

## **PRISON POLICY**

### **SUMMARY**

*People Before Profit calls for*

- \* A fundamental change in the perception of inmates as citizens capable of rehabilitation, rather than as dangerous and irredeemable.*
- \* Rehabilitation rather than retribution to become the official impulse.*
- \* A restorative-justice programme, in which offenders meet their victims as part of facing up to their crimes and rehabilitating.*
- \* Deprived city areas with high numbers of offenders to receive greater social investment.*
- \* A move towards Open prisons.*
- \* An increase in Temporary Releases.*
- \* More drug treatment centers inside and outside prison.*

# People Before Profit's Prison Policy

## Retribution vs. Reform

### Background

"If Mountjoy was a hospital and had the same record of failure, where patients left with more illnesses than they had going in, it would have been closed long ago." ~ Dr Ciaran McCullagh of University College Cork.

You can tell a great deal about a society and its values from the way in which its criminal policy and prison system operates. The greater the perceived threat from a deprived underclass, the more draconian the official response and the more overcrowded and dangerous jails become.

Irish prisons achieve little more than a cosmetic sense of security, which the media feeds on. They do, arguably, have an incapacitatory benefit but they are most certainly futile as regards deterrence and rehabilitation. We must approach the whole area with a greater sense of realism, pragmatism and honesty.

A general reading of the Department Report displays a pride in the numbers incarcerated, the increase in prison staff and the vast quantities of resources being poured into the system. While there is certainly attention being paid to the rehabilitative aspects of the system, they do seem to be secondary considerations. The emphasis is most definitely on incapacitation, incarceration and punitivism.

In 2013 Fr. Peter McVerry described the prison system as a "total disaster" and our jails as so overcrowded and beset with violence and drug abuse that rehabilitation is almost impossible.

"The mission statement of the Irish Prison Service is to provide safe and secure custody, dignity of care and rehabilitation to prisoners for safer communities. The only word in that which is actually appropriate is 'secure'," says McVerry.

He also suggests the size of a country's prison population is not so much related to crime rates as being "to some extent a political calculation that lay within the power of the legislators".

In 1995 Ireland had about 60 prisoners per 100,000 population, amounting to just over 2,000 prisoners. Since then the number behind bars has more than doubled and the rate of incarceration has increased to 100 per 100,000. For Finland it is 59, while Norway and Denmark have about 70 (the US has the world's highest rate of incarceration with more than 700 prisoners per 100,000).

This trend could be seen as an indication of a punitive shift in the criminal-justice system, where a life sentence has increased from an average of seven years in the 1980s to 17 now.

Irish prisoners spend "at best" seven hours a day outside of their cells. The norm in Nordic countries would be 12, maybe 14 hours out-of-cell time, even in the highest security prisons.

Fr. Peter McVerry highlights how isolation in prison has serious negative psychological effects on prisoners and adds that some people spend up to 23 hours a day in a cell (particularly if over-crowding a problem- which it usually is in Ireland) and points out that "If one locked a dog in a cell for 23 hours a day, one would be reported to the ISPCA."

Dr Ciaran McCullagh of University College Cork has studied approaches to imprisonment for more than 30 years. He says that all the experts and the reports on the prison system have underlined the urgent need to reduce the prison population and that all have advocated alternatives to custody. But he believes that those in positions of power have failed to act progressively at least partly because they fear the reaction of the public and media.

The Irish Prison Service does not collate figures for recidivism rates but a major study of prisoner re-offending by the UCD Institute of Criminology, published in December 2006, found almost 50 per cent of released prisoners were back inside after four years. According to the Swedish National Council for Crime Prevention, the recidivism rate in that country is 41 per cent. A study in Finland revealed a rate of 35 per cent there, one of the lowest in the world.

The United States has the highest rate of incarceration in the world. Ireland followed that model for years. It doesn't work. Finland, with a leaner, cheaper and more humane system offers an attractive alternative.

## **Policies and Aims**

- To see a fundamental change in the perception of inmates as citizens capable of rehabilitation, rather than as dangerous and irredeemable.
- Rehabilitation rather than retribution must become the official impulse.
- Propose a restorative-justice programme, in which offenders meet their victims as part of facing up to their crimes and rehabilitating. This has been running since 1998 but is still called a pilot project and has not been made part of the mainstream.
- Deprived city areas with high numbers of offenders should receive greater social investment. In such a departure, the judiciary must be encouraged to regard prison sentences as a last resort and community service orders as the norm. Investment in probation and community services and in addition open prisons will be required. In cases of serious person on person crimes like murder and particularly rape/sexual assault and paedophilia People Before Profit would not advocate for lighter sentences due to a) the severity of the crime; and b) in the cases of crimes of a sexual nature there is often evidence of a high chance of re-offending. However People Before Profit would advocate for rehabilitation set out alongside the sentencing.
- A move towards Open prisons:

Prison walls are in some cases 20m high, and even moving down a corridor may require several doors to be unlocked and relocked. This is necessary to create a secure setting, but it creates a claustrophobic and tense environment for both staff and prisoners.

“Open prisons do far less damage to people,” says Dr Kevin Warner, the former national co-ordinator of prison education in Ireland. “They’re built to a large extent on trust and relationships between staff and prisoners; they are much better in terms of helping people resettle. The other extraordinary thing is they cost about half as much to run.”

Prison should be preserved for serious offenders, with lower-risk criminals being dealt with in the community.

- **Temporary Releases:**

A study of 20,000 prisoner releases by Professor Ian O’Donnell of the Institute of Criminology at University College Dublin found that inmates granted temporary release were much less likely to be re-imprisoned when their sentences expired. Yet over Christmases only 4 per cent of inmates were granted temporary release, down from 20 per cent in the mid-1990s (2013 figures).

The decline of crime in New York in recent years coincided with a drop in imprisonment because alternatives to custody were put in place.

Temporary releases also help stop the spread of the toxic mindset that inhabits and breeds in prisons through interaction within society.

- **Drug Treatment Centers:**

Fr. McVerry believes about 80 per cent of people entering prison have a drug problem – which is often the cause of their offence. But there are just nine detoxification beds in the 4,500-bed system.

He says he knows at least 40 people who used heroin for the first time in jail, either out of boredom or because they were sharing cells with drug users. Prisoners coming to the end of their sentences hound him, he adds, to find them drug-treatment places when they are released, to keep them out of the cycle of theft that landed them in jail.

Although significant effort has been made to reduce the flow of drugs into prisons, McVerry believes it has not been matched on the treatment side, either inside or outside jail.

People Before Profit therefore calls for more drug treatment centers inside and outside prison.

- Introduce more education centers within prisons to help add to a person’s life skills, allowing people to change lifestyles after prison thus decreasing risks of re-offending.

## Finland – where the model works

One-third of the prisons are “open” – minimal security facilities where inmates are sometimes let out to do day work before returning in the evening.

Falling prison populations and low rates of recidivism suggest the more liberal Scandinavian approach pays dividends in the long run.

Apart from having a low prison population and a developed system of community service, Finland lays particular emphasis on day-release programmes. In that country, a high proportion of offenders are in open prisons doing community work, at a far lower cost to society. Here, open prisons account for only 5 per cent of the total. Much can be learned from the Nordic countries, not just in terms of a progressive criminal policy but in the provision of early education and childcare services.

In Finland judges undergo continual training and education; this is regarded as having moved their sentencing policy towards progressive, noncustodial options, such as drug-treatment courses. This approach more often leads to genuine rehabilitation and has the bonus of diverting people from incarceration and lowering the prison population.

The positives of Finnish model include an impressive fusion of the prison and probation services.

The prison governor is also the head of the probation office. Prisoners are out working in the community by day and they travel back to the prison by night.

Finland is a good example for Ireland because in a relatively short period it successfully transformed a traditional prison system with an emphasis on security to one focused on rehabilitation.

**But Liam Herrick of the Irish Penal Reform Trust says the issue of international comparison is “a complex one”. For reforms to be successful they need to take account of these wider social issues. Countries in northern Europe have managed to reduce prison populations and keep costs low but they “also have much better social supports around issues like homelessness and mental health, which are important factors here”.**

Prison should rehabilitate prisoners and ensure they can safely re-enter society. To that end the whole idea of retribution and vengeance and so forth really and truly has been proven across the world not to work.