

Introduction

Prison chaplains' daily contact with offenders and their families give us a privileged insight into their difficulties and struggles. Year after year our reports have articulated many of these difficulties in the hope that they could be addressed in a way that could gradually bring about the serious changes within the Irish Prison System that are now long overdue. There are no indications that these vital changes will ever take place. We have consistently expressed our frustration at the cripplingly slow rate of progress that has led to the steady regression we have seen over the years. It is clear that the current system is dysfunctional and in need of radical change. Unfortunately, however, the only change in the air is further expansion of this already failing system.

It seems strange to us that as a nation we would continue to spend vast sums of money on a system that is not working, and that we demand no accountability for this vast prison expenditure. Is it that imprisonment is now a big business, a reliable employer, good for the building trade, the food industry? Huge sums of money continue to be spent on the Mountjoy complex in spite of the fact that it is to be demolished and replaced. Extensions approved and built in many prisons stand witness to a sustained investment in the bricks and mortar of a failing system. All of this continues while on daily basis prisoners, many of who are able bodied, intelligent and capable people, walk aimlessly around prison yards, or lie in bed for over seventeen out of every twenty-four hours.

The chaplains witness the utter and total boredom of hundreds of men who have little or nothing to do to occupy their days in prison. A small percentage attends school or workshops where available. Others languish in their cells, wait for visits, become cleaners of a small area, or use drugs to pass the time. Some are afraid to mingle with the prison population, because of the nature of their crime or internal feuding. Prisons are clearly harsh places of detention and in no way conducive to the change of life that many need and want.

Our view as chaplains is not entirely subjective, or isolated from the considered view of many other professionals who are working alongside us, within the prisons and in the community. A major report issued earlier this year (*A Study of the Number, Profile and Progression Routes of Homeless Persons Before the Court and in Custody*) shows that half of the prison population have a history of homelessness, and that significant numbers are struggling with chronic drug addiction and psychiatric illness. The report confirms that disadvantaged petty repeat offenders, and not serious criminals make up a significant portion of the prison population. Irish prisons have become a dumping ground for the mentally ill and those struggling to cope be it through homelessness, addiction, or vulnerability.

In this report we will highlight our concerns around sentence management and the care of juvenile offenders who present a particular vulnerability. We will look at the issues of healthcare and deportation. While looking at particular groups and issues within the prisons, our fundamental thrust in this report is to recommend in the strongest possible terms a serious look at alternatives to imprisonment. As a nation we have become obsessed with locking people up. We have made imprisonment the sanction of first resort rather than a last resort. The hard facts indicate that we have got it wrong. We have lost the plot, and now need to move towards a response to crime that will address the real issues rather than continuing to respond with a prison system that is failing miserably for offenders, victims, and society at large.

Sentence Management

As chaplains working full time in the prisons, we have concerns around the management of prisoners. We hear the term 'positive sentence management' used but see no signs of it in practice. We see how prisoners engaged in educational courses can be transferred to another prison without any given reason or explanation. Likewise a prisoner who may be engaged in a counseling process with the psychologist can at the drop of a hat be moved and lose the progress he had been making. It is hard to credit that prisoners serving long sentences, even life sentences are on occasion transferred to a remand prison. This kind of movement of prisoners indicates a scant regard for the personal needs of the individual. If positive sentence management is to be a reality, the needs of each individual must be addressed. These needs should be taken into account when placing someone in a particular prison, and when moving individuals from one prison to another.

When someone is committed to prison, he/she is immediately immersed in a system that is not geared to help them address their struggles and issues. We welcome the increased number of psychologists working in the prisons. Some prisons have better facilities than others in the area of education and training. Cloverhill Prison for example has no school or workshops available to the hundreds of prisoners detained there. Many of the prison population throughout the country walk the yards all day, never participating in education programmes, never receiving addiction counseling. All responsibility and initiative is taken from them, and yet as a society we expect them to be responsible members of the community when they are released. Given the lack of positive intervention while someone is in custody it cannot be any wonder that there is such a high rate of recidivism. For a great number of prisoners, spending time in prison is a complete waste of time and money. It offers no benefit to the victim, to the offender, or to society at large. Why not use this money to tackle the root causes of crime?

We are concerned for the families of prisoners who are the innocent victims in many instances and yet pay a price that, may in itself, be a contributing factor to future crime. We refer especially to children who are left without their mother or father for years and those who become dependent on social welfare, or struggle to make ends meet on a reduced income. The effects of imprisonment on families are part of the unseen and invisible effects of imprisonment and an issue that needs to be borne in mind as we plan for the future. The recent increase in the numbers of children in child care should be examined keeping in mind the numbers of children whose mothers or fathers are serving time in prison.

Over 200 people are currently serving life sentences in Irish prisons. These men and women have very particular needs. They know they are going to spend many long years in prison and so positive sentence

management is crucial. Prisoners serving life sentences live in the unknown zone. They wait anxiously to receive news from the Parole Board regarding their future. In the context of positive sentence management, the role and function of the Parole Board needs to be seriously examined. We are especially conscious of long-term prisoners and those serving life sentences.

Sex offenders now form a significant part of our prison population. In previous reports we have consistently highlighted a number of concerns that are particular to this group (cf. *National Prison Chaplains Annual Report 2003*, *Annual Report 2004*). We are concerned that these issues are ongoing and should be addressed.

Care of Juvenile Offenders

All of the concerns highlighted above in the area of sentence management take on a graver significance when looking at the care of juvenile offenders in the prison system. The current regime for juveniles is greatly lacking in insight and imagination. Furthermore, it is a regime that blatantly ignores the established guidelines and regulations for the care of children in residential institutions. Juvenile offenders within the prison system, most of who are accommodated in St. Patrick's Institution, are at a critical stage of development in their lives. Little or nothing in the current system does anything to enhance this development in a wholesome way. Many of these young people have already been seriously damaged while in the care of state institutions. They need a level of care and professional intervention that is a world apart from what is currently available to them.

Anyone with an understanding of adolescent development could only be appalled at the manner in which the current justice system responds to many of the most vulnerable young people in our society. When juvenile offenders are committed to prison they are placed in a hostile environment that can at times be violent and degrading. The regime they are held under is dehumanizing at its very core. The overemphasis on secure containment is visible in a daily routine that is marked by utter boredom. We have seen a sustained reduction in the amount of workshops available to those in St. Patrick's Institution. We have serious concerns about the procedures in place when dealing with disciplinary matters. Juveniles are often deprived of the most basic privileges for long periods, and are at times transferred to punishment blocks within other institutions. This practice is highly questionable.

The present regime clearly indicates that the criminal justice system as it stands is not committed to the rehabilitation and reintegration of young offenders. Justice is not served when young offenders are imprisoned in an archaic regime that offers little or no positive intervention, and later returned to society further damaged and violated. Communities struggling to cope with troubled juveniles involved in criminal activity are certainly not served by this system that may temporarily remove them from society, but will not address the fundamental issues at the very heart of the problem.

We suggest that this shameful regime for juvenile offenders must be addressed as a matter of urgency. It is now time to begin a serious discussion around radical alternatives. This discussion must be guided by what is accepted as best practice in the care of children and adolescents. It should also embrace the principles enshrined in the United Nations Convention on the Rights of the Child. We hope this discussion will not be another talk-shop leading to more of the same, but rather will result in action that is long overdue. If this progressive,

developed nation of ours is sincere in its desire to cherish our young people, we should see concrete signs of this in the way it responds to its most vulnerable.

Healthcare

Every year the chaplains raise the very serious issue of sending people with a mental illness to prison. We have recommended in successive reports that the Minister would liaise with all the relevant agencies to ensure that mentally ill people are not sent to prison. We have strongly recommended that when they appear in court, they should be offered appropriate psychiatric care within the community. It appears, however, that there continues to be a significant increase in the number of committals with serious psychiatric illness. The prisons have no control over this as they arrive at the prison gates from the courts. Prison is not the appropriate place for anyone with a mental illness. They are a very vulnerable group of people. The prison cannot adequately respond to the needs of this most vulnerable group. The obvious gaps in our healthcare service cannot be an excuse for incarcerating people who need ongoing professional care.

The Minister's announcement regarding the closure of padded cells was followed by the refurbishment of D2 Landing in Cloverhill Prison, incorporating the new safety observation cells, and close observation cells. Similar developments in some but not all other prisons have brought very welcome and significant improvements. It remains deeply disturbing, however, that such large numbers of people with psychiatric illness are left languishing in prison. Whether the illness is related to drug abuse or other factors is irrelevant.

The timescale between assessment and treatment of those with a psychiatric illness gives cause for concern. While waiting for treatment in the Central Mental Hospital, a prisoner can be left for weeks in a padded cell. The mental torture endured in this situation is paramount to cruelty. We compliment the many staff in those areas of the prisons where those with psychiatric illness are accommodated for their continued concern for this vulnerable group. In a situation that is grossly unfair to them and to those in their care, they struggle to cope without the appropriate training and resources.

It is with bitter disappointment that we must yet again this year note our serious concerns regarding the continued use, in some situations, of padded cells as punishment. This is now contrary to the policy of the State and should not be allowed to continue.

Over the past year, three young men serving sentences in Mountjoy died from cancer. It has come to the notice of the chaplains in Mountjoy that on occasions people who have obvious signs of deteriorating health appear to be left waiting quite some time before they are sent to hospital to see a specialist. The chaplains feel that this delay can have serious consequences, and that this matter should be addressed as a matter of urgency. We would also stress the vital importance of keeping all hospital appointments. A further cause of

concern is the delay prisoners in Mountjoy experience receiving medication following internal or external movements. These delays can cause great stress for the individual and may lead to unnecessary confrontation.

While security is a priority in the prisons, many prisoners are very uneasy with the medic or nurse sitting in on a visit to the doctor. This loss of confidentiality is also experienced when someone is admitted to hospital. We suggest that the surgery could be redesigned in such a way that a prisoner could have a confidential visit with the doctor while being observed through a glass partition. We further suggest that prisoners be afforded some degree of confidentiality while in hospital be it as an out patient or in-patient.

A person's right to life and health is fundamental and should not be compromised in any way. When a person is committed to prison, they clearly lose their freedom but continue to have the right to have their health attended to in a manner that respects their dignity as human beings. Anything that undermines this dignity and endangers a person's health and well being is totally unacceptable and cannot be tolerated.

Deportation

We continue to be disturbed by the shameful practice of detaining those awaiting deportation in Irish Prisons. Under the Immigration Act, illegal non-Irish nationals can be arrested and held in Irish Prisons for up to eight weeks to await deportation. Many of these people are snatched from their homes and work places, and incarcerated in Irish prisons. Some have come from harsh military, political, and religious regimes, and are terrified at the prospect of being deported back to their homelands.

An alarming number of men and women are held in Irish Prisons, awaiting deportation. Although they have committed no crime, they may be held for up to eight weeks and are subject to the same regime as those in custody on criminal charges. Two thirds of this group spends more than fifty-one days under this prison regime. They are often separated from their spouses and children, and are given no idea as to when they will be deported. They are regularly unable to access satisfactory legal advice, and are sometimes deported without the opportunity to retrieve their hard earned money and property.

Some of these men and women present with serious medical difficulties. It is appalling that their deportation becomes the primary focus and the appropriate medical care is seen as secondary. Recently, a man was brought to the gates of Cloverhill Prison to be committed on foot of a deportation order. He was in a collapsed state and in no fit state to be committed to prison. He was then brought to Tallaght Hospital, and later on his committal to prison, was placed in a Close Observation cell, as he was seriously troubled and agitated. This man remained in this close confinement for the duration of his stay in Cloverhill. The psychiatrist recommended that he be transferred to the Central Mental Hospital for treatment. The Immigration Act, however, does not make provision for such transfers even where it is clearly necessary for such intervention. This man remained in a Close Observation Cell for ten days. He was then brought back to Tallaght Hospital to be treated for dehydration and then deported to Britain. Within hours of this deportation we were given to believe that this vulnerable man would be homeless on the streets of Manchester.

There can be no justification of a process that humiliates and dehumanizes those who are awaiting deportation. If a final decision has been made to deport a non-Irish National, we have an obligation to do so in a way that is respectful of their human rights and dignity. A recently published report, *Immigration Related Detention in Ireland* clearly states that prisons where the vast majority of immigration detainees are held are inappropriate places for such people who are not accused of any crime. It strongly recommends an end to the practice of holding these people in prison, saying they should be accommodated

instead in centers designed for the purpose. The Irish Refugee Council, the Irish Penal Reform Trust and the Immigrant Council of Ireland jointly commissioned this report, and International human rights lawyer, Mark Kelly, wrote it.

We strongly recommended in previous reports that the inappropriate use of Cloverhill Prison, the Dochas Centre, and other prisons where men and women awaiting deportation are held should cease immediately. We suggested that they could be held in a less severe but secure environment, where they would have access to the latest information regarding their legal status and entitlements. Our recommendation has fallen on deaf ears.

This continuation of this shameful and unacceptable practice must be addressed as a matter of urgency. Once again, we call on the Minister to meet with the Garda Immigration Bureau to look at realistic alternatives that can be put in place. Other jurisdictions within the EU have shown the viability of such alternatives.

Another issue that has come to our attention in this area is the deportation of non-Irish nationals on completion of their sentences. We are aware of a number of men who were subject to deportation having served custodial sentences in Ireland. Given that most of them were imprisoned for several years, one would imagine that there would be ample time to arrange their deportation in an efficient and dignified manner. Unfortunately, however, this has not been the case. These men, anxious to be returned home, having served their sentences have in some situations been left homeless on the streets of a city that is alien to them. In other situations, they have been left waiting in hostels, with numerous changes in their dates for departure. This degrading treatment serves as further punishment for these individuals who have already paid their debt to Irish society. Indeed, most of them have spent every day of their sentences consistently working long hours in prison kitchens, receptions, laundries, and other key areas in the prisons. They deserve to be treated with dignity and respect and should be facilitated in returning to their families without any delay.

Other Areas of Concern

Public Expectations of Prisons:

For too long too much has been expected of prisons. Other agencies and departments need to take some responsibility for the root causes of crime and its prevention. The under funding of primary education is a serious issue that needs to be addressed. Homelessness as a contributory factor to crime needs to be looked at. Provision should be made for proper resources in the area of health care, especially mental health care.

Media

A major area of concern for the chaplains is the treatment of certain prisoners by the media. This is ongoing and continues right throughout their sentences and after. One young man who is now deceased featured in a Sunday paper recently causing undue pain and suffering to his family. Many men fear for their lives in hostile prison environments after such publications. It serves no useful purpose to prisoner, offender or society. We ask that this issue be addressed as a matter of urgency.

The Way Forward: Suggested Alternatives

Following on from our thesis that prisons are not working we suggest the following alternatives as a possible new and more creative way forward:

1 Restorative Justice:

In our 2004 Report we called on the minister to look at the process of Restorative Justice as an alternative to imprisonment and the entire report was situated in that context. This year we reiterate our belief that a process of Restorative Justice is called for in the light of a failed justice system, a system that continues to lock up the poor and vulnerable, that is not preventing crime, that is not deterring offenders and that is not addressing the root causes of crime or rehabilitating offenders. The high rate of recidivism alone is evidence of this. The old saying that crime pays is true if one looks at the question of who in fact benefits from crime. In our current system the victim is certainly not a beneficiary. Neither is the community. An offender who continues to offend is hardly benefiting. So the question remains – who is benefiting?

The holistic, healing and inclusive approach of Restorative Justice involves all parties to crime namely, victim, offender and the wider community. Its healing process has an emphasis on offender accountability and is concerned with restoring the dignity and well being of the victim. It is community based and therefore involves/includes the community from which both victim and perpetrator came. A system of restorative justice would seek to restore broken relationships, and would aim, where possible, to bring victim and offender together. Victims need to be heard and facilitated in articulating their pain and suffering, their degradation and their fears. The offender needs to hear and have his/her voice heard too. We believe that a process of restorative justice would reduce recidivism and thereby the total prison population. It would also address the issue of crime in a holistic and inclusive way. Crime needs to be addressed in its' community setting.

2. Community Based Programmes:

There are some programmes in operation in some prisons that aim to contribute to the rehabilitation of offenders. These consist mainly in educational opportunities or workshop type programmes and is partially effective for those who are capable of availing of them. Probation and Welfare officers also provide some programmes and one to one work with clients. The variety and scale of the programmes vary from prison to prison. In some prisons while efforts are made to provide meaningful opportunities for some for the most part they are inadequate. In other prisons people walk prison yards for most of the unlocked time and lie on beds for the remained of the time. The real needs of the prisoners, however, are not being addressed. It is our belief at this time that prison is not the appropriate environment for rehabilitation and this is the issue that must be addressed. Many of those incarcerated suffer from addictions – namely drug, alcohol or sex addictions. Many are suffering from family or institutional abuse that has never been addressed. Many suffer from depression. Many are unable to maintain relationships. Many are homeless or in the process of becoming homeless due to imprisonment. These people need help and they need it in a community setting where they can deal with the issues that led them into crime in the first instance. The nature of the prison regime does not facilitate the real needs of many of those who are sentenced to periods of imprisonment. Special treatment centres for certain categories of prisoners would address many of the underlying causes of crime, reduce recidivism and give new hope to many who are the victims or perpetrators of crime and indeed to families and communities who are affected by crime.

3. Freedom to work, to earn a just living, and support ones dependents.

For many who are incarcerated a key element of their incarceration is their inability to provide for their families. Instead the family is left to provide for them in terms of clothing and other small items that prisoners require during their time in prison. We suggest that special categories of offenders be given an opportunity to earn a living that will help them provide for their families while also paying their debt to society for the offence caused. We suggest that a working party be set up to look at the practical working of this proposal. Perhaps a small pilot project might be set in place and the learning used for further development.

Conclusion

Over the last number of years we have witnessed a vast building expansion in our prison system. More spaces have been provided and filled. Longer sentences have been handed down. A new headquarters with increased levels of staffing has been provided. At the same time less and less has been available to the men and women who are placed in the care of the prison service. One young man serving a life sentence was advised by the Parole Board to continue working with the psychologist. He waited eighteen months to begin this work in spite of his repeated requests and the efforts of his parents. This is to give just one example. We could provide many more.

Our concern is that Thornton Hall will continue the brick and mortar expansion but fail to provide for the needs of those who will be committed to dwell within its confines. We ask, therefore, that before any stone is laid that a proper and honest evaluation of our present system be undertaken. As chaplains we witness what is happening in our prisons on a daily basis and feel called to bring this to public attention. We have no agenda except to report on the reality as we find it and to be the voice of those, who because of their incarceration have no means of communicating with the wider world from which they have been taken.

That incarceration is needed for some categories of prisoners, namely those who pose a real threat to society, is a given. Our proposals are an effort to respond to the current failures that lead to recidivism, that affect whole families and communities and are not addressing the root causes of crime. We see absolutely no need for increased spaces and earnestly ask the minister to seriously examine alternatives before embarking on another building project. We owe it to society, to victims of crime, and to the perpetrators to examine the underlying causes of crime before responding to it. Knee jerk reactions to some high profile cases is not a proper response, we need a considered well thought out plan of action. We need to continue asking the question: who is benefiting from crime?

We wish to thank prison management, governors, chiefs and staffs of the various prisons for their support of chaplains during the past year. We appreciate the facilitation of our work and the respect afforded to the confidential nature of what we do.

We are aware of the impossibility of some of the responsibility placed upon management especially in the area of rehabilitation. Their task to provide safe custody is becoming increasingly more difficult with the result; security becomes the overriding objective of prison life and takes precedence over all else. Hence, the need to recognise the limitations and inadequacies of prisons and to address the needs of prisoners and society in the area of justice. The time has come for a new response, a different way.

