

When an Inspector Calls: Perceptions of Oversight among Prison Management

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Oversight in the form of inspection and monitoring is an increasingly prevalent feature of the modern prison landscape. The recent revisions to the European Prison Rules have highlighted the importance of inspection and monitoring for the purposes of ensuring the welfare of people in custody. However, there has been little empirical investigation of how growing oversight obligations have been experienced on the ground, or how the role of inspection is viewed by prison staff. Drawing on interviews with prison managers in the Irish prison system, this article examines experiences of engagement with Ireland's national prison inspectorate, the Office of the Inspector of Prisons. The study explores the different ways in which oversight obligations are understood as part of managerial work, as well as attitudes towards the inspection process. Analysis of these accounts identifies several ways by which engagement with this oversight body could be strengthened and improved.

Introduction

Prison oversight is regarded as essential for places of detention.¹ Although the efficacy of oversight may be contested, its function is to deliver greater transparency and accountability within prison systems.² Accordingly, oversight provides a fundamental safeguard for the rights and treatment of people in

custody.³ It also offers benefits to the prison administration and prison staff by promoting best practice and contributing to the creation of better prison conditions.⁴

Recent revisions to the European Prison Rules (EPR) (2020) have placed increased emphasis on the role of inspection and monitoring in European prisons.⁵ Rule 93.1 stipulates that prisons must be subject to independent monitoring, the findings of which must be made public, in order to ensure that the rights and dignity of prisoners are upheld. Rule 93.5 states that monitoring bodies have the authority to make recommendations to the prison administration. Moreover, Rule 93.6 ensures that the prison administration must respond to these recommendations, thereby demanding greater engagement with independent monitors. These revisions highlight that oversight obligations are becoming increasingly prescribed in the functioning of modern European prisons.

Bennett has written on the 'audit explosion' faced by prison managers in HM Prison Service and the increasing bureaucratic demands introduced under new public management.⁶ External to the prison, prisons are also subject to a growing 'web of accountability' or regulatory community.^{7,8} This comprises a network of actors each with their own regulatory function and specific areas of expertise — human rights, food quality, educational standards, environmental impact, health and safety — and the prison system is answerable to

1. Rogan, M. (2019) 'Prison inspection and monitoring: The need to reform European law and policy' *European Journal on Criminal Policy and Research*, 27: 285-305; Van Zyl Smit, D. & Snacken, S. (2009) *Principles of European Prison Law and Policy: Penology and Human Rights*. New York: OUP.
2. Deitch, M. (2021) 'But who oversees the overseers?: The status of prison and jail oversight in the United States' *American Journal of Criminal Law*, 47(2): 207-274; Deitch, M. (2010) 'Distinguishing the various functions of effective prison oversight', *Pace Law Review*, 30(5): 1438-1445.
3. Van Zyl Smit, D. (2007) 'Prisoners' rights' in Y. Jewkes (ed) *Handbook on Prisons*, pp.566-584, Devon: Willan.
4. Coyle, A. (2010) 'Professionalism in corrections and the need for external security: An international overview', *Pace Law Review*, 30: 1503-1511; Deitch, M. (2021) No. 2.
5. European Prison Rules (2020).
6. Bennett, J. (2016) *The Working Lives of Prison Managers: Global Change, Local Culture, and Individual Agency in the Late Modern Prison*, Hampshire: Palgrave MacMillan.
7. Frink, D., & Klimoski, R. (1998) 'Toward a theory of accountability in organizations and human resource management' in G.R. Ferris (ed), *Research in Personnel and Human Resource Management*, pp.1-51, Stamford: JAI Press.
8. Meidinger, E. (1987) 'Regulatory culture: a theoretical outline', *Law & Policy*, 9(4): 355-386.

each in turn. Stojkovic has argued that engagement with oversight 'will be the norm for prison leadership and management in the 21st century [...] the only question remains how they will adjust to this change' (p.1391).⁹

Much like regulators, oversight bodies are endeavouring to 'steer' behaviour in a particular direction that aligns with their own explicit standards.¹⁰ Yet, oversight bodies are not regulators in the strictest sense; the methods of oversight are often less technically prescriptive, and furthermore oversight bodies do not always possess powers of enforcement which equip them to mandate change. It is clear from this literature that positive relationships are essential for conducive regulatory outcomes.¹¹ Cooperation, engagement, and a willingness to comply with oversight on the part of those who are overseen is desirable; and while it does not guarantee success, it increases the prospect of good oversight outcomes for both parties.¹²

Past research provides insight as to how external scrutiny is experienced in other settings. For example, Braithwaite found that nursing home managers demonstrated a wide variety of responses towards inspection — some managers were actively committed to oversight and its benefits; others were indifferent; and some were even oppositional.¹³ These differing 'motivational postures' were rooted in managers' attitudes towards the inspectorate and its objectives. In an ethnographic study of young offender institutions, Andow describes the 'institutional display' that takes place during inspection — staff's desire to ensure that the institution

is presented in the best possible light.¹⁴ However, this desire to be evaluated positively also led some staff to conclude that inspection fails to capture an accurate depiction of the environment. On inspection in the probation sector, staff have been found to welcome the opportunity to reflect on their work and find areas for improvement, while at the same time acknowledging the intensive time commitment that undergoing inspection entails.¹⁵

By comparison, little is known about how inspection is viewed in the prison environment. Evidence on inspection from other settings would lead us to anticipate that prison staff are also likely to demonstrate a variety of attitudes towards inspection and its perceived function; but the particularities of the prison culture — its closed nature, high staff solidarity, and being a low trust environment — may present

additional considerations as to how and why these attitudes are manifested.

Prisons are traditionally settings that reside out of the public eye. The literature on prison staff cautions of a strong organisational culture, one in which staff demonstrate high levels of in-group solidarity;¹⁶ consequently, prison staff can be wary of outside perspectives.¹⁷ Incomers can often be regarded as naïve and unknowledgeable,¹⁸ or as potentially posing a risk to

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the organisation by drawing unwanted attention and creating 'negative visibility'.¹⁹ It is not a culture that easily admits those from the outside, and so outsiders must develop trust with prison staff. First-hand accounts of oversight practitioners operating in the prison environment have emphasised the need to build

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9. Stojkovic, S. (2010) 'Prison oversight and prison leadership', *Pace Law Review*, 30: 1476-1489.
 10. Parker, C., & Braithwaite, J. (2003) 'Regulation' in P. Cane & M. Tushnet (eds) *The Oxford Handbook of Legal Studies*, pp.19-45. Oxford: OUP.
 11. Ayers, I., & Braithwaite, J. (1995) *Responsive Regulation: Transcending the Deregulation Debate*. Oxford: OUP.
 12. Braithwaite, V. (1995) 'Games of engagement: Postures within the regulatory community', *Law & Policy*, 17(3): 225-256; Braithwaite, V. (2003) 'Dancing with tax authorities: Motivational postures and non-compliant actions' in V. Braithwaite (ed) *Taxing Democracy*, pp.15-40, Aldershot: Ashgate; Braithwaite, V. (2017) 'Closing the gap between regulation and the community' in P. Drahos (ed) *Regulatory Theory: Foundations and Applications*, pp.25-42, Canberra: Australian National University Press.
 13. Braithwaite, V. (1995). see footnote 12.
 14. Andow, C. (2020) 'Outsider inspections of closed institutions: An insider ethnographic view of institutional display', *Sociological Research Online*, 25(4), 682-697.
 15. Phillips, J. (2021) 'An analysis of inspection in probation and its impact on practitioners, practice and providers', *Probation Journal*, Available at: <https://journals.sagepub.com/doi/full/10.1177/02645505211041577>
 16. Arnold, H. (2005) 'The effects of prison work' in A. Liebling & S. Maruna (eds) *The Effects of Imprisonment*, pages 391-420, Devon: Willan; Morrison, K., & Maycock, M. (2021) 'Becoming a prison officer: An analysis of the early development of prison officer cultures', *The Howard Journal of Crime and Justice*, 60(1): 3-24.
 17. Crawley, E., & Crawley, P. (2008) 'Understanding Prison Officers: Culture, Cohesion, and Conflicts' in Bennett, J., Crewe, B. & A. Wahidin (eds) *Understanding Prison Staff*, pages 134-152, Devon: Willan.
 18. Garrihy, J. (2020) "There are fourteen grey areas": 'Jailing', professionalism and legitimacy in prison officers' occupational cultures', *Irish Probation Journal*, 17: 128-150.
 19. Symkovich, A. (2020) 'Negative visibility and 'the defences of the weak': The interplay of a managerial culture and prisoner resistance', *Theoretical Criminology*, 24(2): 202-221.

positive professional relationships with management for oversight to run smoothly and effectively.²⁰ Here, this article makes its central contribution by exploring perspectives of prison oversight in situ, and identifying avenues by which conducive relationships can be fostered between prisons and oversight bodies.

Oversight in the Irish Prison System

This study captures experiences of oversight among senior prison managers in Ireland. The Irish prison system is relatively small, with a prison population rate of 78 per 100,000 people.²¹ A striking feature of the Irish prison system is that oversight has been demonstrably lacking until relatively recently. With the exception of the Visiting Committees,²² regular and dedicated prison oversight was largely left to the Department of Justice, which could not be regarded as impartial. It was not until the Office of the Inspector of Prisons (OIP) that Irish prisons were subject to scrutiny by an independent body.

The OIP was established in 2002 and placed on a statutory footing in 2007 under the Prisons Act (2007). The OIP is responsible for, inter alia, examining the effectiveness of the management of the prison estate, compliance with national and international standards, the health and welfare of people in custody, and the quality and availability of programmes and facilities. The OIP is obliged to carry out regular inspections of all prisons. To support this, the OIP has unrestricted access to the prison estate as well as all necessary documentation. The Office presents its inspection reports to the Minister for Justice, which upon review, are made public. Within these reports, the OIP issues recommendations for action within the prison system.

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In 2020, the OIP launched the *Inspection Framework for Prisons in Ireland*, its first comprehensive framework for undertaking inspections.²³ Prior to this, inspection was guided by the OIP's *Standards*, which drew upon existing international instruments such as the Mandela Rules and the EPR, as well as the work of the Committee for the Prevention of Torture.²⁴ While this initial inspection model was a welcome development,²⁵ the specific details of the inspection process under the *Standards* remained ambiguous. It was unclear from inspection reports of this period as to the procedural steps of inspection or how the *Standards* were applied.

By comparison, the *Framework* sets out five explicit areas by which prisons will be evaluated. These include:

safety and security; respect and dignity; rehabilitation and development; health and well-being; and resettlement. Each area carries defined criteria by which performance can be assessed and relevant evidence can be gathered; these have been informed by national law, human rights obligations, and international best practice. The past two years have seen the OIP's most productive period to date, with thematic reports on the impact of COVID-19 undertaken in every prison. However, to date, a full inspection has not yet been completed using the *Framework*. Moreover, the regularity of inspections has been criticised;²⁶

and many prisons have yet to receive a full inspection.

As the national inspectorate, the OIP plays a central role in the oversight of the Irish prison system. But it is also a relatively new oversight relationship. The regulation literature informs us that motivation to comply with oversight as well as the level of compliance can differ greatly from individual to individual.²⁷ The literature also posits that individuals who have a

20. Bicknell, C., Evans, M., & Morgan, R. (2018) *Preventing Torture in Europe*, Strasbourg: Council of Europe; Casale, S. (2010) 'The Importance of Dialogue and Cooperation in Prison Oversight', *Pace Law Review*, 30: 1490-1502; Owers, A. (2007) 'Imprisonment in the twenty-first century: a view from the inspectorate', in Y. Jewkes (ed), *Handbook on Prisons*, pp.1-22. Devon: Willan.

21. Figure correct as of February 2022, obtained from <https://www.prisonstudies.org/country/ireland-republic/>

22. The role of the prison Visiting Committees is similar to that of the Independent Monitoring Boards operating in England & Wales. Under the Prisons (Visiting Committees) Act, 1925, each prison has a Visiting Committee consisting of members of the public appointed by the Minister for Justice.

23. Office of the Inspector of Prisons (2020) *A Framework for the Inspection of Prisons in Ireland*, Nenagh, Ireland: OIP.

24. Office of the Inspector of Prisons (2009) *Standards for the Inspection of Prisons in Ireland*. Available at: <https://www.oip.ie/wp-content/uploads/2020/04/Standard-for-the-Inspection-of-Prisons.pdf>

25. Martynowicz, A. (2011) 'Oversight of prison conditions and investigations of deaths in custody: international human rights standards and the practice in Ireland' *The Prison Journal*, 91(1): 81-102.

26. Irish Penal Reform Trust (2022) *Progress in the Penal System: The Need for Transparency*, Dublin: IPRT.

27. Ayers & Braithwaite (1995), see footnote 11.

positive evaluation of the oversight body, their objectives, and their processes are more likely to be compliant and to demonstrate positive engagement.²⁸ Accordingly, this analysis examines how engagement with inspection is experienced on the ground by prison managers. It illuminates attitudes towards prison inspection as well as some existing tensions and opportunities for improvement within this oversight relationship.

Methodology

In-depth interviews were conducted with 35 prison managers from the Irish Prison Service (IPS). Participants included staff at Governor and Chief Officer grades, in addition to senior administrative staff from IPS headquarters. Collectively, participants had worked in all 12 prisons across the prison estate. Interviews explored participants' experiences of oversight and accountability in the Irish prison system, as well as interactions with the OIP. All interviews took place between October 2018 and May 2019; at this time, the Framework had not yet been implemented although many participants were aware of the basic tenets of the new inspection model. All interviews were transcribed verbatim and analysed through thematic analysis.²⁹

Findings

The findings concentrate on two areas. The first area concerns how oversight through inspection is interpreted as part of wider managerial responsibilities. Oversight obligations are an aspect of prison management that have been underexamined within the prison literature. Second, this study explores how the process of inspection is viewed by prison managers. Three aspects of the inspection process are identified as important for building trust, credibility, and legitimacy from the perspective of those who are overseen. This study highlights ways in which trust could be bolstered, illuminating constructive steps that both the IPS and the OIP could undertake in

this regard. These findings are not limited to the inspectorate, but are generalisable to oversight relationships of other kinds such as audit bodies, prison monitoring bodies, Ombudsmen, and NGOs.

The Function of Inspection for Managers

A primary function of oversight is to evaluate whether an organisation is operating in line with laws, regulations, policy, standards, or organisational objectives.³⁰ It objectively determines whether '*we are running the place correctly*' (Participant 14), and that '*all the boxes are ticked and [...] and what you're doing is within the rules and regulations*' (Participant 25). Interpreting oversight as 'assurance of performance' was a perspective that aligned with the tenets of managerialism.³¹ Specifically, participants conceived of oversight as a way to assess concerns of policy adherence, standardisation, efficiency, use of resources, and fulfilling the organisational mission statement, all culminating in an evaluation of '*the service we deliver*' (Participant 12). Participants referenced that similar activities are implemented across the public sector for the purposes of transparency and accountability.

Framed like this, oversight was perceived as non-threatening; answerability to oversight obligations was not a demand unique to prison managers but an expected duty

of management within the public sector. For managers who viewed oversight in this way, inspection was often likened to audit; the language of human rights was almost entirely absent, and inspection was described as a technical process of evaluation against standards. Yet, the OIP is not an audit body; it is an oversight body grounded within the principles of human rights.³² As such, this outlook on oversight can invertedly disregard the ethos that underpins the work of the Office.

A second function of oversight is that it provides an avenue for organisational improvement. It is through this function that the organisation may most easily recognise the benefits of oversight.³³ Therefore, it is a

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28. Braithwaite, V. (1995; 2003; 2017), see footnote 12.

29. Braun, V. & Clarke, V. (2006) 'Using thematic analysis in psychology', *Qualitative Research in Psychology*, 3(2): 77-101.

30. Aucoin, P. & Heintzman, R. (2000) 'The dialectics of accountability for performance in public management reform', *International Review of Administrative Sciences*, 66(1): 45-55; Shute, S. (2013) 'On the outside looking in: reflections on the role of inspection in driving up quality in the criminal justice system', *The Modern Law Review*, 76(3): 494-528.

31. Hood, C. (1995) 'The 'new public management' in the 1980s: Variations on a theme', *Accounting, Organizations and Society*, 20(2-3): 93-109.

32. OIP (2020), see footnote 23.

33. Aucoin & Heintzman (2000); Shute, S. (2013); see footnote 30.

function that both the organisation and the oversight body should seek to impress upon staff to encourage engagement. Yet, accounts of interactions with the OIP demonstrated that this function was not uniformly embraced within IPS.

For some participants oversight presented a 'learning opportunity' (Participant 15). The OIP offered a fresh independent perspective or 'a different lens' (Participant 7) through which the status quo could be challenged. Examples of positive organisational developments attributed to the OIP included the introduction of standardised committal procedures, a formalised prisoner complaints system, checklist procedures for prisoners placed on special observation, in-cell sanitation, and physical improvements to the estate. In contrast, other participants were reluctant to acknowledge the contribution of the OIP, citing that its recommendations amounted to 'stuff we would be and should have done anyway' (Participant 22) or 'stuff we have been canvassing for, for years' (Participant 27). They viewed organisational developments as largely intrinsically driven and downplayed the ability of the OIP to bring about change.

Alternatively, some interviewees actively capitalised on this function of oversight. They regarded the experience of undergoing inspection as an opportunity that could be leveraged, not necessarily for wider organisational improvement, but in service of their own managerial objectives. Engagement with the inspectorate could be used to draw attention to specific challenges within the prison or broader systemic issues. The inspectorate offered political influence and was therefore appropriately positioned to prompt change, 'the Governors shouting doesn't have the same effect as an Inspector of Prisons' (Participant 3). Inspection reports could bolster existing calls for action or potentially motivate the issuance of additional resources. Participant 11 summarised their experience with the OIP, stating,

'A lot of change happened here because [the Inspector] would come in and find it. [...] if somebody with his clout is saying it's wrong, I

could be banging that drum every day of the week and nobody listens but if he comes in and puts it in his report?'

A third function of oversight is that it exerts a check on power-holders. Oversight of this kind is usually initiated in response to major institutional failings or serious adverse events. This function is particularly exigent within prison as staff hold a considerable degree of power over those in custody,³⁴ consequently, oversight provides a necessary safeguard against abuse of power.³⁵ Participants appreciated this function, acknowledging that without external scrutiny prison 'could become a dark place very quick' (Participant 22). For this reason, the ability to monitor the proportional and justified exercise of power in prison was essential, 'that's why we need the Inspector' (Participant 2).

Finally, some participants expressed that oversight functioned as a conduit for blame. There was a perception among these participants that external scrutiny is only triggered in response to adverse events. It is an activity that generates 'negative visibility', drawing public attention and potentially reputational damage.³⁶ On this, Participant 21 summarised, 'when things go right nobody comes near us, when things come wrong they have to'. Thus,

oversight was viewed as a reactionary process rather than a consistent obligation; it served to identify those who were culpable for a wrongdoing. Crucially, this perception was not confined to the work of the OIP, but external oversight in general.

That oversight was perceived in this way appeared to stem from IPS's wider organisational culture, which participants described as a 'blame game culture' (Participant 24) — one that is fixated on apportioning fault. Though participants acknowledged that this culture was improving, the language regarding blame within the organisation was still visceral: 'we're very quick to point fingers and cut heads off' (Participant 5), 'they want to know who can we hang' (Participant 15), 'want a body for this' (Participant 9). External oversight, like inspection, identifies issues which in turn generates finger-pointing within the organisation. The blame

Engagement with the inspectorate could be used to draw attention to specific challenges within the prison or broader systemic issues.

34. Crewe, B. (2007) 'Power, adaptation, and resistance in a late-modern men's prison', *British Journal of Criminology*, 47: 256-275; Sykes, G.M. (1958) *The Society of Captives: A Study of a Maximum Security Prison*. New Jersey: Princeton University.

35. Rogan (2019), Van Zyl Smit & Snacken (2009), No. 1; Van Zyl Smit (2007), see footnote 3.

36. Symkovych (2020), see footnote 19.

culture obfuscates the benefits of oversight, instead framing oversight in terms of its potential harm to the individual or the wider organisation.

Although this perception exists alongside positive interpretations of oversight obligations, this finding suggests that, at present, the organisational culture is not one in which oversight obligations comfortably reside. The literature advocates that organisations must firmly embed the concept of accountability within organisational culture. This involves deep consideration of external accountability relationships, the nature, purpose, and extent of oversight demands, and how accountability should be modelled by staff within the organisation.³⁷

Impressions of the Inspection Process

Attitudes towards an oversight body and its methods considerably influence compliance and engagement.³⁸ This section explores interviewees' reflections on the inspection process. It focuses on three aspects of inspection which can undermine how the inspection process is perceived by prison managers. Their identification is telling of aspects of the oversight process that are important for credibility and legitimacy in the eyes of those who are overseen. Therefore, we propose that the points raised are not limited to prison inspection, but generalisable to oversight relationships of other kinds.

Communicating Methodology

The importance of communicating clear standards of assessment, as well as the means by which the prison is evaluated, emerged clearly from this study. As previously noted, at the time of data collection, the OIP was without a formalised inspection framework. The absence of an explicit framework meant that many prison managers were unclear as to the how the Office carried out an inspection in practice. Even among participants with direct experience of prison inspections, descriptions of what the process entailed under the old model were vague and ambiguous, *'it has*

been almost as if a few people wander in and look around the place and talk to a few people and then go off and write a report' (Participant 29).

Among the majority of participants, this absence of processual clarity was not a major concern; it was as though the inspection process was solely of consequence to the oversight body, rather than those faced with the inspection and the resulting recommendations. Again, this is reflective of an organisational culture that has not developed strong cultural norms towards oversight and accountability, and what inspection should mean for the organisation. However, by contrast, among some participants, a transparent inspection methodology was clearly valued and desired. These individuals emphasised the importance of understanding how findings are reached,

as well as understanding the evidence that underpins inspection recommendations. The traces of this process were not always apparent and, consequently, this undermined how the resulting reports were perceived. On this, Participant 32 remarked,

'It was anecdotal. [...] You have to have evidence to say here's what we saw, here's the dates, here's the times, here's how it was. You know, and it has to be specific.'

The absence of an explicit framework meant that many prison managers were unclear as to the how the Office carried out an inspection in practice.

This point underscores the importance of communicating the procedural elements of inspection in the form of standards, process, and evaluation, such that *'everyone knows where they're coming from'* (Participant 18). Former HM Chief Inspector of Probation Rod Morgan previously emphasised how a transparent, rigorous and replicable methodology is important for the credibility and legitimacy of inspection.³⁹ Likewise, for those subject to such processes, transparency is essential to establish legitimacy.⁴⁰ We argue that methodological transparency is an important aspect for the work of any oversight body.

Crucially, the responsibility of raising awareness of the inspection process and standards should not rest with the oversight body alone. Both the OIP and the IPS

37. Hall, A.T., Bowen, M.G., Ferris, G.R., Royle, M.T., & Fitzgibbons, D. (2007) 'The accountability lens: A new way to view management issues', *Business Horizons*, 50(5): 405-413; Dekker, S. (2017) *Just Culture: Restoring Trust and Accountability in Your Organisation*, Boca Raton: CRC Press.

38. Braithwaite, V. (1995; 2003; 2017), see footnote 12.

39. Morgan, R. (2004) 'Thinking about the future of probation inspection', *The Howard Journal of Criminal Justice*, 43: 79-92.

40. Tyler, T. (1990) *Why People Obey the Law*, New Haven: Yale University Press.

should play a role in communicating this to staff at all levels. At the time of the interviews, plans for the Framework had been shared with management and participants appeared to welcome the tenets of the new inspection model. That the new framework would be based on explicitly defined standards was regarded as a positive development in that it would provide management with greater transparency as to how prisons would be objectively evaluated.

Recognising Strengths

There was broad agreement that inspection must report on failings or issues identified during the visit. However, some participants perceived that reports invariably fixated on negative findings and did not acknowledge strengths and good practice. This led to the sentiment that *'all that was ever highlighted was the negatives'* (Participant 1). Arising from this the perception of being overly or unjustly critiqued could easily become discouraging. Participants spoke about feeling despondent in the face of inspection reports that were predominantly negative, commenting that *'people just give up'* (Participant 1) and *'become ambivalent as an organisation to criticism'* (Participant 8).

Among a few participants the perception of negative reporting went one step further. They regarded the inspectorate as actively seeking to find fault or being 'led by an agenda' to do so. In other words, the inspection team was perceived to have pre-determined what they will report on before they enter the prison. For example, Participant 26 remarked, *'I always feel anyway they know what they're looking for before they come in.'* Accordingly, the perception that reports overly concentrated on negative findings could foster cynicism and distrust towards the inspectorate. This reemphasises the need for explicit and transparent areas of focus for inspection to combat this belief.

By virtue of its function, oversight will inevitably uncover criticisms and it is the duty of oversight bodies to call attention to any issues uncovered. Inspection should not endeavour to balance negative and positive findings. However, the inclusion of observed good

practice and strengths can provide an opportunity to share lessons learned for wider organisational improvement.⁴¹ Writing on prison oversight, Seddon has previously argued that inspection should present critique alongside praise and the recognition of good practice for this very purpose.⁴² We propose that this is an important consideration for any oversight body aiming to 'steer' the organisation under scrutiny.

Assigning Recommendations

Prison managers cautioned that recommendations can be less successful when they are without true ownership. Participants explained that inspection reports often identify issues and recommendations rooted in wider systemic issues; yet, because the inspection report is attached to a specific prison responsibility for addressing these issues can be perceived to rest with the prison Governor. This can prove to be a source of frustration in that prison managers are charged with the responsibility for a recommendation but without the requisite authority to resolve the issue at its centre. For example, Participant 8 remarked,

As such, when
accountability is
directed to those
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matched capacity to
act, the
implementation of
recommendations
is met with
little progress.

'The prison Governor does not have a choice not to take in prisoners, yet he is

publicly criticised for prisoners sleeping on the floor of the prison. [...] it's very frustrating from a Governor's perspective to sit there and be criticised by an Inspector [...] Or that there's a lack of services or that there's a poor infrastructure.'

As such, when accountability is directed to those without the matched capacity to act, the implementation of recommendations is met with little progress. Often, *'a higher level of accountability'* (Participant 13) is necessary, requiring action by IPS Directorates, the Department of Justice, or the Minister. As such, for recommendations to be successful the OIP *'needs to hold the right person to account'* (Participant 8).

This issue is not confined to oversight through inspection. Previous research by Tomczak on death in

41. Aucoin & Heintzman (2000); Shute (2013), see footnote 30.

42. Seddon, T. (2010) 'Rethinking prison inspection: Regulating Institutions of Confinement' in H. Quirk, T. Seddon, & G. Smith (eds) *Regulation and Criminal Justice: Innovations in Policy and Research*, pp. 261-282, Cambridge: CUP.

custody investigations by the Prisons and Probation Ombudsman (PPO) notes that their reports frequently highlight systemic issues such as effectiveness of committal screening processes or the wider issue of mental health.⁴³ Tomczak argues that oversight bodies need to be cognisant of directing recommendations towards those with the ability to initiate genuine change, and to attribute clear responsibility for action. Otherwise, recommendations can become ineffectual as a result. The findings of the present study concur with this research, and further propose that this consideration is equally applicable to other bodies who issue calls for action such as prison monitoring bodies, auditors, and NGOs; it demonstrates that ownership is important for the effective implementation of recommendations.

Conclusion

Prisons are facing greater external scrutiny than ever before. Answerability and accountability to oversight mechanisms now form an indisputable component of prison management.⁴⁴ This study has examined the perspectives of Irish prison managers on oversight, focusing on their interactions with the OIP. It depicts the different ways in which prison managers experience oversight obligations as part of their wider managerial responsibilities. Oversight in prison is regarded as a means of assurance, an opportunity for learning, and offers a check on power — functions which have been readily observed in other work settings and jurisdictions. Additionally, this study has provided insight into what can be unintentionally gained and lost through the application of these functional interpretations.

Participant accounts also demonstrated that oversight can be associated with blame or perceived as a potential cause of organisational harm. Oversight has the capacity to draw 'negative visibility' towards the prison, and prison staff may in turn desire to 'protect' themselves from such harm. This has been previously noted by Symkovich in his research on prisoner complaints in the Ukrainian prison system.⁴⁵ As such, defensive attitudes to oversight and towards oversight

bodies are unlikely to be confined to the IPS but observable in other prison services also — particularly where oversight bodies are viewed as adversarial or are perceived to pose a threat to the organisation.

As the 'web of accountability' continues to expand, it is vital that these important oversight relationships are both constructive and effective. In order to secure both legitimacy and compliance, the processes used by those in positions of authority must be regarded as transparent and fair by those subject to them.⁴⁶ Explorations of participants' experiences with inspection has illuminated ways in which the inspection process may, from their perspective, become delegitimised. This includes a lack of methodological transparency, negative reporting, and the assignment of recommendations. From the perspective of the overseen, these constitute important considerations for the conduct of inspection; however, for the achievement of legitimacy and compliance their application could arguably be extended to oversight processes of other kinds. Accordingly, we propose that methodological transparency, the nature of reporting, and the assignment of recommendations bears important implications for the conduct of prison oversight by other bodies — Ombudsmen, prison monitoring bodies, auditors, and NGOs — as well as to the conduct of prison oversight by bodies in other jurisdictions.

Oversight is most successful when there is cooperation and a willingness to engage, but oversight obligations and relationships do not exist within a vacuum. This analysis has highlighted the need for prison services to explore where oversight obligations sit within their wider organisational culture. This entails exploring the potential benefits of oversight for the organisation, fostering positive attitudes to oversight, and potentially addressing perceived blame cultures within their organisation. In the Irish context, the principles of the new Framework for inspection appear promising. Its implementation for full inspections presents an excellent opportunity to visit the impact of this new methodology on staff engagement and attitudes towards inspection.

43. Tomczak, P. (2019) *Prison Suicide: What Happens Afterwards?* Bristol: Bristol University Press.

44. Stojkovic, S. (2010), see footnote 9. European Prison Rules (2020).

45. Symkovich (2020), see footnote 19.

46. Tyler (1990), see footnote 40.