



Smart Justice, Safer Communities

Proposals for Penal Policy Directions, 2016-2021

- **Smart Justice is a criminal justice approach guided by evidence of what works to prevent crime and to reduce reoffending.**
- **Smart Justice acknowledges that imprisonment is costly, damaging, and a largely ineffective response to non-violent and less serious offending.**
- **Smart Justice recognises that a fair, equal and effective justice system builds safer and better communities.**

Here IPRT presents its ten priority directions for a more fair and more effective justice system. All of our proposals are backed up by solid evidence and research, available at: www.iprt.ie/elections-2016

1. An Innovative and Effective Penal system

Smart Justice is guided by analysis of evidence, data and statistics, and does not engage in knee-jerk policy responses. Progress and reforms achieved since 2011 means that there is now a strong foundation on which to work towards a model penal system in Ireland – one that is led by innovation and not crisis-management. A clear Government commitment to evidence-informed policy, grounded in data and evidence which is made publically available, is key.

2. Punishment in the Community

Smart Justice recognises that prison is not the only real form of punishment. Cheaper non-custodial sanctions are proven to be more effective in addressing less serious offending, and benefit the community. On the other hand, over-dependence on short sentences for less serious offences places disproportionate burden on a prison service that should instead focus its resources on more serious offenders. A commitment by the next Government to continue to resource more effective, and less costly non-custodial responses to offending is critical. These may include: establishment of community courts; investment in restorative justice strategies; and the national roll out of supported community sanction schemes.

3. Reduce Prisoner Numbers

Smart Justice recognises that crowded prisons are dangerous for prisoners and staff alike, and do little to reduce reoffending. The prison population has been safely reduced by 10% since a peak in chronic overcrowding in 2011. This trend must be continued over the next five years, so that the Irish Prison Service can direct maximum resources towards addressing serious offending behaviour. Goals should include: to safely reduce the prison population to a safe custody maximum of 2,850; to expand the highly successful Community Return Programme, and ensure no prisoner is deemed ineligible due to the category of their offence; and increase standard remission from 25% to 33% and enhanced remission of up to 50%.

4. Address Health Issues

Imprisonment by its nature exacerbates mental and physical health issues. Failure to deal appropriately with mental health and addictions makes prisons unsafe for staff and prisoners alike. An effective prison healthcare service, which is capable of meeting the wide range of physical and mental health needs in prison, is urgently required. Prisoners with serious mental health issues should be diverted to appropriate mental health facilities, and the number of forensic mental health spaces must be increased. High prevalence of drugs, drug misuse and addictions also remains a major problem in all prisons. Measures to reduce the demand for drugs in prison, and which support prisoners to adopt a drug-free lifestyle before and after release, are essential.

5. Humane Prison Conditions & Regimes

Smart Justice knows that inhumane prison conditions do not support rehabilitation or desistance from offending. Despite marked improvements since 2011, conditions and regimes in some prisons remain in clear violation of basic human rights standards, exposing Ireland to legal challenge at domestic and European level. Basic standards that should be met include: single-cell accommodation as the norm; 24-hour access to private toilet facilities; at least 12 hours of daily out-of-cell activity for all prisoners, with emphasis on education, training and work; and an end to the use of prolonged isolation of prisoners as a response to prisoner safety concerns.

6. Ensuring Accountability

Independent oversight is crucial to ensuring human rights abuses do not occur out of sight behind prison walls. Public confidence in the effectiveness of the prison system demands transparency and accountability, and the safety of prisoners and staff is strengthened through trusted complaints mechanisms, which reduce tension on prison landings. Public confidence in the prison system can be improved through: the establishment of a prisoner ombudsman or extension of the remit of the general Ombudsman to include prisons; ratification of the OP-CAT (Optional Protocol to the Convention against Torture); and the establishment of the Irish Prison Service as a fully independent Prisons Authority on a statutory basis, with the Director General as Accounting Officer.

7. End Imprisonment of Children in Ireland

The Government commitment in 2011 to end the detention of children at St. Patrick's Institution has been delivered. However, the detention of children continues in Wheatfield Place of Detention, an adult prison, in direct violation of international human rights law. This must be addressed urgently – and with finality.

8. A New Approach for Young Adults

Smart Justice looks to the future. Young people in the transition to adulthood have the highest rates of offending and reoffending, but the highest capacity for change and desistance from offending behaviour. It is crucial that the wrong interventions do not condemn young adults to a lifetime of marginalisation and crime. An overall priority must be the development by the Department of Justice and Equality and the Department of Children and Youth Affairs of a discrete strategy for young adults aged 18–24 years in conflict with the law, with emphasis on diversion and age-appropriate services and supports.

9. Preparing for Release

From the first day of a prisoner's sentence, he or she should be working with the prison service towards their preparation for release. More transparent and accountable structures of release decision-making will bolster prisoners' confidence in their engagement with prison services, treatments and regimes. Central to this is the removal of release decision-making from political control through the introduction of a fully independent Parole Board on a statutory basis.

10. Reintegration and Rehabilitation

Smart Justice knows that for every prisoner who does not reoffend on release from prison, there is one fewer victim in the community. It is in everybody's interest that rehabilitation services and supports are prioritised and adequately resourced. Increased provision of open prison spaces for both male and female prisoners is critical to successful reintegration post-release, and robust Spent Convictions legislation must meet its purpose and remove barriers to reintegration for people who have moved on from past offending behaviour.

More information

IPRT proposals and recommendations are supported by solid evidence and research, presented across a series of Position Papers and Briefings available from IPRT. **For more details, see www.iprt.ie/elections-2016**

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