# Council for Research and Development

# PRISON AND HOMELESSNESS

## *FROM A CELL TO THE STREET*

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# 1 INTRODUCTION

## 1.1 SETTING THE CONTEXT

A new survey by Focus Ireland and PACE (Hickey, 2002) revealed that *"61 per cent of prisoners from their sample, rated housing as the number one difficulty they faced on leaving prison"*. The Irish Commission for Prisoners Overseas made a request to the Council for Research and Development to examine this finding in greater detail, and to conduct a literature review on the problem of homelessness among the prison population. Initially, it was intended to explore the risk of homelessness among Irish prisoners overseas, however this proved to be beyond the scope of this study. It is hoped, however, that this review will provide the basis for which further research may be carried out in relation to Irish prisoners overseas. The following is a brief overview of the issues to be addressed in each chapter of this report.

## 1.2 CRIME AND PUNISHMENT

The purpose of chapter two is to critically examine the criminal justice system in Ireland. Criminal justice reflects how we treat those who have often experienced a life time of disadvantage and poverty, and lies at the very core of society's values. In order to set the context of this report, it is essential to provide an overview of crime trends in Ireland. This is followed by an examination of the governments' official response to crime. The question of whether prison is the most appropriate response to crime is addressed. The final section discusses the issue of social justice and highlights the damaging consequences of imprisonment.

## 1.3 PRISON AND HOMELESSNESS: A COMPLEX RELATIONSHIP

Chapter three proposes to assess the problem of homelessness among the prison population. The extent of the homeless problem in Ireland is discussed, with particular reference to the current social and economic climate. The inadequacy of housing policy, to respond to the growing need for affordable and suitable accommodation is also addressed. Section two explores the relationship between prison and homelessness in greater detail. The finding made by PACE and Focus Ireland (2002) that *homelessness is both a cause and a consequence of imprisonment* is critically assessed. It is hoped that the issues raised in this chapter will highlight the vulnerability of both the homeless and prison population.

## 1.4 BREAKING THE CYCLE BETWEEN PRISON AND HOMELESSNESS

Chapter four investigates how the vicious cycle of crime, imprisonment and homelessness can be broken. Firstly, it analyses the barriers preventing offenders from integrating back into society, putting them at greater risk of homelessness and re-offending behaviour. Lack of housing is discussed as an important trigger to re-commit an offence and is considered as one of the greatest obstacles facing offenders on release

from prison.  The benefits of alternative sanctions to custody are discussed, followed by an examination of the first report of the Inspector of Prisons, *the Kinlen Report*, and the recent establishment of HOST (Homeless Offenders Strategy Team).  Finally, the chapter addresses the question as to why prisoners and offenders continue to remain one of the most socially excluded groups in society.

# 2 CRIME AND PUNISHMENT IN IRELAND: A CRITICAL OVERVIEW

## 2.1 INTRODUCTION

The purpose of this chapter is to critically examine the criminal justice system in Ireland. The first section will discuss the change in crime trends in Ireland over the last thirty years. This is followed by an analysis of how crime is tackled and who makes up the population of the punished. An essential question to be addressed here is whether the recent expansion of the prison system is the primary cause of the decline in the rate of crime in Ireland. Finally, the issue of inequality within the criminal justice system will be examined.

## 2.2 CRIME TRENDS IN IRELAND

Despite public perception that crime levels continue to rise, in reality, Ireland has a relatively low crime rate by international standards. The declining rate of crime very rarely receives any media coverage. Instead, the public are continuously faced with images of extreme violence, leading to an increase in the fear of crime. International comparisons reveal a more optimistic picture.

O'Mahony (1993:31) "draws the conclusion that crime in Ireland is, generally, less severe than elsewhere in the developed countries". This is supported by O'Donnell (2002a:10) who found from his comparative analysis that Ireland had the second lowest level of recorded crime within the European Union in 1998. Spain was reported to have the lowest rate of crime. A more in depth analysis of official crime statistics further supports the suggestion that crime levels have been decreasing over the last number of years.

*Decreasing Crime Rates in Ireland*

The rate of crime never remains static, but is constantly fluctuating in line with social and economic changes. From Figure 1 on the next page, it is clear that there have been two peak periods when crime rates have exceeded 100,000. The first was in 1983, when the number of indictable offences[1] reached 102,387. Following a period of decline, crime rates began to increase again during the 1990s, reaching the highest level ever recorded in 1995. Since then, the crime rate has been falling, from 102,484 indictable offences in 1995 to 81,274 in 1999. The cumulative reduction between 1995 and 1999 was 21 per cent (O'Sullivan, 2001:2). This compared to 10 per cent in England and Wales and an EU average of a 1 per cent drop in crime (NESF, 2002:23).

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[1] Indictable offences are divided into four categories; crimes against the person (murder, sexual assault), offences against property with violence (burglary, arson), larcenies (fraud), all other offences. The most reliable source of crime statistics is from the Garda Annual Reports

**Indictable Offences 1950 - 1999**
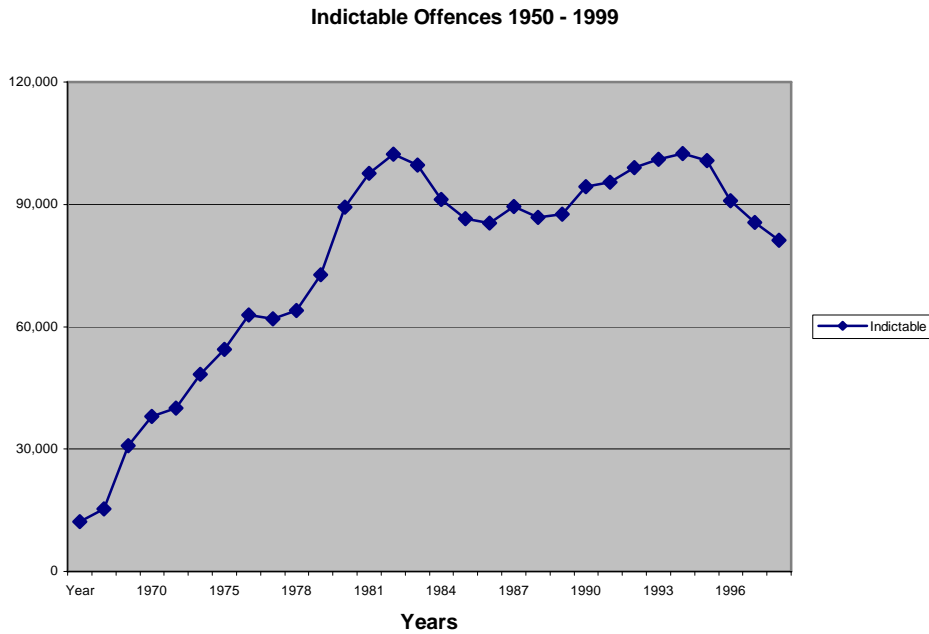


**(Source – Garda Annual Reports)**

Despite the overall fall in crime since 1995, there has actually been an increase in the level of violent crimes against the person. This is due to a rise in the number of sexual crimes, however the number of homicides have also increased since 1950. While only 6 murders occurred in Ireland in 1950, this figure had increased to 52 in 2001 (Garda Síochána, 2002:82). O'Donnell (2002a:11) makes the point that in an international perspective, the overall level of homicide in Ireland remains low, 'however the rate for Dublin is now broadly comparable with other capital cities such as London, Paris and Stockholm'.

One of the reasons for a rise in the number of violent crimes against the person could be due to the extension in opening hours of public houses in Dublin city. Unfortunately, it is beyond the scope of this study to investigate this assumption, however recent high profile cases involving drink related and violent deaths, particularly among young urban males, suggest that this may be a factor in the rise of violent crimes[2].

The following section will critically examine the Irish governments' strategy for tackling crime, with the introduction of a policy of 'zero tolerance' in 1997, and the expansion of the prison service.

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2. Mr. Barry Duggan, a librarian from Sligo was kicked and beaten unconscious after wheeling his bicycle through Grafton St one night. It emerged that two of the three men (aged 21 and 23) are Irish Davis Cup professional tennis players. All the accused had been drinking heavily after a night out.

## 2.3     TACKLING CRIME

Crime is a socially and politically constructed concept that is forever shifting (O'Donnell, 2001:8).  The way in which a country treats those who commit crime, is a good indicator of the core values reflected in that society.  This is because the majority of those who come into contact with the criminal justice system are from economically marginalised and deprived communities, a point that will be discussed in greater detail towards the end of this chapter.  How the government resolves to tackle crime, therefore, reflects a broader political agenda.

### *(a)     The Increasing Prison Population*

The decrease in crime has coincided with an increase in the use of prison sentences. Figures collated by the British Home Office show that while the recorded crime rate in Ireland reduced by 21 per cent over the period 1995-1999 our prison population increased by 35 per cent over the same period (NESF, 2002:23).  There are a number of reasons for this sudden surge in the prison population.

By 1995, the crime rate in Ireland had surpassed the 100,000 threshold.  At the same time, the prison services were under immense strain, with problems of overcrowding and the increasing need to rely on unplanned Temporary Release, in order to make spaces available.  The highly publicised murders of police officer, Jerry Mc Cabe and journalist, Veronica Guerin ensured that crime was very high on the political agenda, prior to the 1997 General Elections (O'Donnell, 2001:32).

In March 1997, the Minister for Justice, John O'Donoghue published the document *"Leading the Fight Against Crime"*.  This outlined proposals for a massive Prison Building Programme, promising an additional 2000 prison places, and the introduction of a policy of 'zero tolerance' towards crime (O'Donnell, 2001:31).

According to the *Irish Prison Service Annual Report* (2001:17), the daily average number of prisoners in custody in 2001 was 3,112 compared to 2,141 in 1994.  This represents an increase of 45 per cent on 1994, meaning the prison population has increased by nearly a half, over a period of seven years.  The chart below highlights this increase over time.



Average Daily Number of Prisoners
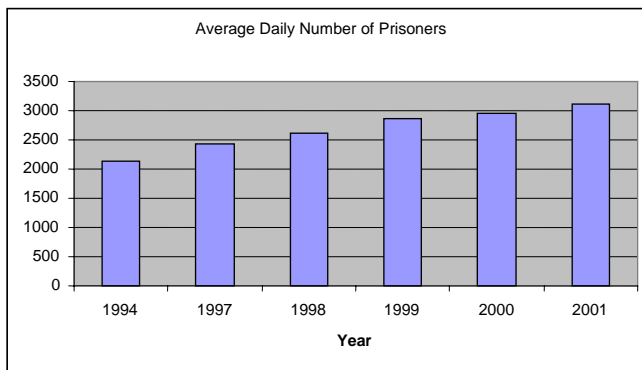
The unprecedented growth in prison population brings into dispute, the widespread agreement that prison is a measure of 'last resort' and 'final sanction'. O'Mahony (1998:52) states that there is 'evidence that Ireland greatly overuses imprisonment when compared with Europe, especially given that we have one of the lowest crime rates in Europe'.

The question emerges as to whether falling crime levels are explained by the expansion of the prison service, or whether this is simply a reflection of a wider political agenda to satisfy the demands of the public.

## *(b)       Prison and the Fall in Crime*

The Fianna Fail government of 1997 introduced the Prison Building Programme, on the principle that this would result in the reduction of crime. This stems from the view that the threat of prison deters potential criminals. Another advantage of this method of crime control is the incapacitative effect; people can't offend against the public if they are behind bars. On the other hand there is strong evidence to suggest that incarceration may not be the best method of crime control.

Researchers who have studied the effects of incapacitation and deterrence have generally concluded that these policies have had a relatively modest impact on reducing crime (O'Sullivan, 2003:40). In a recent report in the Irish Times (2003), O'Donnell states that "to reduce the crime rate by 1 per cent would require a 25 per cent increase in the prison population". There have been a number of studies suggesting that the recent decline in crime rates may be attributed to factors other than the increase in the prison population.

## *(c)       Alternative Reasons for the Reduction in Crime*

From their analysis of the relationship between rates of crime and rates of imprisonment, O'Sullivan and O'Donnell (2003) proposed that "crime rates would have fallen steeply after 1995, even if the prison population had not gone up". They believed that the decline in crime was due to alternative factors such as the improved services available to drug users, as well as the economic boom.

O'Sullivan and O'Donnell (2001) examine Simon Field's theory that periods of rapid economic growth corresponds to a reduction in property crime and an increase in personal crime. This holds true in the case of Ireland, which has seen a decrease in Group II (offences against property with violence) and Group III (larcenies) offences, but an increase in Group I (crimes against the person) offences (O'Sullivan, 2001:3).

One of the central findings made from this review of literature on crime, is that the increase in the prison population is not the cause of the current downward trend in crime. A recent report published by the National Economic and Social Forum (2002) on the *Re-Integration of Prisoners* strongly encourages the use of non-custodial options such as community service and restorative justice. This would be particularly relevant to poorer

communities whose population is overrepresented in the prison population. This is a reflection of the inequality of the justice system.

## 2.4    POOR JUSTICE

This section examines the issue of equality in the criminal justice system in Ireland. It critically assesses findings from various studies, which indicate that the poor are disproportionately represented in the prison system. It also proposes to investigate the claim that while the crimes of the rich are systematically ignored, the crimes of the poor are overwhelmingly punished.

### (a)    Inequalities in the Prison System

A clear link between poverty and imprisonment exists, as found in various studies conducted on the prison population in Ireland. Research undertaken in individual prisons indicates that many prisoners come from socially disadvantaged backgrounds, lack educational qualifications and have histories of unemployment. This is supported by O'Mahony (1996) who studies the socio-economic background of a representative sample of male prisoners in Mountjoy prison. He found that while 56 per cent of those sampled came from one of the six poorest areas in Dublin, a large number also came from troubled family backgrounds and had experienced educational disadvantage. 80 per cent of the prisoners who took part in this study had left school before the age of 16, and a third had not attended school beyond primary school (O'Mahony, 1998:57).

Carmody and Mc Evoy (1996) uncovered similar findings in their study of Irish female prisoners. They reported that 71 per cent of their sample came from the inner city of Dublin and that a high proportion of the women had taken drugs. One in two of the women in the study had been treated for psychiatric illness, with half of these being admitted to a psychiatric hospital for treatment at some stage in their life (Carmody, 1996:20).

The fact that the poor are over-representation in the prison population reveals a clear bias in the criminal justice system.

### (b)    Criminalising the Poor

Criminal activity cuts across all social classes and should therefore be reflected in prison population. O'Mahony (1998:66) makes the point that 'if the perpetrators of domestic violence and sex crimes were all caught and put in prison, then the bias of our penal system would almost certainly be reversed'.

Another example of discrimination within the criminal justice system is the under-reporting of "white-collar" or "corporate" crimes such as fraud. O'Donnell (1998:33) believes that 'the cost of these crimes is many times higher than the value of property stolen each year'. The fact that these offences do not feature in any significant way in

prison statistics, further supports the argument that crime is a politically driven concept, reflecting the inequalities in society.

Poorer people are at greater risk of being given a prison sentence, as opposed to alternative sanctions available. In a study investigating the impact of deprivation on District Court appearances and also on sentence severity, it was found that 73.3 per cent of defendants were from the most economically deprived areas (Bacik, 1998). Further analysis revealed that defendants from the more deprived areas were 49 per cent more likely to receive a custodial sentence than those from less deprived areas.

The present criminal justice system is completely inadequate in dealing with the causes of crime. It views the individuals in isolation of their environment and therefore, fails to account for the economic and social circumstances, shaping their criminal behaviour.

## 2.5    CONCLUSION

This chapter has provided a critical overview of crime in Ireland. It has demonstrated that while the rate of crime has been decreasing since 1995, this has coincided with an unprecedented growth in the prison population. It has been suggested that the increase in the prison system has been the result of a broader political agenda to satisfy the public's demands for tougher sanctions to deal with crime. The inequalities inherent in the criminal justice system have also been highlighted, given that the majority of prisoners are from poor, uneducated and underprivileged background. The way we treat the most vulnerable and marginalised may be a broader reflection of the values of society. The next chapter examines how two of the most excluded and at risk groups are trapped in a cycle of prison and homelessness.

# 3 PRISONERS AT RISK OF HOMELESSNESS

## INTRODUCTION

The first section of this chapter provides an overview of the homeless situation in Ireland, highlighting the extent of the problem and the difficulty posed to those who want to break free of the vicious cycle of homelessness. The question of how the issue of homelessness has continued to be a problem in Ireland despite our economic growth is examined. The second section focuses particularly on the complex relationship between prison and homelessness. It demonstrates that while both prisoners and the homeless share similar problems such as substance abuse, family breakdown and mental illness, homelessness can be both a cause and a consequence of crime and imprisonment.

## 3.1 AN OVERVIEW OF HOMELESSNESS IN IRELAND

### (a) Definition of Homelessness

'Homelessness' is defined under the Housing Act, 1988 as follows: -

a) If there is no accommodation available which, in the opinion of the local authority, he together with any other person who normally resides with him or who might reasonably be expected to reside with him, can reasonably occupy or remain in occupation of, or
b) He is living in hospital, county home, night shelter or other such institution, and is so living because he has no accommodation of the kind referred to in paragraph (a) and he is, in the opinion of the authority, unable to provide accommodation from his own resources

Focus Ireland includes three categories in their definition of homelessness (O'Sullivan, 1996):

- Visible Homelessness – includes those who sleep rough or stay in emergency accommodation such as Bed and Breakfasts or emergency shelters
- Hidden Homeless – families or individuals involuntarily staying with family and friends, or those accommodated in sub-standard housing
- At Risk of Homelessness – those who are at risk of becoming homeless due to economic difficulties

Statutory responsibility for the homeless lies with the both the health boards and local authorities, as outlined in the government publication *Homelessness – An Integrated Strategy* (2000). While health boards are responsible for the health and in-house care needs of homeless persons, Local authorities look after the provision of emergency hostels and temporary accommodation for homeless persons as part of their overall housing responsibility.

Despite Government's recognition of a crisis in homelessness in 1999, and the publication of three strategy documents to combat this problem[6], homelessness has remained a persistent problem in our society.

## *(b)      The Number of Homeless in Ireland*

According to the Simon Community (2003), "the homeless population is notoriously mobile, invisible, and, from a research perspective, difficult to identify".  The very nature of homelessness makes it very difficult to make an exact estimate of the numbers who may be 'out of home', at any given time.  This is due to the often, chaotic lifestyles that many homeless people lead and the fact that there is a tendency for many individuals to drift in and out of homelessness.  There is also little data available on the hidden homeless, such as those in prisons, children in the care of the state or mental health institutions, all of whom are found to be at greater risk of homelessness.

The 'Counted In' study conducted by the ESRI in 1999 and again in 2002 measures the extent of homelessness in Ireland.  The results of this study are based on a survey of homeless people, conducted over a week long period, in March 2002.  It includes those who are in contact with a homeless service and those considered to be homeless by the Local Authority.

Findings from the ESRI study reveal little improvement in the extent of homelessness between the period 1999 and 2002.  While 2,900 persons were recorded as homeless in 1999, the figure remained approximately the same in 2002, at 2,920.  Over roughly the same period of time, the country experienced levels of GNP growth in the region of 7-8 per cent, as well as a drop in the level of unemployment to 4 per cent in 2001 (Williams, 2002:39).  The failure to reduce the numbers of homeless, during a period of such prosperity is a reminder that a 'rising tide does not lift all boats' (McVerry, 2003).

Persistent inequalities are seen in the growing number of visible homeless on the streets of Dublin.  The ESRI assessment revealed a 15 per cent increase over the past three years, in the number of those sleeping rough in the greater Dublin area, a total of over 300 (Dublin Simon, 2003).  Those living on the streets are trapped in a vicious cycle of poverty and deprivation.  The failure to deal with the root causes of homelessness is obvious from the growing numbers sleeping rough.

There were 110 new contacts made with rough sleepers in the first quarter of 2002, compared to just 37 in the first 3 months of the previous year (Times, 2003).  A large proportion of these were either returning emigrants from abroad or immigrants from the UK, adding a new dimension to the homeless problem.

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4 Homelessness – An integrated Strategy (May 2000), The Youth Homeless Strategy (October 2001), Homeless Preventative Strategy (February 2002)

*(c)    Homelessness and Housing Policy*

The extent of the homeless problem cannot adequately be assessed in isolation of current housing policy.  Cox (1999:11) states that "homelessness is inextricably linked with housing policy, in that, the provision of suitable housing is central to a successful strategy for tackling homelessness".  The gap in the provision of affordable accommodation highlights the failure of housing policy to adequately respond to recent economic and social changes.

The Local Authority cannot cope with the current waiting list for social housing.  According to the *2002 Local Authority Assessment of Social Housing Need*, this currently stands at 48,413 households, however when households living in unsuitable or unfit local authority housing are included, this figure increases to 56,000 (Cornerstone, 2003).  Even with increases in the output of social housing, guaranteed under the *Programme for Prosperity and Fairness* (PPF), the number of new houses cannot keep pace with the increasing demand for Local Authority housing.

The demand and pressure on private rented accommodation has increased along with the pressures on local authority housing and other housing (Ireland, 2000:16).  This has been one of the unintended consequences of the prosperity of the Irish economy.

*(d)    Prosperity with a Price*

Over the last number of years the cost of private housing has soared, making it impossible for many first time buyers to purchase their own home.  Many of those who would have once bought their own property have been forced into the private rented sector.  Demand for private rented accommodation has also increased as a result of the high numbers of people returning or immigrating to Ireland.  The lack of available accommodation at the lower end of the market, as well as the spiralling cost of rent has made this an unaffordable option for many poorer households. In other words, homeless people have been squeezed out of the market (McVerry, 2003:1).

Those who have spent time in prison are particularly affected by the current housing crisis and the lack of affordable accommodation.  The next section examines the relationship between crime, imprisonment and homelessness, with a particular focus on the vulnerability of the prison population.

## 3.2    PRISON AND HOMELESSNESS

The increase in the prison population since 1995 has coincided with the current crisis in homelessness.  Increasing evidence has demonstrated the link between prison and homelessness, and the fact that time spent in prison increases one's risk of becoming homeless.  This is also acknowledged in the *Homeless Preventative Strategy* (2002), which is central to the Government's overall effort in combating the problem of homelessness.

> *"Time in prison at any point in a person's life can increase his
> or her chances of homelessness, while being discharged from prison
> can be one of the triggers that leads directly to homelessness"*
> *(Ireland, 2002:9)*

A recent study by Focus Ireland and Pace[7] (Hickey, 2002) found that 61 per cent of those interviewed rated housing as the number one difficulty they faced when leaving prison. Prisoners and the homeless are among the most vulnerable and socially excluded groups in society and as this finding suggests, there is a serous lack of housing support services and provision to fulfil their most basic needs.

This research also notes the complex relationship between crime, imprisonment and homelessness. Homelessness is found to be both a cause and a consequence of imprisonment, with some offenders identifying their homeless status as a cause of their criminal activity and subsequent incarceration, while others become homeless as a consequence of their imprisonment. The latter is particularly relevant to drug users, sexual offenders and individuals who lack family support during and after their sentence.

### *(a)    Homelessness as a Cause of Imprisonment*

The vast majority of homeless are trapped in a cycle of poverty and deprivation, and often suffer from additional problems such as drug and alcohol addiction, unemployment, poor education and mental ill health. The absence of personal income and lack of services required to address these issues, has resulted in many homeless people becoming involved in crime.

In the study conducted on homeless ex-offenders Hickey (2002:20) found that "the types of crimes committed by these offenders were generally of a non-indictable and non-violent nature". She also reports that 62 per cent of the respondents claimed that their crime had been committed in order to survive on the streets. Survival crimes include shoplifting, begging and pick pocketing. It was also found that this group tended to receive shorter jail sentences, compared to those who became homeless as a direct result of their imprisonment.

Cox's (1999:58) study on homeless drug users revealed similar findings, with activities such as robbing, begging and prostitution providing the most common source of income. A report by Crisis, an organisation working for homeless people in Britain, wrote that "homeless people's involvement in crime is for the most part low level and lifestyle related".

Various studies have also highlighted the fact that the homeless are often the victims of crime. While 44 per cent of homeless drug users reported being the victim of crime (Cox, 1999), international sources reported similar findings. For instance, Baillintyne's (1999, reported in Ghosh, 2003) study on homelessness and crime in Britain found that

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[7] Focus Ireland provides a number of services to the homeless community and PACE is an organisation that works with ex-offenders

"rough sleepers appeared to be up to 15 times more likely to experience assault than the wider population and 35 times more likely to be victims of wounding".  This illustrates the vulnerability of those living on the streets.

*(b)      Homelessness as a Consequence of Imprisonment*

Prisoners can lose their home as a result of their imprisonment (Hickey, 2002).  The reality of being locked up can make it impossible to keep up with rent and mortgage repayments, resulting in the loss of their home.  The current housing crisis has had a negative impact on this group, making it impossible for them to find secure and affordable accommodation on release from prison and forcing them into homelessness.

A prison sentence can result in a prisoner being removed from the local authority housing list, or the repossession of their local authority home.  Due to the extent of the current waiting list and the fact that the majority of ex-offenders are single males, it could take over two years before the ex-offender is offered Local Authority accommodation.  The report on homeless ex-offenders, completed by PACE and Focus Ireland (Hickey, 2002) recommend that:

- Offenders sentenced to less than 12 months in prison should not be removed from Local Authority waiting lists, and that
- Prisoners, at least four months prior to their release, should be allowed to re-register on Local Authority housing waiting lists if their accommodation has been lost during the term of their imprisonment

Family Support

Imprisonment can put tremendous strain on families causing relationships to breakdown, and leaving the prisoner homeless after they have completed their sentence.  This is particularly relevant in cases where prisoners are serving very long sentences, or when their crime is a sexual or drug related offence

The NESF report on the *Re-Integration of Prisoners* (2002) recognises the lack of family support for prisoners' families and makes recommendations to develop these services. For instance it recommends that all visiting facilities should be "family friendly" and up to the standard of Dóchas Centre[8].

The report also acknowledges the expense incurred by many families, who often have to travel long distances to see relatives in prison.  It suggests that these families should be given adequate financial support and longer visiting hours in order to maintain family relationships (NESF, 2000:29).  The report fails to account for the special needs of families who have relatives in prisons abroad and it is clear that a clear gap in the provision of services for this group exists.

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[8] The Dóchas Centre (women's prison) provides visiting facilities where families can sit at round table, with a small play area available.  It is hoped that this will be considered the model for future prison developments (NESF, 2002:78)

## CONCLUSION

The problem of homelessness has remained a persistent problem in Irish society, despite the economic boom of the late 1990s. Evidence has clearly demonstrated that Ireland's recent prosperity has actually resulted in poorer people being squeezed out of the housing market. Section two examines the complex relationship between crime, imprisonment and homelessness. It highlights the fact that homelessness is both a cause and consequence of imprisonment, and suggests that there is a serious lack of services to prevent the homeless becoming involved in crime in the first place, and to support individuals who become homeless after their release from prison. The importance of maintaining family support and networks is mentioned, as an important factor in reducing the risk of homelessness.

# 4 BREAKING THE CYCLE BETWEEN PRISON AND HOMELESSNESS

## 4.1 INTRODUCTION

This chapter investigates how the vicious cycle of crime, imprisonment and homelessness can be broken. It focuses on the problems facing prisoners on release from custody, which prevents them from re-integrating into society. It suggests that the lack of pre-release and post-release services in relation to housing, employment and general everyday living is an important factor in encouraging recidivism. The second section of this chapter reviews alternative sanctions to custody, which could have greater benefits to society and the offender, and could reduce the risk of homelessness and crime. This is followed by a brief discussion on recent developments which have emerged to tackle the problem of homelessness among the prison population. The final section critically examines whether or not "prisoners and ex-offenders" have been targeted for social inclusion, given that they are one of the most economically deprived and socially marginalised groups in society.

## 4.2 BARRIERS TO SUCCESFUL RE-INTEGRATION

Re-integrating ex-offenders into the community is an important step in breaking the cycle between crime, homelessness and imprisonment. The report by NESF (2002:61) on the *Re-Integration of Prisoners* points out that "three-quarters of prisoners on release go on to re-offend". The strategy statement of the *Irish Prison Service,* 2001 – 2003 states:

*"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 endeavour to live law abiding and purposeful lives as valued members of society"*

Such high rates of recidivism suggest that the prison system is struggling in its mission to re-habilitate and support offenders to lead crime free lives. The purpose of this section is to examine some of the barriers which prevent ex-offenders from integrating back into society, and contribute to their re-offending behaviour and failure to secure appropriate accommodation.

### (a) Housing

The lack of stable accommodation is one of the key reasons why ex-prisoners re-offend. Research conducted by Focus Ireland and PACE on homeless ex-offenders found that "45 per cent of the people taking part in the study highlighted homelessness as one of the key contributory factors leading them to re-offend on release" (Focus Ireland, 2002).

PACE

There are relatively few agencies which provide accommodation for prisoners on their release from custody. PACE[11] is the only voluntary organisation working exclusively with offenders and ex-offenders. It believes that "breaking the cycle of re-offending is possible if people have a plan to meet their training, education, employment and housing needs" (Brooke, 2003:17).

PACE is currently running a successful transitional housing facility at Priorswood House, which provides accommodation and high support to ex-offenders. The program aims to provide the residents with the skills necessary for independent living, before they move out into the community. Only through supported and well managed housing programs can homeless prisoners be expected to stay free of crime.

The Bridge Project

A prisoner's homeless status further diminishes his or her chances of accessing rehabilitation programmes such as the Bridge Project. The Bridge Project, which supports the re-integration of offenders into society through education, training and drug treatment programmes, requires all participants to have secure and stable accommodation. This is due to the demanding nature of this community-based project, which is considered to be incompatible with the chaotic and uncertain lifestyles of the homeless community.

The exclusion of homeless ex-offenders from programmes such as the Bridge Project, highlight the lack of targeted services to facilitate this group to re-integrate into society and break free from the cycle of crime, poverty and homelessness.

*(b)     Employment*

Employment is a key factor in the rehabilitation and re-integration of ex-offenders into the community (Hickey, 2002:13). Despite having acquired training and education while in custody, many offenders find it difficult to get secure work on-release from prison. This is due to the fact that employers are often reluctant to employ workers with a criminal record.

The NESF Report 22 on the *Re-integration of Prisoners* advocates the amendment of the Employment Equality Act (1998) to end discrimination on the grounds of a criminal record. It suggests that discrimination should only be allowed in cases where the offence is incompatible with the requirement of the job. For instance, an individual applying for the job of child care worker could be discriminated against on the ground of being a convicted sexual offender (NESF, 2002:91).

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[11] PACE provides a number of transitional and supportive housing facilities for both men and women. It should be noted that none of these facilities accept convicted sexual offenders

The NESF report also supports the introduction of legislation that would allow for criminal records to be expunged after a period of time, depending on the seriousness of the crime, and provided that the offender has led a crime free life since their release (NESF, 2002:91). According to Vivienne Gearan, director of HOST (Homeless Offenders Strategy Team), the Department of Justice is currently examining the possibility of implementing this recommendation, particularly with regard to juveniles. This would reduce the risk of discrimination by employers based on a criminal record.

Discrimination is not the sole reason why homeless ex-offenders find it difficult to obtain employment. Supported employment is particularly important for this group as a stepping stone to mainstream work (NESF, 2002:90). Homeless prisoners also face the same obstacles to employment as the general homeless population. Hickey (2002:14) notes that the lack of a working culture, as well as the as the clocking in and out regimes of hostels and homeless shelters are practical barriers to breaking the cycle of crime and homelessness.

Prisoners "out of home" are at greater risk of returning to a crime and drug abuse when they cannot put the practical skills they have learned while in prison to practice. It is therefore vital that the necessary support services are put in place and that the recommendations made by NESF to end the discrimination of offenders be implemented as soon as possible.

*(c)*     *Institutionalisation*

Prisoners serving long sentences are vulnerable of becoming institutionalised by the regimental structure of the prison system. This can have a detrimental effect on the offenders' chances of re-integrating into society following their release from prison, particularly in cases where the release is unplanned and unexpected.

Lisa Cuthbert, Director of PACE explains that without adequate support the practical aspects of independent living such as money management, cooking for oneself and knowing what time to go to bed can be very stressful and may act as triggers for re-offending behaviour and the breakdown of accommodation arrangements (Brooke, 2003:19).

This is supported by Fr. Peter Mc Verry who works with young homeless men and highlights the fact that although prison is supposed to act as a deterrent, prison can actually be an easy option, given that all needs are catered for and the prisoners do not have any responsibilities (Mc Verry, 2003:2).

The risk that ex-offenders may re-offend to get sent back to prison is reiterated by John, a homeless ex-offender.

*"I have no value for money or myself when living on the outside and when I feel that I can't cope on the outside, I re-offend to get caught" (Hickey, 2002:22)*

Prisoners also find it difficult to cope with the major economic and social changes which have occurred, particularly during the late 1990s. For instance, a prisoner incarcerated before the year 2000, will not be accustomed to using the Euro on a regular basis. There has also been a large improvement in the infrastructure of the country, such as the building of new roads such as the M50, a tram system called the LUAS, and not to mention the spire of light in the middle of O'Connell Street! Improved pre-release and post-release services should be available to prisoners and ex-offenders to help them cope with the demands of everyday living.

## 4.3    ALTERNATIVES TO CUSTODY

This report has highlighted the damaging consequences of imprisonment, and the fact that it should be considered as a last resort. The evidence from this report shows that the experience of imprisonment can contribute to re-offending behaviour and can be a direct cause of homelessness. Despite this, the Irish prison population has almost doubled between the years 1994 to 2001. A substantial number of those in prison in Ireland are serving short-sentences, for relatively petty offences. There is a good argument to suggest that alternatives to custody could be more cost-effective and beneficial to offenders and society.

*"Non-custodial sanctions mean that many of the problems associated with spending time in prison such as loss of family and social networks, employment and self-esteem and the changes that imprisonment will increase a prisoners' contact with other more serious offenders are avoided" (NESF, 200263).*

The alternative sanctions outlined in the NESF report, and incorporated into the Judiciary system include some of the following:

- A suspended sentence
- A community service order
- A fine and/or compensation
- A probation order
- An order to undergo treatment for substance abuse
- Restorative Justice

It should be recognised that any non-custodial form of punishment, should be applied with the goal of rehabilitating the offender and making them recognise the consequences of their actions. This may mean dealing with the root cause of the crime, such as drug addiction, mental illnesses or homelessness. Restorative Justice is considered to be one of the most effective methods of tackling crime.

*Restorative Justice: A Future Model of Tackling Crime*

The current criminal justice system is based on retribution, vengeance and punishment. The individual is seen in isolation of his or her structural environment, and there is little opportunity to express or demonstrate remorse to the victim of the crime.

Justice lies at the heart of the Scriptures.  In the New Testament Jesus clearly states that justice should be based on the principles of forgiveness and reconciliation.  Retaliation has no place (Consedine, 1999:135).

Restorative Justice provides an alternative model of dealing with offenders, which encourages dialogue and negotiation between the victim, offender and all those affected by the crime (NESF, 2002:64).   There are a number of pilot restorative justice programmes in place in Ireland, such as the Victim/Offender Mediation Service in Tallaght. The majority of these have received positive feedback from those involved.

All the research shows that building more prisons and making sentences harsher does little more than temporarily appeases the blood-lust of certain sections of the public (Consedine, 1999:137).  Restorative Justice provides real opportunities for healing on the part of both the offender and victim.  The offender is answerable to the victim, to the community and to those affected by the crime, as opposed to the state.  This encourages offenders to take charge of their actions and reduces the chances of re-offending.

## 4.4    RECENT DEVELOPMENTS

### *(a)    The Kinlen Report*

The complex relationship between prison and homelessness has recently been highlighted with the publication of the long-awaited Annual report of the Inspector of Prisons.  The Kinlen Report (2003), which is highly critical of the state of Irish prisons, is very forthcoming in expressing concerns regarding the homeless problem experienced by many prisoners.

The extent of the problem of homelessness is reflected in the fact that eleven women refused to leave the women's prison last Christmas, because they had "no where to go". This demonstrates the isolation and exclusion that these prisoners must feel.

*"It says a lot of our caring society when people prefer to remain in custody rather than be released into the community where they have homes or shelters to return to"*
*( Ireland, 2003: 54).*

Justice Kinlen strongly objects to the fact that offenders may leave prison with little or no money, and are forced to wait for the dole for up to two weeks.  During this time, homeless prisoners' may not even have enough money to pay for a hostel, and any money they do have would most likely be spent on drugs or alcohol.

The report also raises serious questions with regard to the cost-effectiveness of the prison system.  Prison is a very expensive response to tackling crime, with State spending in the region of €1,300 a week to retain an offender in prison.  The failure of the State to provide adequate support to homeless prisoners on their release, actively supports re-

offending behaviour and contributes to the vicious cycle of crime, imprisonment and homelessness.

*(b)     Homeless Offenders Strategy Team*

HOST, the Homeless Offenders Strategy Team, is a multi-agency initiative established to alleviate and prevent homelessness among offenders and ex-offenders.  The agency is led by the probation and welfare services and has created strong links with various statutory and voluntary organisations involved in working with the homeless.

The main objective of the team is to ensure that the *Homeless Preventative Strategy (2002)* and *Homelessness-An Integrated Strategy (2000)* are implemented in relation to homelessness and offenders.  Following this, the agency aims to promote the social inclusion of offenders, by improving their access to mainstream services to homeless people.

HOST recognises the important role that transitional housing plays in supporting ex-offenders with integration.  It is committed to the development of these facilities under *The Homeless Preventative Strategy, 2002* which states that:

*"The Prison Service, together with the Probation and Welfare Service, will build and operate transitional housing units as part of their overall strategy of preparing offenders for release.  Approval has been given for facilities in Limerick and Cork" (Ireland, 2002:14).*

Unfortunately, the establishment of transitional housing has been hindered by the complex negotiations between significant partners, such as the Health Boards, Local Authorities and other interested parties.  HOST continues to make progress in its work to address homelessness among offenders and ex-offenders.

## 4.5     BUILDING AN INCLUSIVE SOCIETY

It has long been recognised that prisoners and ex-offenders are one of the most excluded and disadvantaged groups in society.  The political nature of crime makes many government officials reluctant to pledge better services for ex-offenders.  This section examines the need to include prisoners and ex-offenders at all levels of policy making and service provision.

*Policy Development*

*The National Development Plan 2000-2006* recognises the social and economic costs of social exclusion.  It acknowledges that "many marginalised areas are disproportionately affected by crime and drug abuse, while a disproportionately large percentage of the prison population comes from them" (Ireland, 1999:37).  It suggests that building an inclusive society and improving the overall quality of life within these communities will yield multiple benefits in the future.

Despite the government's commitment to fostering policies of social inclusion, the prison population continues to be socially excluded.  The NESF Report No. 22 recommends that

*"The category of "prisoner and offender" should be included and assisted in all social inclusion strategies, at both national and local levels, with particular reference to the NAPS" (NESF, 2002:9)*

Prisoners and ex-offenders have been consistently left out as a target group in all anti-poverty and equality strategies.  No mention of prisoners was made in the new Partnership agreement *Sustaining Progress 2003-2005,* or in the *Review of the National Anti-Poverty Strategy 2001.*  There is a clear lack of commitment to acknowledge and tackle the special needs of homeless prisoners, which may include community deprivation, family breakdown, early school leaving and drug and alcohol addiction.

## 4.6    CONCLUSION

Breaking the cycle of crime, imprisonment and homelessness is complicated by the fact that the needs of prisoners and ex-offenders are very rarely on the political agenda.  Some of the obstacles preventing their successful re-integration into society have been dealt with throughout this chapter.  These have included the lack of appropriate and supportive accommodation, the discrimination of ex-offenders in relation to employment and finally, the risk of being institutionalised in prison.

Evidence has proven that alternatives to custody can be of great benefit to the offender as well as society.  Restorative Justice has been examined as a real alternative method of tackling crime, where the offender is accountable to the victim of his or her crime and other people affected by their actions, such as their family.  It provides the offenders with an opportunity to confront the consequences of their actions and gives them the chance to express remorse.

The final section of this chapter has made clear the need to include the category of "prisoners and ex-offenders" in future anti-poverty and equality strategies.  Tackling the social and economic costs of social exclusion will have real benefits for the whole of society in the future.

# 5 CONCLUSION

The central purpose of this study was to critically assess the problem of homelessness among the prison population in Ireland.  It was hoped that the underlying causes of the vicious cycle between homelessness, crime and imprisonment could be identified and examined.  This was achieved by reviewing research already completed on these issues, as well as government policy to tackle crime and the problem of homelessness, social exclusion and poverty.  The following provides a brief overview of the general conclusions made from this report.

## 5.1    PRISON AS A RESPONSE TO CRIME

Overwhelming evidence indicates that prison is not the best response to crime and should only be applied as a "last resort" or "final sanction".  Despite this, the prison population in Ireland has increased substantially over the last number of years, with the average number of prisoners in custody amounting to over 3,000 in 2001.  The majority of those incarcerated are serving short sentences for relatively minor offences.

The report highlights the economic and social gains to be made from alternative sanctions to prison.  Prison is a very expensive response to crime, with the State spending in the region of €1,300 a week to retain an offender.  While it is acknowledged that prison should be used to punish the most serious of crimes, it is also accepted that imprisonment increases the risk of homelessness and fails to prevent re-offending behaviour.  The government therefore needs to restrict the numbers of those being sent to prison.

The Kinlen Report (2003), states that "95 per cent of those in prison are from areas of social and economic deprivation".  A radical review of the criminal justice system is required to address inequality and discrimination in the penal system.  Crime cuts across all classes and this should be reflected in the prison population.  It is also vital for the judicial system to take an offender's social and environmental circumstances into account, as factors that may have contributed to their offending behaviour.

## 5.2    HOMELESSNESS IN IRELAND

An understanding of the extent of the homeless problem in Ireland provides the basis for examining the relationship between prison and homelessness.  Homelessness has remained a persistent problem in our society, despite the economic boom of the late 1990s.  The gap in the provision of affordable accommodation highlights the failure of housing policy to adequately respond to recent economic and social changes.  The report highlights a number of factors that contributed to the current housing crisis.

The recent prosperity of the Irish economy has played a major role in the lack of affordable accommodation.  With the spiralling cost of private homes, many families and young professionals found they could no longer afford to buy their own home and have been forced into the private rented sector.  This, along with the return of Irish emigrants

and the influx of foreign workers, resulted in the increasing cost of rent, for sub-standard accommodation.

Pressure on the private rented sector has squeezed poor individuals and families out of the market, leaving them vulnerable and homeless.  This in turn has led to an increasing demand for social housing.  The Local Authority cannot meet the current level of need, as the waiting list now stands at over 48,000 households.

## 5.3    PRISON AND HOMELESSNESS

The finding made by PACE and Focus Ireland that "homelessness is both a cause and consequence of imprisonment" has been supported by the literature reviewed in this report.  The lack of affordable and cheap accommodation makes if difficult for the homeless and ex-offenders to find somewhere to live, and many resort to crime to feed their addiction or to simply survive on the streets.

The report stresses the lack of support to offenders on release from prison, particularly sex offenders or those who have served long sentences.  Family support is an integral part of preventing re-offending, and families need to be given adequate financial support and longer visiting hours in order to maintain family contact.  It also recognises that a gap exists in the provision of support services to families who have relatives in prisons abroad.  These constitute a unique group whose special needs should be addressed.

## 5.4    BREAKING THE CYCLE

The report highlights housing, employment and institutionalisation as important barriers to successful re-integration.  Homeless prisoners are at risk of re-offending if they do not have basic accommodation and support on their release from prison.  Targeted services, such as those provided by PACE, must be developed and expanded in the future.  A commitment to provide transitional housing facilities under *the Homeless Preventative Strategy* (2000) should also be fulfilled.

In order to build a truly inclusive society, the category of prison and ex-offender must be included in all anti-poverty and equality strategies.  Tackling the social and economic costs of social exclusion will have real benefits for the whole of society in the future.

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