



IPRT Briefing on Overcrowding in Irish Prisons

*Defeating overcrowding in prison should be a goal of all those who want less crime.
(HM Chief Inspector of Prisons for Scotland, 2005)*

Context

In 1998, the European Committee for the Prevention of Torture (CPT) stated that overcrowding in Irish prisons was “endemic”. Not much has changed since, despite the largest ever prison-building programme undertaken in Ireland in the last 30 years. Overcrowding in Irish prisons is still at chronic levels, and must be addressed urgently. Penal expansionism has failed in Ireland; the CPT has expressly rejected prison-building as a response to overcrowding. New solutions are urgently needed.

Overcrowding is an exacerbating factor for other systemic problems such as poor cell conditions, poor regimes (limited education and meaningful activity among others) and inter-prisoner tension and violence. The State has a duty to provide safe and humane custody for all prisoners; it is failing in this duty.

The European Court of Human Rights has stated clearly that overcrowding in itself is a breach of human rights. The continuing situation in Ireland breaches the State’s obligations under international treaties, including the European Convention on Human Rights.

Figures

- **On 9th October 2009, the number of prisoners in custody in Ireland reached 4,009**, exceeding for the first time in the history of the State the 4,000 mark. *(This figure does not include those out on temporary release)*. The prison population in Ireland has doubled in the last 20 years, from 2,100 prisoners in 1990 to over 4,000 in 2009, and continues to grow.
- On the same day, the reported ‘bed capacity’ of the prison estate in Ireland was 3,947 spaces. However, ‘bed capacity’ figures – achieved by ‘doubling-up’ of prisoners in cells designed for single occupancy – hide the fact that the design capacity of the prisons is significantly smaller. Many prisoners have to share small cells on a regular basis with one, two or three other prisoners, often locked-up for up to 17 hours a day.
- Throughout 2008, almost half of Irish prisons operated at over their bed capacity, with Mountjoy Prison (female) operating at 122% and Mountjoy Prison (male) at 109%. This meant accommodating prisoners in areas such as prison showers.

Short-term measures

- **Set safe custody limits, informed by basic human rights standards.**
The limits on the number of prisoners who can be admitted to each prison without risk to their safety, and the safety of staff, should be introduced as a matter of priority. Safe custody limits will act as a critical safety check within the system and will also force authorities to accept responsibility for overcrowding.
- **Change to committal procedures.**
A review of current designation of committal prisons in order to afford management greater flexibility in managing peaks in prison committals could help ease the periodic increase in pressure on some of the current committal prisons.

- **Temporary release of non-violent, low risk offenders.**

Greater use should be made of temporary release measures in relation to those prisoners who do not constitute a threat to the public and those who are serving short-term sentences. Temporary release should not be used as a safety-valve for the overcrowded system, as it is used at the moment, but should be part of a concerted effort to remove less serious offenders from prisons.

Medium term measures

- **Progress the Fines Bill 2009 as a matter of urgency.**

- **Bring an end to imprisonment for debt.**

- **Bring an immediate end to immigration detention.**

This practice contravenes international human rights standards; alternative provision should be made.

- **Change remand practices.**

In 2008, over 5,000 people were held in prisons on remand. The Government, the Courts Service and the Prison Service should conduct an analysis of how many people remanded in custody go on to receive a custodial sentence, and assess the necessity of using this measure to the extent it is currently used, and the level of risk that remand prisoners pose to public safety.

Long-term measures

- **More use of community sanctions by the Courts.**

Community sanctions are much cheaper than imprisonment and, with certain categories of offenders, demonstrably more effective, with lower levels of re-offending.

- **More investment in preparation for release and post-release support.**

Reduce recidivism through the successful return of former prisoners to their families, communities and wider society. Investing in post-release support has great potential for reducing the overall prison population, and ultimately cost.

- **Introduce 'imprisonment as a last resort' legislation.**

Imprisonment should be used only as a measure of last resort, and for the shortest appropriate time. To this end, judges should be legally required to justify imposition of a prison sentence in their judgments.

- **Eliminate short sentences.**

Legislation should be introduced towards eliminating short-term sentences (less than 12 months), which are an ineffective and costly response to less serious crimes.

- **Close four old, ill-suited prison spaces for every three new prison spaces that are built.¹**

Separate positive plans to replace old prisons in which physical conditions are not in accordance with international human rights standards from disastrous trends towards penal expansion.

Further information

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¹ See: A response by Professor Ian O'Donnell to presentations at 'Reimagining the Role of Prison in Irish Society – an Open Forum', which took place on Thursday June 18th, 2009, hosted by Irish Penal Reform Trust (available at: http://www.iprt.ie/files/ODonnell_OpenForum_Dublin_18062009.pdf).