

# **Irish Prison Chaplains Annual Report**

**Submitted to the  
Minister for Justice & Law Reform.**

**November 2010**

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## **Introduction**

Over the past number of years successive annual reports from the prison chaplains have sought to raise issues of concern that affect our prison population. Our vision of chaplaincy is one that affirms the dignity of the person, and seeks to be a voice for those deprived of their freedom. It is a vision that urges us to take a prophetic stance on issues of social justice and to continue the exploration of Restorative Justice as one of the many valid alternatives to imprisonment.

We would like to acknowledge the valuable work that is done by the support services within the prison. The Education, Psychology and Probation services, along with many outside agencies make a valuable and positive contribution to the lives of those in prison. The multidisciplinary approach that operates in most prisons makes for helpful collaboration between the services.

As stated in previous reports the current criminal justice system and the regimes within our prisons continue to be driven to a large extent by a very limited vision. The results of this are to be seen in the inappropriate imprisonment of people with mental illness, the inhumane imprisonment of the chronically ill, the unacceptable regime for juvenile offenders, the lack of sentence planning, the holding of non-Irish nationals awaiting deportation, and the dismantlement of family life. The over-investment in building programmes and the lack of investment of resources in helping people rebuild their lives is a recipe for disaster. This lack of balance is at the heart of the chaos that is evident not only in our prisons, but in our communities throughout the country.

At this time of unprecedented economic crisis there is a palpable sense of hopelessness in our country. There is a real thirst for courageous leadership. This same hopelessness is experienced within our prisons where there is a growing disregard for the dignity of the human person and a worrying erosion of compassion. The absence of real leadership has resulted in a departure from the values enshrined in

the mission statement of the Irish Prison Service. It is tragic that the core values of human dignity and compassion have been sacrificed to advance political agendas that are unworthy of the Department of Justice and Law Reform and of the Irish Prison Service.

This report will articulate the reality of a criminal justice system that has become more and more politicised. It will highlight the manner in which policies are driven by political and media agendas. The dysfunction that is at the very heart of the prison system must be acknowledged if the rapid regression is to be halted. The system cannot continue to minimize the grave concerns that have been consistently highlighted in numerous reports from the Council of Europe CPT, the Prison Inspectorate, and indeed our own reports down through the years. We cannot ignore the reality we witness every day of a system that is in crisis. The situation presents a real challenge to those who hold positions of leadership and to society as a whole.

There is a way forward that can offer hope to those in prison and those affected by crime. The beginning point involves a recommitment to the dignity of the human person. Extensive research and experience from other jurisdictions offers significant insights that could contribute to an honest appraisal of the current system. It also suggests that we urgently need to begin the process of putting alternatives to imprisonment in place.

## **The Politicisation of the Criminal Justice System**

As prison chaplains we witness at first hand the effects of imprisonment on the people who are incarcerated in our prison institutions. We are aware also of the long-term effects of imprisonment on people as they begin the process of re-integration on release. It is from this perspective that we raise the issue of the Criminal Justice System and its politicisation.

The politicisation of our Criminal Justice System needs to be addressed. Public opinion, as reported by certain sections of the media, calls for longer and harsher sentencing without in any way addressing the real issue of crime and its prevention. Politicians respond. Fear is generated. Voters need assurance. The vicious circle continues and this in spite of evidence based research which shows that locking more and more people up is not a deterrent to crime. Fr. Peter Mc Verry a member of the team which produced the now dust gathering Whitaker Report has stated that it became clear even as they were discussing future prison policy that *prisons were about manipulating, for electoral reasons, the public's legitimate desire for security.* The same is true today.

Last year the Government launched a white paper on crime and began a process of consultation. While we willingly participate in these discussions and look forward to the outcome we need to place on record our deep sense of regret and disappointment that the Minister for Justice declined to meet with us following the publication of our last report. This was a break with the procedure adopted by the two former Ministers for Justice, a procedure that was mutually beneficial. Our role as chaplains calls us to be a voice for those deprived of their freedom and to bring

matters of concern to the Minister. Our lived experience enables us to be that voice and we speak from that perspective. Our sole agenda is the welfare of the prison community and ultimately the safety of the wider community.

A political decision to build a super prison complex in Thornton Hall has resulted in millions of public funding being spent on a site that now stands idle. This vacant site stands in stark contrast to the mattress strewn floors of our prisons. It stands in stark contrast to the long awaited Integrated Sentence Programme that now stumbles from one talking shop meeting to the next because of lack of resources to adequately implement it. It is a good paper exercise but of little benefit to participants. The prisoners know this but they are voiceless and powerless. They are not however, blind to what is happening. It needs to be remembered that only those serving in excess of one year will be invited to participate in the programme. In 2008, 8,000 people were committed to prison. 80% were sentenced to less than one year. This illustrates the fact that only 20% of the prison population qualify for this programme and even this small number is not being adequately facilitated. If alternative sanctions were available to this 80%, thereby reducing prison numbers, it would mean that more resources would be made available to deal with the smaller more needy members of the prison population. This however, would go against the Government's policy of increasing prison spaces and of cutting back on resources to rehabilitate. This policy is likely to succeed in prolonging the high recidivism rate we, as a people, have come to accept.

As long term and life sentenced prisoners come under the remit of the Parole Board, the ultimate decision around the management of their sentence rests with the Minister. The review process often involves long delays which can be enormously frustrating. It is clear that the average time now served in prison on a life sentence has been raised considerably. There is a sense that the whole process has become more and more politicised. At times, in spite of a consensus of opinion regarding positive moves from every service working with an individual the final decision still rests with the Minister. Recommendations resulting from long years of therapeutic work can be totally ignored and the person left frustrated, lost, and anxious. This can have a negative

effect on other prisoners as it undermines the credibility of the review process and devalues the engagement and progress that has taken place.

The cost of imprisonment needs to form part of Government policy on crime. The public need to know. The former Inspector of Prisons, Mr Justice Dermot Kinlen noted what he described as the *Ministerial and Departmental obsession with power, control and secrecy* and simply described the current system where 70% fail to benefit from imprisonment as - *a terrible waste of money*

We welcome the recent suggestion of Judge Michael Reilly, Inspector of Prisons that the question of the review by the sentencing court of sentences be looked at again. These reviews, when in operation, gave great hope to people who were handed down long sentences and many took a real and active part in exploring options of rehabilitation while awaiting the review. The reviews reduced the prison population and ensured that people were given an opportunity to begin the process of re-integration at an earlier stage of life. The harmful effects of imprisonment were thereby lessened and families were reunited. We also welcome Judge Reilly's exploration of *Problem Solving Justice and Community Courts*. New and creative thinking is required. Political will is also required.

### Media

Over the years reports from prison chaplains have highlighted serious concerns about a certain kind of media coverage that is both distasteful and irresponsible. In a report from the Parole Board, Gordon Holmes has made similar observations. The situation has not changed. In the past year we have seen media waiting at a hospital for a prisoner to arrive for an outpatient appointment. We have seen the most appalling sabotage of another man's post release placement. We regularly see details of individuals and incidents covered in the papers. Families struggling to cope with the death of a loved one in custody are often faced with the added burden of the dehumanization of the deceased by the media. This is sometimes done before all relatives have been informed of the death.

Apart from the sensationalising of certain cases, there is now a growing tendency to fabricate stories. Vulnerable prisoners are often targeted as subjects for stories that have no foundation in reality. We have serious concerns in relation to the sources of some of this coverage. How can internal matters relating to individual prisoners serving their time be made available with no recognition of the rights of the individual and their family? The question as to who is making the information available needs to be addressed and appropriate action taken.

We have seen the damaging effect this coverage can have on men and women in prison. It often hinders the genuine efforts they are making to address key issues in their lives and to engage in the therapeutic process. The media coverage resulting from these leaks often has a distressing effect on victims who are trying to restore and rebuild their lives. This is not about freedom of the press; it is about protecting people who are in the care of the state from a totally unacceptable leaking of information. While editors must take responsibility for maintaining ethical standards in journalism, the Prison Service must do all in its power to address the leaking of information and to avoid this unnecessary distress for prisoners and for victims of crime.

The appalling and irresponsible mismanagement of Larry Murphy's release in August this year created a media circus that was both shameful and dangerous. The calculated decision to reject the consensus of opinion from local prison services and to ignore best practice with regard to his resettlement maximized media intrusion. The hysteria that was generated by media coverage heightened the danger to his life and fuelled fear and anxiety among the general public. While current legislation may not have allowed for any curtailment of this appalling media coverage, senior management had not only the power, but also the responsibility, to be cognisant of such intense media intrusion when putting a discharge plan in place for a person who had spent over ten years in the custodial care of the state. The failure to do so represents a clear failure of responsibility and duty of care that played into the hands of the media.

An opportunity for courageous leadership was missed where best practice could have been followed and explained to the media. The



public may then have had a sense of a difficult situation being managed appropriately as opposed to the 36 hour witch hunt and circus that was relayed across the world. The kind of leadership that was so clearly missing has been evident in other jurisdictions where best practice is not sacrificed for fear of negative media reaction. There are times when the correct course of action may not be the most popular. It is deeply disturbing that the media were facilitated to such a significant extent by the unacceptable release plan that was put in place. The management plan that was put in place on the day following his release could and should have been in place for the morning of his release. The failure to do so endangered his life and caused untold distress for many people. No amount of political spin or selective recalling of facts can justify this.

The consistent leaking of information to the media throughout Larry Murphy's sentence particularly prior to his release, and indeed, following his release is a cause for concern. The deliberate release of inaccurate and false information was destructive, disturbing and unacceptable.

While the media coverage of this particular release may be an extreme example, it exposes a reality where political and media agendas are often at the heart of the decision making processes within the prison system. The lack of commitment to basic human values, the values enshrined in the mission statement and to the policies that are supposedly in place is greatly discouraging.

### **Humane Custody**

#### **Irish Prison Service Mission Statement:**

*The mission of the Irish Prison Service is to provide safe, secure and humane custody for people who are sent to prison. The Service is committed to managing custodial sentences in a way which encourages and supports prisoners in their endeavouring to live law abiding and*

*purposeful lives as valued members of society.*

Unfortunately, while the Irish Prison Service provides secure custody for people who are sent to prison, safe and humane custody are no longer available for many prisoners. Custodial sentences, in our view, are **not** managed *in a way which encourages or supports prisoners in their endeavouring to live law abiding and purposeful lives*; most prisoners are, instead, being ‘warehoused’ in a meaningless environment in which rehabilitative opportunities are increasingly unavailable to a growing number of prisoners. We acknowledge the key role that various services play in providing educational and therapeutic interventions in an environment that is increasingly overcrowded and at times counter therapeutic.

The Irish Prison system is in crisis, or rather, three crises. While these crises have their origins outside the prison system, the absence of any adequate policies to deal with the crises has created a dysfunctional prison system which is often unsafe and inhumane, both for prisoners and for staff and ultimately the community at large, and which is lacking in vision and insight.

The three crises are overcrowding, drugs, and violence. As chaplains, our primary concern is for the prisoners and staff who have to live and work in an environment which is increasingly oppressive and destructive of their dignity. We are also concerned about the safety of the wider community, which is not served by the conditions which exist in our prison system. We have witnessed, over many years, but increasingly in more recent times, the deterioration of the prison system. Conditions in many of our prisons are today an insult to the dignity of any human being and an affront to the basic tenets of decency. We acknowledge that the conditions which we criticise do not apply in equal measure to all the prisons in the Irish prison system. Nevertheless they are the experience of a large number of prisoners.

We feel that the situation within the prison system is now so bad that we have no option but to challenge the prevailing culture, a culture of conformity which resists any criticism or challenge, is apparently unable to hear any alternative views and is unwilling to listen to the opinions or suggestions of those who do not conform to the dominant

way of thinking that exists within the management structure.

Whatever humanity existed in the prison system is being rapidly drained out of it; the dignity of prisoners is being further destroyed. The underlying crisis in the prison system, which prevents management from addressing the other problems of drugs and violence, is overcrowding.

### **Prison Overcrowding**

- In 2006, the daily average number of prisoners in Irish Prisons was 3,191.
- In October 2009, the number of people in prison exceeded 4,000.
- In October 2010, the prison population stood at 5,456, of whom 4,409 were inside prison, and over 1,000 were on early release due to overcrowding, or “unlawfully at large”.
- By early 2011, the prison population is predicted to rise to over 6,000.

The Irish Prison Service uses the concept of “bed capacity”. This simply means the number of beds available in the prison. It serves only to disguise the extent of overcrowding. By putting a bunk bed into most cells, although designed for single occupancy, you can double the “bed capacity” of a prison. Some cells may even have two bunk beds while others have mattresses on the floor. Hence a prison can be grossly overcrowded but the “bed capacity” statistics will show it to have spare capacity!

For example, Mountjoy Prison was built for 489 prisoners; the Inspector of Prisons has stated that it cannot safely accommodate more than 540 prisoners, but the stated “bed capacity” is 630. On 30<sup>th</sup> July 2010, it held 759 prisoners, which meant that 129 prisoners did not even have a bed to sleep in; indeed some did not even have a mattress to sleep on. There is structured activity for a maximum of 391 prisoners.

Prior to the opening of the new extension at Wheatfield the prison was designed for 320 prisoners but the stated “bed capacity” is 470. On

30<sup>th</sup> July 2010, it held 508 prisoners. A 75 year old man was sleeping on a mattress on the floor. There is structured activity for 378 prisoners. Since the opening of the new extension the numbers have increased to over 600 which means that for the first time in the history of the prison men walk the prison yards or are locked in their cells because there is no structured activity available to them.

Cork Prison was built for 146 prisoners, the stated “bed capacity” is 272 and on 30<sup>th</sup> July 2010 it held 334 prisoners. There is structured activity for a maximum of 200 prisoners.

Dochas (the Women’s Prison) was built for 85 prisoners, the stated “bed capacity” is 105 and on 30<sup>th</sup> July 2010 it held 180 prisoners. Structured activity is available for 70 prisoners.

Limerick Prison was built for 185 prisoners, the stated “bed capacity” is 290, and structured activity is available for a maximum of 195 prisoners. On 23<sup>rd</sup> July 2010 it held 322 prisoners.

The effect of overcrowding on the prison system has several consequences:

- It reduces the (already inadequate) opportunities for education or training, leaving many prisoners with nothing to do but endlessly walk around a yard or play snooker. Rehabilitation – which should be at the centre of prison policy – has become a meaningless concept for many prisoners. The new extension at Wheatfield Prison, currently coming on stream, has 179 cells, which may in time, hold over 350 prisoners: not a single extra classroom or workshop was built to occupy them. Wheatfield Prison, which was the jewel in the crown for many years, with school or workshops or meaningful work available to most prisoners, is now becoming more and more like Mountjoy Prison where most prisoners “do time” but do nothing else.
- The boredom and meaninglessness of prison life for many prisoners consolidates the drug culture within prison as people, including some non–drug users, seek some escape through drug use.

- It increases the tensions within prison, which leads to further violence.
- Where in-cell sanitation is not available (Mountjoy Prison, Limerick Prison, Cork Prison) overcrowding involves two, three, four or more prisoners in cells designed for one or two, in which prisoners have to defecate in a chamber pot in the presence of the other prisoners, in a confined space which is also their living and eating area. These conditions are degrading, humiliating and completely unacceptable. It is not acceptable to cite cost factors, even in a recession, as an excuse to continue to incarcerate prisoners in such degrading conditions.
- A small number of prisoners are elderly with ongoing health issues impacting on their daily lives, ranging from mobility impairment to cognitive deficits and incontinence. Some have chronically failing health. Their difficulties are exacerbated where they are struggling to manage in overcrowded cells. Many are no longer well enough to engage in work or training programmes; their day is merely punctuated by mealtimes and long periods of sleep. Such prisoners do not present a security risk and do not require a closed prison environment. Compassion demands that they be placed in a more appropriate setting primarily focused on their health needs.

Suggestions for relieving overcrowding have been offered, time and time again, by many concerned parties, to the Minister for Justice and Law Reform, and some are repeated later in this report, but apart from the Fines Act 2010, which will divert fine defaulters from the prison system (but not yet implemented at time of writing) they have been ignored. Indeed it is estimated by the Irish Prison Service that the Fines Act, while welcome, will reduce the daily prison numbers in the system by only 32.

The current level of overcrowding in most of our prisons is a disgrace and totally unacceptable. The Judiciary, as part of the criminal justice system, needs to be aware of what they are sentencing people to. A person should not be sent to prison if there is no space available for

them. Account needs to be taken of the age of the person and the length of time since the offence was committed. Alternatives to imprisonment should be explored at time of sentencing. The sentencing Judge should be given an account of what sentence management plan will be provided for a person.

### **Drug Misuse**

Most of our prisons are drug-filled and have been for the past decade.

- In 2000, a national survey of prisoners found that 52% had used heroin.
- In 2005, another survey found that 59% of male sentenced prisoners had a drug dependency.
- In 2009, 27,227 random drug tests were carried out in Irish prisons (down from 33,400 in 2007): 7,309 tested positive for heroin (27%), 6,110 tested positive for cannabis (22%), 675 tested positive for cocaine, some testing positive for more than one drug. Overall, 33% were positive for heroin, cocaine or cannabis. In some jails, more than 50% of those tested were positive for heroin.

Despite the efforts of the Irish Prison service to stem the flow of drugs into prison, many drug users continue to use drugs while in prison. Even more alarmingly, others first start to use drugs while in prison. Non-drug users are incarcerated alongside drug users, sharing the same spaces. Because of overcrowding, non-drug users sometimes have to share a cell with others who are using heroin. A considerable number of ex-prisoners report that they never touched drugs before they went into prison but came out heroin addicts. Imprisoning non-drug users in such an environment is a disaster, not just for them but for the whole of society. From any perspective, it is totally unacceptable.

A drug culture has developed in Irish prisons which successfully perpetuates pro-drug attitudes. While the introduction of drug counsellors into our prisons has been a positive step, it is very difficult to be effective in an environment where drugs are constantly “in your face” and where the temptation to use drugs to fill the boring, meaningless

existence, which is prison life for so many prisoners, is very strong.

The Irish Prison Service published its Drugs policy and strategy paper in 2006, entitled *Keeping Drugs out of Prison*. The main aim of the strategy was to achieve drug free prisons and made it clear that the chief means by which this aim was to be achieved was through supply control. In operational terms this mainly involved an escalation of surveillance and searching and a hardening of security controls, especially in areas such as the visiting rooms or where there is any risk of contraband drugs entering the prison. Mandatory drug testing and punishment for drug using offenders were also part of this tougher approach.

However, this policy, despite some success, has not achieved its aims. While acknowledging the efforts made to control the supply of drugs, the expansion of the methadone dispensing service and the appointment of a number of drug counsellors to most of the prisons, the availability of drugs and the misuse of drugs continue to be unacceptably high.

Some prisoners would welcome the opportunity to tackle their addiction while in prison, if the opportunity existed. Reducing the *demand* for drugs within prison (alongside supply control) is essential for dealing with the drug problem. However, *in the whole prison service*, there are only 9 detoxification beds available (in the Medical Unit in Mountjoy Prison) for those who wish to come off drugs. This is wholly inadequate. The failure to provide drug free units in many of our prisons ensures that those who wish to come off drugs must try to do so in a drug-filled environment, which is almost impossible. It also ensures that non-drug using prisoners experience a sometimes life-changing exposure to the drugs culture. This is unacceptable. A custodial drug treatment centre, as envisaged in the 1977 Misuse of Drugs Act, has never materialised. An integrated sentence management plan for drug using offenders which would offer them the opportunities and incentives to address their addiction while in prison is non-existent for most prisoners. This failure to facilitate prisoners to address their drug problem ensures that many drug users pose the same – or even greater – security risk to the community on completion of their sentence.

We welcome the efforts in Wheatfield where men chosen to live in the new extension are offered an enhanced regime. The area is drug free and all are given opportunities to work.

### **Prison Violence**

The other major problem, apart from drugs, is prison violence. Many prisoners are under threat from others, who may be inside or outside prison. The most common form of attack is to use a blade to slash a prisoner's face, leaving a long and permanent scar, often from ear to mouth.

In the confined and overcrowded conditions in our prisons, even trivial incidents (eg: robbing a packet of cigarettes) are magnified and can lead to retaliation. Those outside prison who want to settle a score against someone inside prison (eg: due to a failure to pay a drug debt) can threaten another prisoner to carry out the attack, or pay another prisoner, often with drugs, to do so.

There are over 800 assaults by prisoners on other prisoners each year, occasionally fatal. The culture of violence has become so pervasive that large numbers of prisoners request to be placed "on protection". Some of these men request a further protection of 23 hour lock with limited or no access to educational or recreational facilities. Locking people in a cell for 23 hours per day, every day, for the duration of their sentence which could be several years, is totally unacceptable. In December 2009, there were 972 prisoners (20% of the prison population) on protection for their own safety (up from 832 in 2008). Bullying, intimidation and threats of violence are rife in many of our prisons. The CPT, who inspects prisons on behalf of the Council of Europe have considered that three of our prisons, Mountjoy, Limerick, and St. Patrick's Institution for Young Offenders, to be "unsafe, both for prisoners and for prison staff".

Even more worryingly, younger, prisoners, for their own protection, are now aligning themselves to various drug gangs inside



prison. But when they are eventually released, they find that they cannot dissociate themselves from the gang, without becoming victims of gang violence themselves. Hence locking up more and more prisoners in overcrowded, unsafe, conditions provides the drug gangs in our society with more recruits and leaves society less safe.

The overcrowding in our prisons prevents management from providing relatively safe conditions for prisoners (we accept that totally safe conditions can never be guaranteed in a prison with some difficult and dangerous prisoners), apart from the provision of almost total isolation (23-hour lock up). This is unacceptable.

### **Sentence Management**

Rehabilitation ought to be a primary objective of a civilised, and effective, criminal justice system. Rehabilitation involves providing opportunities to address the deficits in a prisoner's personal, developmental, educational and skills training history and to equip them to return to the community better placed to participate fully in the life of that community.

Unfortunately, while acknowledging the excellent work done in the schools with the psychology and probation services, and in some of the workshops, opportunities for rehabilitation are hopelessly inadequate for most prisoners, and non-existent for many.

An integrated sentence programme is essential for an effective rehabilitation regime. This involves assessing the varied needs of prisoners as they begin their sentence, and attempting to provide a range of services and facilities which might begin to address those needs. The long promised integrated sentence programme stumbles on. Only a tiny percentage of prisoners have an integrated sentence programme. Decisions as to which prison a person is sent are made not on the basis of the needs of the prisoner but on the basis of the needs of the system.

### **St. Patrick's Institution**

While we do not intend to comment on each prison separately, we have to single out St. Patrick's Institution for particular mention, as it

accommodates very young people who should be a particular concern for Irish society.

St. Patrick's Institution raises particular concerns because it houses young offenders aged 16 to 21. The detention in St. Patrick's Institution of young people under 18 is in direct contravention of the United Nations Convention on the Rights of the Child, which prohibits the imprisonment or detention of children (defined as less than 18 years) with adults.

Irish society has, in recent years, established very strict and precise regulations and guidelines relating to the care of children in residential institutions, following the exposure of neglect and abuse of children in such institutions. These regulations and guidelines include:

- All staff in charge of children must have a relevant child care qualification.
- Institutions providing accommodation and care of children must conform to a very comprehensive list of agreed standards. (National Standards for Children's Residential Centres)
- Such institutions must be approved by a special regulatory body (Social Services Inspectorate) which carries out regular inspections, both pre-planned and unannounced.
- Care plans for each child in a State-approved institution must be drawn up and regularly reviewed.
- Each child in such an institution must have a social worker.
- Very extensive documentation must be kept, on a daily basis, detailing all interventions with the child or other significant events in the life of the child. This documentation must be available to the Social Services Inspectorate on request.
- Children have direct access to the Ombudsman for Children, if they wish to make a complaint.

These requirements are intended to ensure that young people in the

care of the State receive the best possible care and are protected from harm to the best possible extent. In St. Patrick's Institution, none of the above regulations apply. This is unacceptable.

Furthermore, the Ombudsman for Children is explicitly prohibited from investigating complaints or allegations by the young people in St. Patrick's. This is unacceptable.

The young people under 18 years of age in St. Patrick's Institution have little access to workshops. Without skills training, many of these young people will have limited, or no, access to employment in later life.

About one in four young people in St. Patrick's Institution are "on protection". Most of them are on 23-hour lock up, that is they are confined to their cell for 23 hours each day, with little to do except watch television. They have no access to workshops and can only access a limited range of subjects in school for one 2-hour period per week. Such conditions for young people are completely unacceptable and can only cause psychological and emotional damage. This is unacceptable.

All other young people in St. Patrick's Institution are locked in their cells for at least sixteen and a half hours each day. They have two hours out each morning, afternoon and evening when some of them can utilise the school and training workshops. (The workshops are a waste of money and provide no useful training). Such a regime (which is identical to that for adults in adult prisons) for young people who are full of energy and at a very significant developmental stage in their lives, is unacceptable.

Those young people detained in St. Patrick's Institution are not allowed to wear their own clothes (unlike every other prisoner in every other prison). This undermines their self-esteem and dignity, which is often already fragile, and is unacceptable.

All young people in St. Patrick's Institution have "screen visits", that is they speak to their family and other visitors through a glass partition which separates them from their visitors. While acknowledging the need to prevent drugs from entering the prison, no other prison imposes such conditions on all its prisoners. It makes relating to family, girl-friends or children, very inhibiting and frustrating. For young people, for whom

maintaining and developing such relationships are vitally important to their development, such a blanket restriction is destructive and unacceptable.

St. Patrick's Institution accommodates some of the most difficult (and therefore the most damaged) children in our society. Many of them suffered abuse, violence or serious neglect in their earlier childhood, sometimes in other institutions, abuse that was never adequately addressed. Rather than helping them to identify and address these issues (which have often contributed to their offending and subsequent detention), St. Patrick's Institution is a "warehouse" for young people, many of whom were broken by those childhood experiences. By entering into a harsh and punitive system, they are further broken down. It is a demoralising, destructive and dehumanising experience, with few redeeming features, characterised by idleness and boredom, for young people, who are full of energy, at a critical time in their development.

The Whittaker Commission, over 25 years ago, called for the immediate closure of St. Patrick's Institution. The concerns which they expressed then about life for young prisoners in St. Patrick's Institution continue to be valid today and indeed have intensified.

## **Conclusion**

Many of those going into prison, despite the impression that politicians like to convey, are imprisoned for short periods of time, for less serious offences. In 2009, of the 10,865 persons sentenced to imprisonment, 1,153 (10%) were convicted of offences with violence, while 5,750 (53%) were sentenced to three months or less. We believe the deterrent value of such a short sentence is minimal and, by exposing people to a drug-filled, violent environment where there is little to do, increases the danger they will subsequently pose to society on release.

## **Non-Custodial Options**

The need to implement non-custodial options for prisoners who have committed less serious offences would seem to be obvious. Many of those sentenced have an addiction which needs to be treated. Many others have mental health problems which need to be addressed. Most are unskilled, with low educational achievements and, consequently, a history of unemployment. Many are illiterate. The need to fund educational, skills training and personal development programmes for offenders, or those at risk of offending, is essential and would be cheaper in the long run than imprisoning people at a cost, in 2009, of 77,222 euro per year (down from 92,717 euro in 2008 – ironically, the more overcrowded our prisons, the cheaper it becomes per prisoner!) A *custodial* drug treatment centre, as envisaged in the 1977 Misuse of Drugs Act as an alternative to a prison sentence might not be any less expensive but might be far more effective.

## **Remission for Good behaviour**

At present, prisoners get 25% remission for good behaviour. In the UK, 50% remission is the norm. For the second half of their sentence, offenders are under the supervision of the Probation Service who can have them recalled to prison in the event of non-cooperation or further criminal offences. Thus offenders continue to be monitored at

considerably less cost. In Ireland, there is already provision for increasing the remission to 33% but this has never been implemented. Such remission was recommended over 25 years ago by the Government-appointed Whitaker Commission.

### **Restorative Justice**

Many victims of crime find that their needs are largely ignored by the Criminal Justice System. Restorative justice is a very structured way of bringing the victim and the offender together to discuss the crime, the circumstances of the offender and the impact on the victim. Where both parties agree, and the meeting is well run, it can have a major impact on both offender and victim. The offender comes to realise the impact which their crime has had on the victim, and the victim begins to understand where the offender is coming from. After one such conference, the victim offered the offender a job! Restorative justice is a pilot project in two districts in Ireland but its potential, if expanded to every district, is enormous. Significant time and money has already been spent on the National Commission on Restorative Justice. It is now time to develop policies and practice based on the findings of this commission.

Current prison policy is a disaster for both prisoners and society. Making our prisons safer and drug free is in everyone's interest. The only obstacle is political will.