the requirements for post-mortem examinations and post-mortem swabbing which might cause delays for families. If a clinical assessment of COVID-19 can be made, then there is no need for a post-mortem examination and post-mortem swabbing in most cases.

The Coroners also worked with the HSE, PHECC, the National Ambulance Service and An Garda Síochána to revise the rules relating to pronouncement of death to reduce pressure on GPs to attend at all deaths.

Following engagement between the Department and the Local Government Management Agency (LGMA) and the Department of Housing, Planning and Local Government, confirmation was received that Local Authorities would, on request, support Coroners with administrative staff during and after the pandemic.

Part 2 of the Civil and Criminal (Miscellaneous Provisions) Act, 2020, dealing with Coroners was commenced with effect from 21 August, 2020. The Act provides for additional capacity to the Coroner service, by the written request of the Coroner for the district, seeking Ministerial authorisation, for one or more of the following actions:-

- assign as a temporary additional Coroner for that district, for a period not exceeding six months (which may be renewed), a person who already stands appointed as a Coroner or deputy Coroner for another district,
- appointment of a temporary additional Coroner for that district, for a period not exceeding six months (which may be renewed) of a person who may previously have been a Coroner or deputy Coroner to be appointed as a Coroner. An upper age limit of 75 years will apply, and
- appointment of a temporary additional Coroner for that district, for a period not exceeding six months (which may be renewed) of a person not previously appointed as a Coroner or deputy Coroner but who has the necessary qualifications under the Act to be appointed as a Coroner. An upper age limit of 75 years will apply.

To date one such Temporary Coroner has been appointed.

The Office of the State Pathologist is adhering to all HSE, public health and Government guidance during the coronavirus pandemic. State pathologists always wear Personal Protective

Equipment (PPE) when carrying out their work and will continue to attend at scenes of death when such attendance is requested or necessary.

## Immigration Service Delivery

There is a very close working relationship between frontline Border Management Unit staff at the Airport, the DAA and the HSE. Immigration personnel closely follow all advice from the HSE and, in the event that a suspected case arises, the clear protocols laid down are carefully followed.

The immigration services are also working closely with the HSE on a daily basis across a number of areas, including accommodation centres for international protection applicants and the international protection offices.

Along with guidelines on good respiratory and hand-hygiene practices, COVID-19 risk assessments are issued to each of these service areas and, together with the HSE, officials from the Department of Justice are ensuring information is updated on a daily basis and any changing circumstances are responded to effectively.

### *Passenger Locator Form*

As Ireland moves towards the easing of measures, the risk of importing new cases through non-essential travel increases. The Government therefore continues to advise Irish citizens and residents against all non-essential international travel, and passengers arriving into Ireland from overseas are asked to self-isolate for 14 days.

From Thursday 28 May there is a legal requirement for passengers arriving in Ireland from overseas to complete a COVID-19 Passenger Locator Form. The Form will be used to facilitate a system of follow up checks to make sure people who travel to the country are staying where they said that they would. The Form will also ensure more accurate and expeditious contact tracing, should we have a suspect or confirmed case on a flight or ferry coming into Ireland.

The onus is on the passenger to access the form before travelling and to have it completed on arrival. It is available for download from [www.gov.ie/locatorform](http://www.gov.ie/locatorform) and carriers are emailing a copy to intending passengers. On arrival, passengers must submit a completed form to the authorities setting out their contact details. Completion of this form is now mandatory.

People arriving from Northern Ireland, working in defined essential supply chain roles, foreign diplomats and passengers who are transiting through the State without leaving the port or airport will not be required to complete the form. Passengers who are travelling immediately onwards to Northern Ireland will have to fill out a portion of the form. The relevant Regulations

introduce new offences punishable by a fine not exceeding €2,500 or imprisonment for a term not exceeding 6 months.

Further information on these requirements can be found on the [Irish Health Service COVID-19 Advice Page](#).

### *Visa applications*

On 20th March the decision was taken to temporarily cease accepting new visa applications. Increasing travel restrictions and the measures introduced as part of the Government's efforts to interrupt the transmission of COVID-19 means that travel may not be possible and even if possible is not advisable unless essential. The situation is kept under review in consultation with the relevant authorities. While it will still be possible to apply for an Irish visa online in the normal manner, these temporary measures mean that applicants will not be able to complete their application process. Any application made online will remain valid until such time as restrictions are lifted. A limited resumption of services has begun from 22nd June (see below). We intend to resume accepting other applications as soon as safety concerns abate. Certain Priority/Emergency cases continue to be processed throughout the pandemic and these include the following:

- Emergency visa (e.g. Healthcare professionals, health researchers, and elderly care professionals);
- immediate family members of Irish citizens;
- persons legally resident in the State; and
- Persons entitled to avail of the provision of the EU Free Movement Directive.

Contingency planning is also in hand to ensure that priority immigration services can continue to be provided, should circumstances change.

The temporary closure of the Burgh Quay Registration Office was announced on 20 March as the high degree of footfall made social distancing extremely challenging. On that basis any immigration permissions that were due to expire between 20 March and 20 May 2020 were automatically extended for two months. On 13th May the Minister for Justice announced that all such permissions that are due to expire from 20/5/2020 to 20/7/2020 are automatically renewed by the Minister for a period of 2 months. The renewal of permission is on the same basis as the existing permission and the same conditions attach. In relation to persons with existing permission under Directive 2004/38/EC (Free Movement Directive), the automatic renewal is subject to the requirement that the person is complying with the requirements of the Directive. Any permission which was renewed by the notice of 20 March 2020 and which therefore has a new expiry date between 20/05/2020 and 20/07/2020 is automatically renewed by this notice for a further 2 months. On the 18 September, the Minister for Justice, Helen

McEntee, T.D., announced a further temporary extension of immigration and international protection permissions to 20 January 2021. This applies to permissions that are due to expire between 20 September 2020 and 20 January 2021. This includes people in Ireland on short stay visas and those whose permissions have already been extended by previous notices issued.

A [Frequently Asked Questions](#) document on the impact of COVID-19 on immigration and international protection is available on the Immigration Service Delivery website ([www.inis.gov.ie](http://www.inis.gov.ie)). This document is regularly updated.

### *Resumption of Visa Services*

The Department has started a limited resumption of visa services from Monday 22nd June. During this initial resumption phase, we will only be accepting Long Stay “D” visa applications, including Study, as well as those identified under our current criteria as Emergency/Priority visas. It remains the position that we are not issuing short stay visas for non-essential travel.

There are still restrictions in place in many countries, so in locations where it isn’t possible to resume from the 22nd June, we intend to resume accepting visa applications as soon as is possible thereafter. Any resumption of services is subject to current health and safety advice in relation to the COVID 19 pandemic.

For up to date information in your location, you should go to the local Irish Embassy/Mission website for that location.

### *Temporary Suspension of Irish Short Stay Visa Waiver Programme*

On 10 July, Minister McEntee TD, announced the temporary suspension of the Irish Short Stay Visa Waiver Programme (SSVWP) as part of COVID-19 measures to restrict travel and protect public health.

The Programme had allowed people visiting the United Kingdom on short stay visas to travel to Ireland. Under the agreement, the visa holders had to leave Ireland before their permission to stay in the UK ended.

The suspension of the Programme is being implemented because of a divergence in approach between Ireland and the UK in travel measures to combat the pandemic.

The Programme applies to nationals of 17 countries: Bahrain, Belarus, Bosnia and Herzegovina, India, Kazakhstan, Kuwait, Montenegro, Oman, People's Republic of China, Qatar, Russian Federation, Saudi Arabia, Serbia, Thailand, Turkey, Ukraine, and Uzbekistan.



Nationals of the affected countries will no longer be in a position to use their UK short stay visa for a visit to Ireland, but may apply separately for an Irish visa, which under current circumstances would only be accepted if it was a critical case.

This is a temporary measure, which does not affect the Common Travel Area rights of British and Irish citizens or the operation of the CTA.

#### *Expansion of online Registration Renewal System to include all Dublin-based non-nationals*

On 22 June, Minister Flanagan announced a new online Registration Renewal System for non-EEA students based in Dublin.

On 7 July, Minister McEntee announced that this online renewal system is being expanded and will apply to all Dublin based non-nationals seeking to renew their immigration registration. The new online system will allow applicants to complete their renewal online without having to book an appointment and then personally attend the registration office. Previously, such applicants were required to book an appointment prior to attending in person at the registration office, and these appointments were in high demand.

Applicants seeking to renew their permission will now complete the application form online, upload copies of supporting documents online, pay the applicable fee and then submit their passport and current IRP card via registered post. Documents will be checked and, if approved, the passport will be stamped and returned by registered post and an IRP card issued by express post.

The new process will allow officials to process renewals more efficiently by enabling them to better manage the volume of applications. This will also allow them focus more closely on the quality of documentation being provided to the office.

Importantly, the new system will also relieve pressure on the public registration office which, when it reopens, will focus exclusively on 1st time registrations. This will improve the quality of customer service provided to this group as well.

The online system is only available for renewal of registrations. As 1st time registrations require biometrics (a photograph and fingerprints) to be taken, it is not possible to do these online.

The Department's intention, in making the change, is to significantly reduce the bureaucratic burden placed on applicants and also, with faster processing times, offer greater certainty to applicants that their permissions will be renewed on time.

The online renewal application portal can be found here: <https://inisonline.jahs.ie>

#### *Reopening of Burgh Quay Registration Office*

Minister McEntee announced that the Burgh Quay Registration Office would reopen from 20 July to facilitate 1st time registrations.

As 1st time registrations require biometrics (a photograph and fingerprints) to be taken, it is not possible to do these online. Anyone who had an appointment for 1st time registration cancelled will be contacted directly and given a new appointment. Anyone who did not have an appointment but needs to register should contact ISD at [immigrationsupport@justice.ie](mailto:immigrationsupport@justice.ie) and request an appointment.

### *The confidentiality of medical information*

The Department of Justice would like to again confirm that it does not and will not seek any information from an immigration perspective from either the Department of Employment and Social Protection or the HSE for persons coming forward for social supports or medical attention. Any undocumented migrant should not hesitate about coming forward to access health care or social supports during the COVID-10 crisis.

More broadly, the Department looks at each case of undocumented or illegal persons in the State on a case by case basis and has consistently urged anyone in this position to come forward if they wish to apply to regularise their position. A pragmatic approach is taken in relation to each case which is considered on its individual merits. Ireland along with other Member States of the EU, has committed, under the European Pact on Immigration and Asylum (2008), to a case-by-case approach as opposed to mass regularisation.

### *Further information on Immigration Issues*

A detailed FAQ is available [here](#) which clarifies many issues relating to visas, stamps, immigration etc during the COVID-19 pandemic. This document is updated regularly. At all times, the Department will take a pragmatic approach to any issues that arise.

## ***Applications for International Protection***

### *Processing of applications and appeals*

The arrival of people at our borders seeking to claim international protection has reduced; however, we continue to have people arrive at the International Protection Office in Mount Street to make new applications.

New applicants for international protection are being advised to continue to report as normal to the International Protection Office in Mount Street where initial processing will take place.

This will enable follow on services, like accommodation, to be provided. Staff interactions with applicants are conducted behind glass screens to facilitate social distancing. The current number of applicants is quite low so waiting areas are far emptier, which also aids social distancing measures.

Alternative arrangements are being put in place for renewal of Temporary Residence Cards (TRC's) for international protection applicants which means they will not be required to present in person until further notice. This means that the International Protection Office will identify from its records those applicants whose permission is due to expire within the next two month period and will issue a new TRC to them by post at their last recorded address with an date extension of two months. Any applicants in Direct Provision will be required to return their old card to their centre manager for return to the IPO.

Substantive interviews of international protection applicants have been suspended until further notice at the International Protection Office.

Similarly, Tribunal Hearings for appeals at the International Protection Appeals Tribunal have been suspended until further notice.

## **Irish Prison Service**

It is clear that COVID-19 provides unique challenges to custodial institutions, including our prisons. COVID-19 in a prison setting would present significant challenges for prison management in terms of controlling the spread of the virus amongst staff and prisoners, and the provision of appropriate medical treatment to affected persons.

Recognising these challenges, the Director General of the Irish Prison Service at an early stage established an Emergency Response Planning Team ("ERPT") consisting of senior staff with skills and experience in areas including operational; healthcare; and infection control. ERPT was tasked with identifying and issuing instruction on the necessary actions with the aim of:

- Blocking the spread of COVID-19 into a prison setting;
- Early detection of any possible case of COVID-19 in a prisoner or staff member; and
- Prevention of the spread of COVID-19, should a case be confirmed.

A significant amount of work has been carried out by the Irish Prison Service to date, informed and guided by the advice received from the National Public Health Emergency Team (NPHE), and consistent with the prison specific guidance for the management of COVID-19 issued by the World Health Organisation (WHO) on 15 March 2020.

In the first instance, the Minister for Justice approved a number of actions to reduce the number of prisoners in our prisons in March this year to support a more effective infection control regime, including greater physical distancing and cocooning. These included:

The granting of temporary release (TR) (which is already a normal part of prisoner management) to low risk prisoners, who were assessed on a case-by-case basis. As always TR is conditional on a prisoner being of good behaviour and each prisoner would be subject to re-arrest in the event of a breach. This gradual and planned reduction of the prison population has seen a decrease in the number in custody from 4,235 on 11 March 2020 to 3,772 on 22 October 2020, a reduction of approximately 463 or 11%. Providing for longer periods for those prisoners currently on TR to have to sign in with IPS, in order to reduce footfall in and out of the prisons, and to free up administrative staff to mitigate any depletion in prison officer numbers. Rather than signing in weekly, the requirement is currently monthly.

It is important to note that a number of key constraints on the power of release remain:

- the primary one is public safety - no prisoner who poses an undue risk to public safety will be granted TR;
- no one who is remanded for trial can be released;
- factors such as housing and health status are also taken into account. The IPS is coordinating with the Department of Housing, Planning and Local Government and the HSE.

Managing the response to COVID-19 has seen enormous change for both prisoners and staff. To enable effective implementation of these changes, a communications campaign has been rolled out by the IPS: regular COVID-19 Information Leaflets for prisoners, developed by the prison Red Cross Prisoner Volunteers, and COVID-19 information newsletters for staff are being published and distributed to raise awareness of the particular risks the virus poses in a prison environment and to provide updates on the necessary actions being taken by the Service to keep staff, prisoners and their families' safe.

The IPS is also looking for retired staff to form a panel to support prisons in the event that staff levels drop due to staff having to isolate due to COVID-19.

To date, no prisoner has been infected with COVID-19 and the Irish Prison Service has been internationally recognised for its work in controlling the spread of the virus. The IPS has now shared their experience with other countries through the submission of a paper to the World Health Organisation on its approach to the outbreak for publication in the international Public Health Journal.

### *Screening and Testing for COVID-19*

The WHO has issued guidance recognising the distinctive challenges facing prisons and recommending that screening should be undertaken at the point of entry and that persons checked should be prisoners, visitors and prison staff. In line with the WHO advice and in consultation with the NPHE, screening has commenced from 30 March.

The Irish Prison Service is taking a proactive approach to ensure the early detection of any possible case of COVID-19. Any prisoner who advises staff that they are experiencing symptoms of COVID-19 is immediately assessed by prison healthcare staff who, following the guidance provided by the NPHET and the HSE and public health authorities, arrange for the prisoner to be isolated and tested, if they meet specific criteria. Some prisoners who do not meet the HSE threshold for COVID-19 testing but are experiencing some symptoms continue to be isolated in line with HSE advice.

The IPS has opened a specific unit in Cloverhill to allow for the isolation of any confirmed case. This unit is currently being used to accommodate symptomatic prisoners who are suspected of having COVID-19. Prisoners continue to be isolated in this unit until cleared from isolation through the COVID-19 testing process. Staff working in this unit wear appropriate Personal Protective Equipment (PPE) to ensure their health and safety.

IPS staff have engaged with the National Ambulance Service (NAS) with regard to Covid-19 testing. Prison Staff are also currently being trained to develop contact tracing teams in all prisons, thus reducing the burden on the teams carrying out this function in the community.

Given the nature of this virus it remains possible that at some stage there will be a confirmed prisoner case and, should this occur, the decision to confirm and/or release details of a positive test for COVID-19 will be a matter for the Chief Medical Office/NPHET/Public Health/HSE.

### *Quarantining, Cocooning and Visiting*

All prisoners newly committed to prison are being quarantined for up to 14 days, in order to reduce the risk that a new committal who might be incubating the virus could spread COVID-19 to the general prison population.

All prisoners aged 70 years or more or those that are deemed medically vulnerable are being “cocooned”, so as to minimise all interactions with other prisoners or staff and to ensure their health and safety. This approach is in line with Government advice to members of the public.

The prisoner population who require to be cocooned include the following:

Prisoners 70 years of age or more; or

Prisoners with medical conditions who the health care team identify as vulnerable. This includes:

1. Prisoners with cancer, for example those with leukaemia, on chemotherapy, on immunotherapy, on other specified treatments, or on immunosuppressants after transplants.
2. Prisoners with severe respiratory disease – for example, severe chronic obstructive pulmonary disease (COPD), asthma or cystic fibrosis (CF).

3. Prisoners with Rare Diseases – for example, sickle cell anaemia.
4. Pregnant women with cardiovascular disease.

Prisoners who are asymptomatic and are currently cocooned within prisons are being facilitated with their statutory out-of-cell time, except in limited circumstances where a prisoner cannot avail of exercise for medical reasons. The number of television channels and national newspapers available to prisoners who are cocooning have also been increased.

### *Prison visits*

The Irish Prison Service began a phased recommencement of physical family visits to prisons on Monday 20th July 2020.

Following Public Health advice, and owing to the restriction on movements announced by the Government in an effort to curtail the spread of Covid-19, physical family visits to prison were suspended on 27th March 2020 and replaced with a new system of video visits.

The Irish Prison Service fully appreciates how important contact with family is to prisoners and has been committed to the early return of physical family visits as soon as it was considered safe to do so.

In line with the Government Roadmap, and with infection control in mind, the Irish Prison Service has completed a comprehensive risk assessment on the return of physical prison visits. The Service has identified the necessary measures, which are currently being progressed, to ensure that family members and friends can return to physical visits to our prisons in a safe manner.

Visits have now recommenced on a phased basis and movement through the phases will be subject to ongoing risk assessment and will take account latest public health advice, the range of Government restrictions in place and other factors including the prevailing transmission rate in the community.

### *Social Distancing and Exercise*

In order to prevent cross-contamination in our prisons, some further restrictions have also been put in place for prisoners and staff within our prisons. Certain activities, such as work and training, have been curtailed to reduce cross-prison movements and interactions, and the prison schools have been closed. Prison staff must also remain in the areas that they are specifically assigned for duty.

The IPS has introduced physical/social distancing arrangements/protocols in our prisons for prisoners and staff and these are being followed. This includes the marking of floor areas with 2 metre separation lines and the posting of signage throughout the institution. Those most vulnerable due to age or underlying health conditions wear gloves and wear face masks when exercising as an added precaution.

While prison gyms remain open, the capacity for use has been significantly reduced to safe operating levels to maintain physical distancing requirements and the cleaning of equipment before and after use is being overseen by staff.

Prison management continue to encourage exercise (excluding use of gym facilities) and recreational activity for those that are cocooning, ensuring that it is done separate to the general prisoner population.

## **Courts Service**

The Courts service continues to work with the Presidents and judiciary in each court to organise an increasing workload in a cautious, conservative, safe and innovative way, to allow access to justice whilst also maintaining social distance and safety

On the 08th May the Chief Justice, the Court Presidents and the Courts Service outlined the next steps being undertaken to extend court services in a gradual and responsible way for creating a pathway to opening some courts to ensure continuity of access to justice during the current public health emergency. Gradual and careful planning.

Courts will extend use of virtual remote court hearings, and organise more physical hearings in the coming weeks. Courtrooms are being laid out with physically distanced spaces. Cases will be listed at staggered times and distinct case types will be organised differently.

The Supreme Court has announced that A new practice direction operational from mid-April introduced the issuing of a 'statement of case' setting out the Court's understanding of the relevant facts and issues. Consideration is also being given as to how the limited number of cases involving litigants in person should be managed. It is hoped that all cases in respect of which leave to appeal was granted before the end of April of this year will have been heard by the end of July.

The Court of Appeal will continue to hear and increase the number of appeals remotely and increase the numbers heard.

The High Court will expand the type and number of cases to be heard from Monday 18 May 2020 with eight additional case types and matters will added to the urgent cases already being heard, including Insolvency matters both corporate and personal, Judicial review applications including Strategic Infrastructure challenges, All Family Law applications including adoption

matters, Criminal Asset Bureau cases. Some Jury Trials to resume in many venues in the Circuit Court in September 2020.

In the District Court, some Jury Trials to resume in many venues in the Circuit Court in September 2020. District Court Appeals will proceed on the adjourned date. Family law matters adjourned since March 2020 will be given a hearing date by the Court Office as soon as possible and consideration will be given to dealing with matters remotely where possible and appropriate. Hearings which were adjourned in Civil Cases and motions since March will be given a hearing date by the Court Office as soon as possible. Until further notice it will not be possible to hear cases which involve oral testimony while Judgments will continue to be delivered electronically.

The Courts Service is establishing a consultative user group to ensure that court users are involved in informing decisions.

The Statement of the Chief Justice and each Court President which lays out specific arrangements in relation to each Court is available on the Courts Service website: <https://beta.courts.ie/news/gradual-and-careful-planning-creating-pathway-opening-some-courts-courts-statements-friday-may>

The Courts Service has launched a new COVID- 19 Court Users' video for those attending court during the COVID- 19 pandemic. To keep others safe, only those with essential business should attend the Courts during the pandemic. The video details the measures the Courts have taken, in partnership with the Chief Justice and the judiciary, to ensure that cases are conducted in line with Government and HSE guidelines, requirements and protocols. The COVID- 19 Court Users Video can be accessed here: <https://youtu.be/xFgQ3XvOQ0I>.

#### *Further measures to facilitate social distancing*

Measures have been introduced to encourage social distancing through both Judicial practice directions and practices or changes introduced by the Courts Service. The measures in respect of the District Court include:

- No requirements for bailed defendants to appear;
- Block adjournment of lists introduced with dates emailed to solicitors and posted in various places in the CCJ;
- Custody list produced and posted outside the courtrooms;
- One solicitor at a time being dealt with in courtrooms;
- Jury assembly area open and available to be used as a waiting area;
- Judges sitting earlier to hear informations/requests for warrants;
- Sitting at 2.30pm and 4.30pm in addition to the morning sitting to prevent the build-up of cases for the evening Court;



Floor markers to indicate the required distance while queuing for Court and the Bail Office;

Jury minders manning each courtroom door to monitor numbers going in with a runner to call parties when required;

PA system reminding users of the need to socially distance while conducting business in the CCJ;

Hand sanitisers available;

Additional cleaning of touch points carried out daily;

Jury minders call AGS members to court from jury room waiting area as required.

In addition to the above, sittings of the Circuit Criminal, Central Criminal, Special Criminal and High Courts are subject to similar judicial practice directions. The Courts Service has applied the same practices in those courts as well as using overflow Courtrooms and the Jury assembly area to facilitate social distancing, as required.

Throughout this time, there have been consultations with stakeholders about the proposed changes in CCJ safety arrangements, both before and after introduction. These consultations have continued as a means to explore additional measures as issues arise. The procedures introduced are working well, and there are no plans to revisit this policy at this time. However, the Courts Service contingency planning group is reviewing and updating plans on a daily basis, in consultation with key stakeholders.

#### *Family Law - Access Court Orders*

Court orders in relation to access remain in place and, in general, parties are obliged to keep to them.

However, acknowledging that there might be some issues or concerns about travelling for visits, on 27th March, the President of the District court clarified that parents could come to mutually agreed arrangements for alternative contact, which could involve phone calls, or skype etc. Such agreement should be recorded by email or text message. The best interests of the child should be the key consideration.

If parties cannot agree on an alternative arrangement, mediation services are still available and should be used, and at all times the welfare of the child will be paramount.

The Regulations made by the Minister for Health, which came into effect on 8th April, recognise the right of a parent, guardian, or person having a right of access to a child to leave their home in order to give effect to arrangements for access by that person or for another parent, guardian or person having such right of access and explicitly provide for an exception to the travel restrictions.

The Family and Child Law Committee of the Law Society has prepared some guidelines for practitioners and parents on family law matters during COVID-19, such as access, maintenance, child protection and domestic violence, which can be found at [www.lawsociety.ie](http://www.lawsociety.ie)

In cooperation with the Department and its Agencies, a UCC Family law COVID-19 information hub has been launched as a useful resource for people seeking guidance on family law issues during these challenging times. [www.ucc.ie](http://www.ucc.ie)

## **Probation Service**

In the measures announced by the Government on the 12th March 2020, the Government advised that where possible people work remotely, avoid interface meetings and maintain health and safety practices. Following that advice, the Probation Service is working remotely, where possible, with most offices closed for public business. Staff are adapting their practice, working with offenders using telephone contact and linking with key partner organisations to support community safety. Every team across the country have identified those who are most at risk of offending or posing harm to others, and specific targeted responses have been developed for this cohort as a priority.

Prison work by Probation Service teams based in prisons is continuing. Probation Service staff are supporting the Irish Prison Service at this particularly challenging time by primarily providing welfare advice and contact for prisoners and their families. Working in partnership with the Irish Prison Service, children detention centres and the Courts Service, the Probation Service is also prioritising the preparation of remand-in-custody reports for the Courts in cases that are ongoing. Video link interviews from designated Probation Service Offices are being facilitated in each prison.

As the Covid 19 pandemic crisis continues to evolve with developing responses as the situation changes, Probation Service practice and actions may change accordingly. There will be regular updates through internal communications with all Probation Service personnel and for persons subject to supervision, as necessary, and well as updates on the Probation Service website [www.probation.ie](http://www.probation.ie) and Twitter [@probation\\_irl](https://twitter.com/probation_irl)

## **A Special focus on Tackling Domestic Violence/Abuse**

Recognising the particular risks of domestic violence/abuse presented by the current situation, the Department has established a cross-sectoral group comprising AGS, Court Services and Legal Aid officials, linking directly with TUSLA representatives. An action plan has been developed to respond to the increased risk and incidence of domestic violence as a consequence of the COVID-19 measures taken and the resulting enforced proximity of abusers and their victims.

The action plan is divided into three strands of work:

- Maintaining and prioritising services for those who need to access them;
- Ensuring that victims can access the courts and seek protection from perpetrators;
- Raising awareness that services and supports will be available throughout the COVID-19 emergency for those experiencing domestic abuse.

An Garda Síochána has established Operation Faoiseamh to specifically address this issue. AGS is maintaining its response to any reports of domestic abuse as a top priority and victims of incidents recorded in 2018-2020 are being contacted. Those at high risk will be visited. Gardaí will respond quickly and robustly with a pro-arrest intervention policy to any report of domestic abuse despite the current Covid-19 emergency.

The Department of Justice is engaging with NGOs to ensure that they coordinate between one another to maintain helplines and other supports for victims. The Department has also provided additional funding of over €196,340 to community and voluntary groups to support their response to COVID-19. This includes:

- Women's Aid: €63,000 for additional resources to extend the Support and Referral Service (SRS), and the High Risk Support project;
- Rape Crisis Centre Network Ireland: €50,000 to support the work of local centres in relation to the provision of a confidential, data compliant service, and to manage information flows on advice and guidance to and from front line trauma support workers;
- Ruhama: €8,000 for additional support packs for women seeking to exit prostitution;
- Men's Development Network: up to €39,340 for an extension of the Male Advice line, extra telephone support for the Men Ending Domestic Violence programme, and to deliver a promotional campaign;
- Safe Ireland: Funding of €36,000 is provided to Safe Ireland.

Tusla has identified domestic violence as one of three critical service areas that the entire energy of Tusla and its partners would focus on during this public health emergency. The CEO engaged directly with over 60 organisations, including refuges to hear first-hand about challenges faced by the sector, and proposed solutions to keep refuges operational and sustainable. Since then, senior Tusla staff have been liaising directly with each refuge provider and other organisations in the domestic, sexual and gender based violence space to provide support and address issues faced.

The Department for Employment Affairs and Social Protection has announced changes to make Rent Supplement available more easily to victims of domestic violence. The announcement follows proposals from Safe Ireland for such assistance. Under these changes, victims of domestic violence can get immediate access to Rent Supplement for a three month period to ensure that they are not prevented from leaving their home because of financial concerns. The usual Rent Supplement means test will not apply for this three month period. The process will

work based on referrals from Tusla-funded services; referrals from An Garda Síochána and the HSE will also be possible. After the three-month period, a further three-month extension may be provided, subject to the usual Rent Supplement means assessment. After six months, if the tenant has a long term housing need, they can apply to their local housing authority for social housing supports and, if eligible, will be able to access HAP.

The Legal Aid Board is giving priority to domestic violence and childcare cases. The Legal Aid Board's office at the Dublin District Family Court in Dolphin House remains open and applications for legal aid for domestic violence cases can be made there. While the Board's law centres are largely closed to personal callers, each centre is contactable by phone or by email. Contact details are available on the Board's website. Applications for legal aid can also be made using the Board's on-line applications facility. If a person experiences difficulty in getting in touch with the Board's office in Dolphin House or a law centre she or he can contact the Board's Legal and Mediation Information Helpline – details on [www.legalaidboard.ie](http://www.legalaidboard.ie) (which also contains other information that may be of use). Subject to a person meeting the financial eligibility criteria, an applicant can be advised on her or his position and assisted in making an application for a domestic violence order. An eligible applicant can also be represented in court in an application to take or defend an order.

The Probation Service in its management of offenders is emphasising the risks of the current situation and the need for people to understand and manage their own triggers.

The risk assessment criteria applied by the Irish Prison Service in deciding temporary releases take account of convictions relating to domestic abuse, breach of barring orders etc.

The Courts Service is continuing to give priority to domestic violence. Each district will continue to have a court open to hear applications for protection, interim barring orders and emergency barring orders. Court offices are open for essential business by appointment only. Domestic violence applicants will be facilitated. Offices are contactable by telephone or email with contact details available on the website. Out-of-hours procedures are continuing as normal and learning from this has informed contingency planning. A list of experienced Court Registrars available to travel to attend Courts where and when required has been compiled. A step-by-step guide for Court Registrars with domestic violence procedures and forms is available on the Courts Service intranet for all staff, supported by a basic registrar training programme which will allow for rapid upskilling in the event of significant staff shortages.

In order to ensure victims are aware of the services, the Minister for Justice has also launched a public awareness campaign, building on the existing 'What Would You Do' campaign against domestic violence which ran from 2016-2018. The powerful ads, which feature examples of domestic violence occurring in the context of the public health restrictions, will run for a number of weeks. One of the radio ad depicts a mother trying to reassure her child that their effort to hide from their abuser is just a game of 'Hide and Seek' while the TV ad features a

woman's attempt to keep in contact with her friends through Zoom being interrupted by her abusive partner.

This campaign has been coordinated with relevant NGOs so they can communicate the message to their networks and be available to talk to TV and radio programmes. Further information is also available on the Department's new website for the campaign, [www.stillhere.ie](http://www.stillhere.ie)

## **COVID-19 Related Oireachtas Queries**

A new COVID-19 related queries system for TDs was introduced on the 7th April by the Oireachtas Business Committee. Covid only - related queries ceased 05 May; any received from that date will be treated as PQs in the normal manner. Responses to both Covid-only and Questions raised can be found here: <http://www.justice.ie/en/JELR/Pages/Oireachtas-COVID-19-queries>