30th September 2025

As someone who has spent a significant amount of time working with and within the Irish Prison Service in recent years, I have significant concerns regarding the planned introduction of incapacitant sprays on relations between prison officers and those in the care of the Irish Prison Service. While the intention of introducing incapacitant sprays is likely to promote greater safety in our prisons, we know from examining other jurisdictions that their introduction negatively impacts prison officer and prisoner relations, destabilising a relationship built on trust and harmony.

The Irish Penal Reform Trust (IPRT) have highlighted that prisoner-on-prisoner assaults are a pressing issue in Irish prisons, and in their opening statement, they rightly acknowledge the skills of prison officers in de-escalating these incidents. The issue of assaults on prison officers by those in care is distinct, and there is some discrepancy in terms of the figures reported by the IPS and those referred to by the Director General. I will outline some of the reported figures below, in the hopes of better demonstrating the source of my unease regarding the context for the introduction of incapacitant sprays in our prisons.

The most recent data released by the Irish Prison Service (IPS) highlights notable fluctuations in the rates of assaults and violent incidents within prisons during 2023 and 2024. Specifically, there has been a reported 3% decrease in direct physical assaults by prisoners on prison staff, while aggressive and threatening incidents have fallen by 8%. Physical interventions within prisons, where staff must intervene physically, are down by 25%. This suggests some improvement in the safety of the prison environment for prison staff.

Conversely, there has been a concerning 31% increase in direct physical assaults by prisoners on other prisoners over the same period, indicating a significant rise in prisoner-on-prisoner violence. Despite improvements in some areas, this escalation warrants specific attention to promote the safety and well-being of prisoners. I do not believe that the introduction of incapacitant sprays is likely to have this effect.

According to the IPRT Progress in the Penal System Report, 2018 saw 110 recorded assaults on staff by prisoners, while assaults among prisoners themselves were much higher, with 418 incidents. Additionally, information obtained through the Freedom of Information Act revealed that staff were alleged to have assaulted prisoners 37 times in the same year.

Figures released by the then Minister for Justice Helen McEntee in 2024 indicated that

399 prison officers had been attacked over the preceding four years. Annual breakdowns show 110 direct assaults between 2023 and 2024, compared to 128 in 2022, 91 in 2021, and 70 in 2020. The Director General has separately stated that attacks on prison officers increased by 32% in the last year, in contrast to the figures cited by the IPS. This significant variation in reporting calls for clarification and further analysis to accurately understand the trends in assaults against staff. According to these statistics, it appears that the increase in the maximum penalty for assaulting a peace officer from seven to twelve years has had no discernible impact on the frequency of such assaults.

It is imperative that the Committee has greater clarity regarding the safety of the prison environment so that we can better understand the needs of prison officers and those in their care, and therefore make more informed recommendations about the interventions that we believe are required to promote greater safety in Irish prisons. While the focus of discussion today is likely to be about the merits or otherwise of incapacitant sprays in custodial settings, the elephant in the room is the significant overcrowding in Irish prisons and the strain this puts on the prison community as a whole.

The Future Prison Capacity Working Group Report has highlighted compromised safety and security in prisons, largely as a result of chronic overcrowding. Incapacitant sprays do nothing to reduce overcrowding, which we know undermines safety for everyone in the prison community. The 31% increase in prisoner-on-prisoner assaults in 2024 further underscores the correlation between overcrowding and rising violence in our prisons. How incapacitant sprays will positively interrupt this trend is entirely unclear.

I think it is imperative for the Committee to consider how the introduction of incapacitant sprays may alter the dynamic between officers and prisoners. What evidence has the Department relied on in making the determination to introduce incapacitant sprays? Is their introduction likely to create a more adversarial relationship that will instead increase tensions rather than reduce them? What other steps could the Department of Justice and the IPS take to promote safety in our prisons, without the introduction of chemical irritants?

I wish to additionally place the following specific concerns on the record:

The Assumption of Safety: The Council of Europe's Committee for the Prevention of Torture (CPT) has reported deteriorating safety in male prisons and rising allegations of staff misconduct in Ireland. The proposed introduction of incapacitant sprays appears to rely on an assumption of safety—does it reflect a belief that officers will feel safer, or that prisoners will ultimately feel more protected?

Potential Health Risks: Given that chemical irritants can lead to severe health consequences, including death, we must consider the vulnerability of specific individuals

to these chemicals—especially in enclosed spaces. What safeguards will be implemented to protect vulnerable individuals, particularly those with respiratory health concerns? How will these risks be mitigated in our prisons, and who will be responsible for safeguarding and oversight?

Link between Overcrowding and Violence: As noted, data demonstrates a 31% increase in prisoner-on-prisoner assaults from 2023 to 2024, amidst reports of prisons operating at 112% capacity. The Committee must investigate the extent to which overcrowding correlates with incidents of violence, and consider the other measures that can be taken to address this issue.

Compliance with Human Rights: Has the proposed use of incapacitant sprays been assessed under the Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT)? There is also a conversation to be had about the use of sprays on marginalised and minority groups, i.e. those with physical or psychological disabilities, those who are neurodiverse and also, if we look across the water of the use of pepper spray in the UK, there are potential racial disparities in its use. What rights based assessments have been carried out to explore all the unintended consequences versus any benefits?

Operational Guidelines: Should the Department proceed with legislating for the use of incapacitant sprays, the operational protocols for prison officers using incapacitant sprays must be explicitly clear. How will these sprays be distributed across facilities, and what reporting mechanisms will be instituted? For example, what training is required to de-escalate without its use? Will data be collected on how many times it was used, including the data on the individuals it was used on, monitoring for overuse by prison officers, and, importantly, why it was used and whether it could have been avoided?

Senator Ruane