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OFFICE OF THE SECRETARY GENERAL, DEPARTMENT OF JUSTICE AND EQUALITY

Mr Ted McEnery,
Clerk to the Public Accounts Committee,
Leinster House,
Dublin 2.

Dear Mr McEnery,

I refer to your letter dated 4 April, 2014 regarding the Prison Service Recording System (Prisoner Phone System) and your request for information on:

1. The background on the need for a telephone recording system in the Prison Service to include any reports on the adequacy or otherwise of the previous systems.
2. The timeline in respect of the supply of the equipment that is currently in use.
3. The cost in each year since the equipment was installed to include capital and on-going maintenance/service costs.
4. A copy of any reviews of the performance of the system that have taken place.

I regret the delay in responding. I have now set out the comprehensive information below for the information of the Committee.

On 26th March 2014, the Director General of the Irish Prison Service (IPS) became aware of an anomaly whereby a number of prisoners who had more than one solicitor on the Prisoner Phone System had their phone calls to a second solicitor recorded.

As the Committee is aware, this matter is now being investigated by the Inspector of Prisons, Judge Michael Reilly, who has been asked to identify the circumstances which gave rise to the recording of these telephone conversations and the action taken to address this; the action now required to address the issue including any amendments to existing law, regulation and practices; and consider the data protection implications of the recording of conversations and any action required to ensure compliance with Data Protection legislation and the rights of those in prison. The Inspector was asked to submit a report on the results of his investigation to the Minister as soon as possible.

Should any issues arise during the course of the Inspector's investigation, these matters will be referred to the Commission of Investigation chaired by Judge Fennelly for further investigation.

As to the specific information sought by the Committee, the position is as follows:

1. The background on the need for a telephone recording system in the prison service to include any reports on the adequacy or otherwise of previous systems.

The original Prisoner Phone System was installed by Ericsson Business Communications (Damovo) in the late 1990's. This system was initially installed in Mountjoy Prison. The purpose of the system was to allow prisoners to avail of one 6 minute recorded phone call. Prior to the introduction of this system, Prison Officers had to manually supervise prisoner calls and monitor them in person, including policing the call durations. This requirement often resulted in confrontational situations when officers attempted to get an inmate to finish a call.

The success of this system in Mountjoy Prison led to the system being expanded to include Arbour Hill Prison. Similar systems were subsequently installed in the dual locations of Cloverhill/Wheatfield Prison and Cork/Limerick Prisons and a further system was installed in the Midlands Prisons. Portlaoise, Castlereagh, Shelton Abbey and Loughan House Prisons did not have a prisoner phone system at that time and were not included in the roll out of the original IPS Prisoner Phone System.

In April 2007, the Irish Prison Service Estates/ICT Directorate was given responsibility for supporting and managing the Prisoner Phone System. At that stage, the system had become unstable as, since its introduction in the late 1990s, there had not been any significant investment in the system hardware or software. The system was, at that time, running on hardware which was more than six years old. As a result, a high percentage of staff time was spent reacting to system failures. It is also worth noting that the Irish Prison Service did not, at that time, own the intellectual property rights to the Prisoner Phone System and therefore incurred a significant charge every time a change had to be made to the system.

There were also a number of other issues with the system, for example, the capacity to accommodate multiple calls simultaneously. The Mountjoy Prison telephone system had a maximum capacity at that time of 30 simultaneous calls. This system served prisoners in Mountjoy, Dochas, St Patricks, Training Unit and Arbour Hill prisons. In effect, the system could not handle the call volumes of the populations of these institutions. Cork and Limerick prisons and Cloverhill and Wheatfield prisons each shared systems. It became obvious given the prisoner population increase in these institutions that their phone systems were significantly over-subscribed. In fact, a maximum of 120 simultaneous calls was all that was possible across the entire prison estate which in 2007 housed an average daily number of 3,321 prisoners.

In addition, the original Prisoner Phone System was not centralised with each prison or pair of prisons having its own systems locally and the recording output stored locally on tape.

There was no Disaster Recovery option; if a local system failed, prisoners could not make their phone calls until the problem was resolved which led to operational difficulties in prisons.

Other deficiencies in the original Prisoner Phone System included:

- Prisoners had obtained multiple phone cards - either through bullying other inmates or acquiring cards that had not been disabled when other prisoners were released.
- Prisoners transferring between institutions had to be set up from scratch again on the system; this required a number of prison staff to work full time administering the system.
- There was no means to prove a call recording was actually a particular prisoner as many prisoners possessed multiple cards.
- Prisoners had a maximum of one call per day; therefore if a prisoner rang his/her solicitor this counted as their phone call for that day.

In December 2007, the IPS Estates/ICT Directorate prepared a business case for the replacement of the original Prisoner Phone System due to the difficulties with the existing system as outlined above. Having prepared the case, it was decided to consult with Ericsson Business Communications to provide a quotation to upgrade/ stabilise the existing phone system. They offered two options:

- Option 1 - to upgrade the hardware and software on the existing systems
- Option 2 - to build a centralised solution in IPS HQ in Longford.

Both options were considered but were discounted by the Irish Prison Service. While they addressed the hardware problems, other significant issues were not addressed such as capacity issues.

In 2008, the Irish Prison Service Estates/ICT Directorate engaged in consultation with HMP Maghaberry in Northern Ireland and the Scottish Prison Service to identify how their prisoner telephone systems were operated. The Irish Prison Service also consulted with staff regarding the optimal operation of a proposed new system.

Following these consultations, it was decided by the Estates/ICT Directorate to explore options to upgrade the Prisoner Phone System and find a more cost effective solution to the maintenance and intellectual property rights issues that existed. A Prisoner Phone Working Group was formed in 2008 chaired by the Director of Estates/ICT.

The first meeting of this group took place on 29 April 2008 and met on a number of occasions to discuss the operation and functionality of the new system. In September 2008, a revised Business Case for the replacement of the existing Prisoner Phone System was prepared by the Estates/ICT Directorate. Following input from the Prisoner Phone Working Group, a tender specification was drawn up in March 2009 and sent by the IPS to CMOD, Department of Finance, for approval.

Following receipt of the CMOD/Department of Finance approval, the tender was published by the Irish Prison Service Central Procurement Unit in April 2009 on the eTenders website. The responses to the Request for Tender were evaluated over the summer of 2009 and, following this evaluation, the contract was awarded to Damovo Ireland in October, 2009. The contract duration was for 4 years from October 2009 to October 2013. Costs are detailed in section 3 below.

The new Prisoner Phone System, which was introduced by Damovo Ireland, consisted of two parts namely; the end-user DiaVox Client and the NICE Recording System. The DiaVox Client controls the length of each permissible phone-call and the telephone numbers that can be called from the phone system. The NICE Recording System provides the system to intercept and record appropriate phone calls. The Irish Prison Service Prisoner Phone system was designed to allow for the interception and recording of phone lines with the exception of two lines; line 1 which was reserved for solicitors and line 99 reserved for Samaritans. All other lines could be recorded.

Installation of the DiaVox Client began in Castlerea Prison in January 2010. The installation of the NICE Recording System was completed in July 2010. Once the systems were installed and successfully operating in Castlerea, the system was then rolled out to all prisons. The system was fully operational by the end of 2010.

Benefits/Savings

While the introduction of the new Prison System was primarily to provide a modern, automated centralised prison phone system the introduction of the new system has also resulted in significant saving/benefits being achieved by Irish Prison Service including:

Maintenance/running Cost Savings

Significant savings on maintenance costs are being achieved by the Irish Prison Service. The old phone system was incurring maintenance costs of approximately €150,000 per annum. The maintenance costs of the new system incurred since 2010 have reduced to an average of less than €60,000 per annum. The Irish Prison Service was also spending €50,600 per annum on ICT resources to manage the old Prisoner Phone System. This cost has also been eliminated under the new system.

Accordingly, since the new phone system was fully implemented at the end of 2010 the Irish Prison Service has been achieving (and will continue to achieve) annual savings of approximately €140,000 on maintenance and running costs. This has seen savings of approximately €420,000 achieved since 2011. As a result it is envisaged that the new system will have paid for itself by the end of 2015.

In addition to savings achieved on maintenance and running costs the Irish Prison Service has also been able to make significant changes to the Prisoner Phone System at minimal cost given that the system is now a centralised system and the Intellectual Property Rights are owned by the IPS.

Staff time savings

The introduction of the new system has also resulted in significant savings of staff time. The old system was quite labour intensive given that staff were required to collect prisoners from recreation areas; work and training areas; schools or landings and would then escort these prisoners to a designated phone location, which was normally the Class Office. Prison staff were then required to place the call and verify that the recipient would accept the call before passing the handset to the prisoner. In many cases these calls were made through another staff member who manned the switchboard. Staff were also required to monitor the phone call and to record in a log that the call had been made.

In addition, as the phone call did not automatically terminate after the allotted time (6 minutes), it was common for tensions to develop or unnecessary incidents to occur between the prisoner making the call and the officer tasked with terminating the call once the allocated time had elapsed.

In larger prisons, there would have been several staff members assigned to collecting prisoners, arranging phone calls and monitoring phone calls in several offices throughout the prison.

The introduction of the new system which is fully automated has eliminated the need for staff to be assigned to these functions. Phone handsets are available throughout the prisons including recreation areas, work training areas, schools and landings. Calls are made by prisoners entering their PIN number and selecting the phone line which contains their pre-entered pre-approved phone number and the phone call automatically terminates once the six minute period has elapsed. Phone calls (except to legal representatives and Samaritans) are recorded eliminating the need for staff to be present to monitor the call.

Other savings/benefits achieved include:

- The system is very rarely unavailable as the system has full disaster recovery back up. This assists in the smooth running of the prisons.
- The system has been used as an incentive for inmates as part of the new enhanced regimes initiative.
- The new Prisoner Phone System is linked to Government Networks and uses specialised hardware/software to avail of the least cost routing. This means that that Irish Prison Service gets a significantly reduced rate of call charge. For example before the new Prisoner Phone System was introduced the average call cost was 18c per minute this is now reduced to 8c per minute.
- The recordings have proved invaluable during criminal, disciplinary, and death in custody investigations by the Irish Prison Service, An Garda Síochana and the Inspector of Prisons
- The capacity of the system increased to 400 simultaneous calls. This has resulted in less staff/prisoner confrontations in yards/landings etc.
- All recordings are stored on the IPS Storage Area Network database which means they are easier to access and fully backed up in the event of a system failure.

- The new phone system allows prisoners to make multiple phone calls per day. Under the Incentivised Regimes Policy introduced in 2012 prisoners can now make multiple calls each day dependant on their regime level. Each call duration can last up to 6 minutes in total. Their legal representative call does not count as a call when calculating their daily quota.
- IPS owns the Intellectual Property Rights to the system, hence it costs considerably less to maintain.

2. The timeline in respect of the supply of the equipment that is currently in use:

December 2007 - Business Case for replacement of new system prepared by Estates/ICT Directorate.

29 April 2008 - Prisoner Phones Project meeting held in the Irish Prison Service Training and Development Centre to introduce the rationale for the replacement of the phone system.

23 June 2008 – Prisoner Phone System Project Group meeting held in Irish Prison Service Training and Development Centre to discuss functionality of new Prisoner Phone system

23 September 2008 – A revised Business Case was drafted for the replacement of the existing system with a new centralised Prisoner Phone System.

26 March 2009 – Draft tender documents for the competition for the appointment of a service provider for the nationwide provision of a Telephony Management System issued to CMOD, Department of Finance for approval.

1 April 2009 – Approval to publish the tender documents received from CMOD, Department of Finance. Verbal rather than written approval was received to proceed with the Prisoner Phone System.

3 April 2009 - Tender documents for the competition for the appointment of a service provider for the nationwide provision of a Telephony Management System published by the Irish Prison Service.

14 May 2009 – Tender competition for the competition for the appointment of a service provider for the nationwide provision of a Telephony Management System closes.

09 October 2009 – Letter of award of contract to Damovo Ireland issued by the Irish Prison Service

January 2010 – Installation of systems (DiaVox Client and NICE Recording) commences in Castlerea Prison

July 2010 – Installation of new Prisoner Phone system in Castlerea Prison complete.

December 2010 – Roll out of new Prisoner Phone System to all closed prisons complete.

3. The cost in each year since the equipment was installed to include capital and on-going maintenance /service costs.

Payments for the provision of the new Prisoner Phone System were made in stage payments over 2009 – 2011. Details of the year by year expenditure are set out in the following table:

Cost	2009	2010	2011	2012	2013
Prisoner Phone System	202,905.00	404,140.00	70,714.82	-	-
Interactive Voice Recognition	-	-	2,553.75	-	-
Changes to Diavox Client for Incentivised Regimes	-	-	-	26,031.23**	-
Changes to Telephone System	-	-	-	-	5,196.75
Business Continuity	48,192.98*	-	-	-	-
Yearly Maintenance	-	18,000.12	65,997.85	77,994.93	71,995.32

*There was expenditure of €48,192.98 in 2009 for Business Continuity (Disaster Recovery) which refers to the costs of having a back up system in place in Dublin should the system in Longford fail.

**There was further expenditure in 2012 of €26,031.23 which related to implementing changes to the system as part of the rollout of the Irish Prison Service Incentivised Regimes Policy which introduced different call options depending on the prisoner's regime.

In addition, the Irish Prison Service incurs yearly maintenance costs. Maintenance costs, which include licensing, of €233,988.22 have been incurred since the introduction of the new system in 2010. This represents a considerable saving on the old Prisoner Phone System which was costing the Irish Prison Service in excess of €150,000 per annum in maintenance costs.

The 2009 tender competition, which was published in the Official Journal of the European Union, provided for the replacement of the existing Telephony Management System for non staff in the Irish Prison Service. The new up-to-date solution was designed to service this critical system for several years and the tender specification required that it be reliable, secure and capable of producing all required management information. The tender documents also confirmed that, once implemented, the system would be managed internally by the Irish Prison Service.

The contract was awarded to Damovo Ireland and, as already noted, the development and installation of the system was completed and rolled out by December 2010.

Support and maintenance of the system was also provided for in the contract which expired in October 2013. The IPS extended the contract with Damovo Ireland to provide cover until a new

tender process was completed and contract awarded. The tender process is currently underway and it is anticipated that a new contract will be awarded in June 2014. In compliance with Department of Finance Circular 40/02, the rollover of this contract will be reported in the IPS annual return for 2014.

4. A copy of any reviews of the performance of the system that have taken place

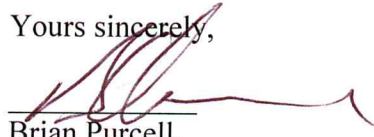
The Irish Prison Service has not conducted any formal external review or evaluation of the performance of the system since its introduction in July 2010. However, in 2013, the Irish Prison Service established a Prisoner Phone System Expert Users Group to consider issues relating to the operation of the Prisoner Phone System. This group is chaired by the Estates/ICT Directorate and consists of appropriate staff members from Prison Service headquarters and prison based personnel.

The group met twice in 2013 to consider the operation of the Prisoner Phone System and to identify and implement operational modifications or enhancements to the system. In addition, technical systems are in place to provide constant systems monitoring by IPS ICT Section to ensure the system is operating as required. The IPS is satisfied that, since its introduction, the new Prisoner Phone System has operated as it was originally designed. The phone system, as designed, could not pick up on the fact that a solicitor's number was incorrectly placed in a recordable slot. Following the emergence of this issue, and pending the Inspector of Prisons investigation into this matter, the Irish Prison Service has introduced safeguards to ensure solicitor's numbers are not entered into recordable slots. This temporary fix includes the automated running of a script in the system every 1 minute which will remove a phone number from a recordable slots if the relationship is identified as a solicitor.

A permanent solution will be implemented, in consultation with the Inspector of Prisons, as soon as possible.

I trust this information will be of assistance to the Committee.

Yours sincerely,


Brian Purcell,
Secretary General

25 June 2014.