

Open Prisons

The open prison has been a relatively recent development in terms of the evolution of prison systems.¹ The concept of the 'open prison' was formulated at the **First United Nations Congress on the Prevention of Crime and the Treatment of Offenders in 1955**. It outlined the general characteristics which make a prison an open prison:

- a) The **absence of security measures**, both as regards material and staff provisions in the form of walls, locks, bars, armed or unarmed posts.
- b) A regime based on **voluntarily accepted discipline** of the prisoners and on their sense of responsibility for the community of which they are a part of.

This general formula covers open prisons of various kinds and various forms as they are found in many countries.²

Open Prisons in Ireland

Of the 14 institutions in the Irish prison estate, one is classed as a "semi-open" (The Training Unit) and two prisons are classed as "open" (Loughan House and Shelton Abbey). Presently, there is no open prison for female offenders, despite this being recommended as far back as the Committee of Inquiry into the Penal System ('Whitaker Report') in 1985.

Open prisons in Ireland have a total bed capacity (per Inspector of Prisons) of 255. This represents a mere 6% of the overall total bed capacity of Irish prisons, which is considerably less than that in Nordic countries.

In January of this year, there was an 80% use of the available open prison facilities. For the same period, the average occupancy rate in closed prisons sat near to 100%, with two closed prisons (Limerick and Arbour Hill) consistently holding well over 100% of their bed capacity.³

Characteristics of an Open Prison

- Open prisons differ from closed prisons in their **philosophy of administration, discipline, enforcement of orders, assessment of problems and models of tackling them**. The pattern of administration is based on trust, tolerance, truth and totality.⁴

¹ M.B. Manaworker, *Prison Management: Problems and Solutions*, 2006 p101.

² Manuel Lopez-Rey and Charles Germain, *Studies in Penology*, 2013 p124.

³ Irish Prison Service, Monthly Information Notes for Year 2017, January 2017 http://www.irishprisons.ie/wp-content/uploads/documents_pdf/January-2017.pdf accessed March 29th 2017

⁴ Shubra Ghosh, *Open Prisons and the Inmates: A Socio-psychological Study* 1992 p9.

- Open prisons encourage resettlement and often have links to **community resources**.
- **Minimal security measures**, including no bars on windows and a small ratio of custodial staff to inmates.
- Prisoners in open prisons are often given **keys to their rooms**⁵, which gives them increased dignity and instils a sense of responsibility.

Benefits of Open Prisons

The positive outcomes of this type of penal institution are: **self-help**, constructive work, social usefulness, **sense of dignity**, positive change in attitudes and behaviour of the prisoners.⁶

In general, the cost of holding someone in an open prison is about half that in a closed prison.⁷

Due to the level of segregation required in closed prisons, there is reduced access to services, even for those on low security regimes. Workshops and classrooms, or instructors and teachers, tend to be time-shared across the different groups, thus reducing provision for many.⁸ As there is reduced segregation in open prisons, there is a **greater access to educational and developmental opportunities** for prisoners.

Open prisons allow prisoners to make a **gradual step into society and reduce the likelihood of institutionalization** by providing an environment somewhat similar to that on the outside.

International Best Practice

The Nordic penal culture is characterised by consistently low rates of imprisonment and comparatively humane prison conditions.⁹

⁵ Inspector of Prisons, 'A Report on an Inspection of Loughan House Open Centre' July 2014
<http://www.inspectorofprisons.gov.ie/en/IOP/Report%20on%20Loughan%20House%20Open%20Centre%203%20July%202014.pdf/Files/Report%20on%20Loughan%20House%20Open%20Centre%203%20July%202014.pdf> accessed March 28th

⁶ Shubra Ghosh, *Open Prisons and the Inmates: A Socio-psychological Study* 1992 p9.

⁷ Kevin Warner, 'Resisting the New Punitiveness? Penal Policy in Denmark, Finland and Norway' UCD 2009 p143.

⁸ Kevin Warner, 'Regimes in Irish Prisons: 'Inhumane' and 'Degrading': An Analysis and the Outline of a Solution' Irish Journal of Applied Social Studies, Vol. 14, May 2014.

⁹ Ugelvik, T. 'Prisons as Welfare Institutions? Punishment and the Nordic Model' in J. Bennett, Y. Jewkes and B. Crewe *Handbook on Prisons*, 2016.

In 2008, open prisons housed **38% of the prison population in Norway, 35% in Denmark and 32% in Finland**.¹⁰ However, when only sentenced prisoners are accounted for, Denmark sees 56% prisoners serving time in open rather than closed institutions.¹¹

In many countries (such as the Netherlands), an **open prison serves as a transitional phase**, within the framework of pre-release treatment, between the prisoner's detention in a closed institution and his return to freedom.¹²

Key Recommendations on Open Prisons

The Whitaker **Report** contended penal policy should uphold “the principles of minimum use of custody, minimum use of security and normalisation of prison life”.¹³

The Inspector of Prisons Report on an Inspection of Loughan House stated that the opening of an open prison for female prisoners would be “an invaluable asset in the reintegration of such women back to their families and into society.”¹⁴

In the **Strategic Review of Penal Policy (2014)**, the Review Group made two recommendations relating to open prisons:

- There should be an increase in the use of open prisons. They highlight their concern at the lack of an **open prison or equivalent for female offenders** and recommended that such an appropriate open facility be introduced.¹⁵
- Emphasising the need to provide accommodation appropriate to the security requirements of prisoners, the Review Group recommends that, subject to funding, an **additional open prison be considered** for the Dublin area.¹⁶
- There should be a consistent and transparent approach to the **use of open prisons prior to release**.¹⁷

¹⁰ Kristoffersen, R. Correctional Statistics of Denmark, Finland, Iceland, Norway and Sweden 2004-2008, Correctional Service of Norway Staff Academy 2010.

¹¹ Ibid.

¹² Manuel Lopez-Rey and Charles Germain, *Studies in Penology* 2013 p126.

¹³ Report of the Committee of Inquiry into the Penal System 1985 p90.

¹⁴ Inspector of Prisons, ‘A Report on an Inspection of Loughan House Open Centre’ July 2014

<http://www.inspectorofprisons.gov.ie/en/IOP/Report%20on%20Loughan%20House%20Open%20Centre%20%20July%202014.pdf/Files/Report%20on%20Loughan%20House%20Open%20Centre%20%20July%202014.pdf> accessed March 28th.

¹⁵ Strategic Review of Penal Policy, July 2014, Recommendation 18 p60.

¹⁶ Ibid.

¹⁷ Strategic Review of Penal Policy, July 2014, Recommendation 27 p82.