



Joint Committee on Justice

An examination of rehabilitative opportunities within the prison system

29th March 2022

Opening Statement

Thank you for the invitation to meet with the Justice Committee today. IPRT welcomes the opportunity to contribute to this examination of opportunities for, and barriers to, rehabilitation in Irish prisons.

The Irish Penal Reform Trust (IPRT) is Ireland's leading non-governmental organisation campaigning for rights in the penal system and the progressive reform of Irish penal policy. Our core message is that a penal system that protects and promotes human rights, equality and social justice will contribute to safer communities for everyone.

The topic of rehabilitative opportunities within prison is vast, however in this brief opening statement we will focus on only four key points:

1. reducing the prison population;
2. living conditions within prisons;
3. mental health and addiction supports; and
4. post-release barriers and opportunities.

We are happy, however, to discuss any aspect of this important topic that members wish to examine. We would also welcome a discussion of the barriers facing IPRT in our work, as highlighted in our written submission.

1. Reducing the Prison Population

All of the rehabilitative opportunities discussed today would be positively impacted by a reduction in the prison population. Less people in prison reduces the demand on staff and resources, promotes better living conditions and allows for increased access to the services and supports that promote rehabilitation. The COVID-19 pandemic has particularly brought to light how difficult it is to balance the basic health and safety of people in prison alongside broader goals of substantive rehabilitation when there is pressure on both space and resources.

IPRT remains concerned at the numbers of people being sent to prison. While we have seen some reduction in the daily average number of people in custody since the pandemic began, our recent *Progress in the Penal System (PIPS) 2021* report noted that the daily average in custody was higher in

2020 than in 2017.¹ This report also noted that, between 2017 and 2020, the courts appeared to hand down more short-term sentences of less than 12 months than Community Service Orders (CSOs).² Since the beginning of this year, we have further seen the numbers in custody creep upwards.³ There are numerous ways in which the issue of increasing prison numbers might be addressed but key recommendations include:

Recommendation 1. The Criminal Justice (Community Sanctions) Bill 2014 should be progressed without further delay,⁴ alongside an investment in community-based sanctions.

Recommendation 2. The Department of Justice should complete its planned review of the Criminal Justice (Community Service) (Amendment) Act 2011 and the use of short sentences without further delay.

2. Living Conditions within Prison

Living conditions are fundamental to the overall rehabilitative function of prison: if people do not have access to safe and stable accommodation in the first instance, other rehabilitative programmes will be of limited value.

Two relevant aspects of living conditions are access to single-cell accommodation and adequate out-of-cell time, both of which have seen a recent regress. As of January 2022, only 54% of people in Irish prisons were accommodated in single cells,⁵ while there was a regress in the number of hours of out-of-cell time afforded to people in prison in 2021 to six hours.⁶ This is just one hour more out-of-cell time than people on a 'restricted regime' and six hours less than IPRT's recommended standard of 12 hours.⁷ The numbers of people on restricted regime have also grown by 79% between 2017 and 2021.⁸

It is clear that COVID-related restrictions have further had a negative impact on general conditions and out-of-cell time provided to people in prison over the past two years.⁹

Recommendation 3. To improve living conditions in prisons, the Irish Prison Service should carry out a review of single-cell accommodation across the estate before the end of 2022; develop and publish a designated policy on cell-sharing; publish a dedicated strategy for reducing the use of restricted regimes;¹⁰ and publish its plans for moving out of the emergency phase of the COVID-19 pandemic.¹¹

¹ Irish Penal Reform Trust (IPRT), (2022). *Progress in the Penal System: The Need for Transparency*. [Online]. IPRT. Available from: <https://www.irishprisons.ie/information-centre/statistics-information/census-reports/>. [23 March 2022]. P.28.

² *Ibid.*, at pp.27-29.

³ For example, we saw an increase in the average number of people in custody from 3,765 in January to 3,886 in February 2022. The figures available also show that the daily number in custody in the first three weeks of March 2022 has consistently been above 3,900. See: Irish Prison Service (IPS), (2022). *Irish Prison Service Monthly Information Note – January 2022*. [Online]. IPS. Available from: https://www.irishprisons.ie/wp-content/uploads/documents_pdf/January-2022.pdf; Irish Prison Service (IPS), (2022). *Irish Prison Service Monthly Information Note – February 2022*. [Online]. IPS. Available from: https://www.irishprisons.ie/wp-content/uploads/documents_pdf/February-2022.pdf; and Irish Prison Service, (2022). *March 2022 Prison Population*. [Online]. IPS. Available from: <https://www.irishprisons.ie/2022-prison-population/>. [22 March 2022].

⁴ See recent PQ on this Bill, to which the Minister indicated that general scheme of the Bill is due to be reviewed in consultation with the Probation Service and Prison Service in Q2 of this year, see PQ 368, 10 February 2022, available at: <https://www.justice.ie/en/JELR/Pages/PQ-10-02-2022-368>.

⁵ Irish Prison Service (IPS), (2022). *Census Prison Population January 2022 – Cell occupancy – In-Cell Sanitation*. [Online]. IPS. Available from: https://www.irishprisons.ie/wp-content/uploads/documents_pdf/January-2022-In-Cell.pdf. [23 March 2022].

⁶ This is based on information provided by the IPS in November 2021, see Irish Penal Reform Trust (IPRT), (2022). *Progress in the Penal System: The Need for Transparency*. [Online]. IPRT. Available from: https://www.iprt.ie/site/assets/files/7052/progress_in_the_penal_system_2021_-_final.pdf. [02 March 2022]. P.56.

⁷ Department of Justice (DoJ), (2014). *Strategic Review of Penal Policy*. [Online]. DoJ. Available from:

<http://www.justice.ie/en/JELR/Strategic%20Review%20of%20Penal%20Policy.pdf/Files/Strategic%20Review%20of%20Penal%20Policy.pdf> [23 March 2022]. Also, see, "Lower security prisons permit greater out-of-cell time, or no 'locked cell' time in the case of an open prison. This is a particular advantage in the rehabilitation and reintegration of an offender as it resembles more closely a normal day to day existence." P.59. 37 Committee of Inquiry into the Penal System. (1985). *Report of the Committee of Inquiry into the Penal System*. Dublin: Stationery Office.

⁸ Irish Prison Service, (2017-2021). *Census of Restricted Regimes Reports (January to October 2017 – 2021)*. [Online]. IPS. Available from: <https://www.irishprisons.ie/information-centre/statistics-information/census-reports/>. [22 March 2022] cited in Irish Penal Reform Trust (IPRT), (2022). *Progress in the Penal System: The Need for Transparency*. [Online]. IPRT. Available from: https://www.iprt.ie/site/assets/files/7052/progress_in_the_penal_system_2021_-_final.pdf. [23 March 2022]. P.57.

⁹ For example, the Inspector of Prisons COVID-19 Thematic Inspection Reports have noted various concerns in regards the length of time that people were being locked in their cells, with some prisoners noting that they received at times only 30 minutes of fresh air a day (in Cork Prison) and others reporting having less than 20 minutes of interaction with other people in an entire day (e.g. in Cloverhill), see Inspector of Prisons (OIP), (2021). *Covid-19 Thematic Inspection Reports*. [Online]. OIP. Available from:

<https://www.oip.ie/publications/inspection-reports/thematic-and-functional-reports/>. [24 March 2022]. Chaplaincy Reports and Visiting Committee Reports have further noted the challenges of COVID-related restrictions within prisons in 2020, see Irish Prison Service (IPS), (2021). *Chaplain Annual Reports 2020*. [Online]. IPS. Available from: <https://www.irishprisons.ie/information-centre/publications/chaplains-reports/>; and Department of Justice (DoJ), (2022). *Prison Visiting Committee Annual Reports 2020*. [Online]. DoJ. Available from: <https://www.gov.ie/en/collection/3d94d-prison-visiting-committee-annual-reports-2020/>. [24 March 2022].

¹⁰ This was promised in 2016, see, *Irish Prison Service Strategic Plan, 2016-2018*. [Online]. IPS. Available from: http://www.irishprisons.ie/wp-content/uploads/documents_pdf/strategic_plan_2016.pdf. [23 March 2022]. Goal 4.4, P.36.

¹¹ Department of Justice (DoJ), (2021). *Parliamentary Questions (PQ 718). 10 March 2021*. [Online]. DoJ. Available from: <https://www.justice.ie/en/JELR/Pages/PQ-10-03-2021-718>. [12 March 2022].

3. Mental Health and Addiction Supports

While there is limited data available on mental health and addiction in Irish prisons, research suggests that the prevalence of people in prison with severe mental illness is four times that of the general population,¹² while an estimated one in two prisoners present with substance misuse / dependence issues.¹³ There remain challenges in regards the prison system's ability to address these issues, with persistent waiting lists for the Central Mental Hospital (CMH);¹⁴ lengthy waiting times for in-prison psychology services¹⁵ and addiction counselling services;¹⁶ a low psychologist to prisoner ratio,¹⁷ and an outdated prison drugs policy.¹⁸

Recommendation 4. The Irish Prison Service should carry out a review of all mental health supports available to people in prison, with a view to identifying the areas where increased resourcing is needed.

Recommendation 5. The Irish Prison Service should publish an updated drugs policy which takes into account a health-led approach to drug use within prisons, without delay.

4. Post-Release Barriers and Opportunities

Today's discussion should not focus solely on the prison system, to the exclusion of what happens once someone is released. This fact is underlined by recent statistics from the CSO, which show that 62% of people released from prison in 2015 re-offended within three years, with 47% of those released in 2018 re-offending within one year.¹⁹ Among the measures that should be taken to address the barriers facing people upon release are as follows:

Recommendation 6. Consideration should be given to inserting into legislation a positive statutory obligation on all relevant agencies to cooperate around prisoner release.

Recommendation 7. The Government should progress the Criminal Justice (Rehabilitative Periods) Bill 2018 through the Dáil without further delay and in its current form, as amended at Committee stage.

Closing Remarks

I'd like to conclude by thanking the Committee for its invitation to attend today's session. My colleague Molly Joyce (IPRT's Acting Executive Director) and I are ready to respond to the Committee's questions as best we can.

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¹² Gulati, G., Cusack, A., Kelly, B.D., Murphy, V.E., Kilcommins, S., & Dunne, C.P. (2021). Trans-institutionalisation in Ireland: New and Emerging Congregated Settings for People with Disabilities. [Online]. *Health and Human Rights Journal*. Available online: <https://www.hhrjournal.org/2021/08/trans-institutionalisation-in-ireland-new-and-emerging-congregatedsettings-for-people-with-disabilities/> [23 March 2022].

¹³ G. Gulati, N. Keating, A. O'Neill, I. Delaunoy, D. Meagher, and C. P. Dunne, "The prevalence of major mental illness, substance misuse and homelessness in Irish prisoners: systematic review and meta-analyses", *Irish Journal of Psychological Medicine*, 36/1 (2019), pp. 35–45

¹⁴ On 23 December 2021, there were 23 people in prison on the waiting list for transfer to the CMH with a yearly average of 21 people on the waiting list for transfer to the CMH in 2021. Information obtained from the National Forensic Mental Health Service on 23rd December 2021, see Irish Penal Reform Trust (IPRT), (2022). *Progress in the Penal System: Transparency in the Penal System*. [Online]. IPRT. Available from: https://www.iprt.ie/site/assets/files/7052/progress_in_the_penal_system_2021_-_final.pdf. [23 March 2022]. P.15.

¹⁵ As of 23 November 2021, the range of wait times for assessment / intervention by the IPS Psychology Service ranged between 0 (for psychological first aid) and 1,732 days (4 years) (for the *Pathways to Change* Group). Information obtained from the Irish Prison Service on 18 November 2021, see *PIPS 2021*, P.15.

¹⁶ 531 prisoners (13.9% of the prison population) waiting to access Addiction Counselling Services as of 1 March 2021, see, Department of Justice (DoJ). (2021). *Parliamentary Question 181, 11 March 2021*. [Online]. DOJ. Available from: <https://www.justice.ie/en/ELR/Pages/PQ-11-03-2021-181>. Percentage calculated on basis of total number of people in prison on 1 March 2021, see IPS. (2021). *Prisoner Population on Monday 1 March 2021*. [Online]. IPS.

Available from: https://www.irishprisons.ie/wp-content/uploads/documents_pdf/01-March-2021.pdf. [22 March 2022].

¹⁷ Information Received by the IPS on 18th November 2021 shows that there was only 1 psychologist to 257 prison beds, see *PIPS 2021*, P.15.

¹⁸ The IPS *Keeping Drugs Out of Prison* policy was published in 2006, see Irish Prison Service (IPS), (2006). *Keeping Drugs Out of Prisons: Drugs Policy & Strategy*. [Online]. IPS. Available from: <http://www.irishprisons.ie/wp-content/uploads/documents/drugspolicy.pdf>. [23 March 2022].

¹⁹ CSO, *Prison Re-offending Statistics 2011 – 2018*, available from: <https://www.cso.ie/en/releasesandpublications/ep/p-pros/prisonre-offendingstatistics2011-2018/>. [22 March 2022].