

Irish Prison Chaplains

Annual Report 2006/07

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Minister for Justice,
Equality, and Law Reform.**

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1. Introduction

There are at present twenty full time and five part time chaplains working in Irish prisons. Over the past number of years our annual reports have sought to raise issues of concern that affect our prison population. This combined report for the years 2006/2007 seeks to further expand on these issues. We speak from the perspective of daily interaction with those incarcerated and with their families.

Our vision of chaplaincy is one that affirms the dignity of the person, and seeks to be a voice for those deprived of their freedom. It is a vision that urges us to take a prophetic stance on issues of social justice and to continue the exploration of Restorative Justice as a valid alternative to imprisonment.

We welcome some recent positive developments among them the increased number of psychologists, the appointment of drug counselors and addiction support nurses. The reopening of workshops in St. Patrick's Institution and the long awaited opening of the Education Unit in Cloverhill Prison are to be commended. Key developments in the medical services at Limerick will undoubtedly offer significant improvements in healthcare. The availability of a postal vote to those in prison has been another welcome development. Having for a number of years consistently recommended that imprisonment should be used as a sanction of last resort rather than the very first resort, it is encouraging to see the establishment of the Commission on Restorative Justice. We hope this commission will build on the groundwork of many individuals and groups who have tried to challenge the mindset that has an obsession with imprisonment. We acknowledge and affirm the work of the various services within the prison that are committed to making positive interventions in the lives of the men and women in prison. The many voluntary groups and individuals who give generously of their time and gifts continue to be a most welcome link between the prison and the wider community.

While we acknowledge the progress that has been made in a number of areas we remain deeply concerned that the core issue of a system that is failing miserably remains unchanged. There is a growing fear in many communities that the upsurge in crime is reaching epidemic proportions. This fear is understandable given the levels of violence that are now evident. The one-track-response that is most promulgated is one that promotes the creation of more prison spaces and advises the imprisonment of more people for longer periods of time. As a sole response to a complex problem this approach ignores the fact that the experience of the current system to date clearly indicates that imprisonment does not effect the change that communities struggling with crime and violence expect or want. Getting tough on crime involves much more than increasing our prison population. If we continue to see imprisonment as the only valid response we will see not

only an increase in the number of men, women, and juveniles in prison, but also a corresponding growth in the complexity of problems within the system.

The current criminal justice system and the regimes within our prison appear to be driven to a large extent by a very limited vision. The results of this are to be seen in the inappropriate imprisonment of people with mental illness, the unacceptable regime for juvenile offenders, the lack of sentence planning, the holding of non-Irish nationals awaiting deportation, and the dismantlement of family life. The over-investment in building programmes and the lack of investment of resources in helping people rebuild their lives is a recipe for disaster. This lack of balance is at the heart of the chaos that is evident not only in our prisons, but in our communities throughout the country.

It is interesting to note that according to a 2007 TNS/MRBI poll commissioned by the Irish Penal Reform Trust, 54% of respondents do not believe that increasing the number of people in prison will reduce crime. Only 5% of those surveyed identified building additional prison places as their preferred measure for tackling crime, and 66% believed that most people come out of prison worse than they went in. The results of this poll illustrate a clear recognition within the general public of the limitations of imprisonment as a response to crime.

In this report we will highlight in more detail the problems that are arising from the inherent imbalance of the current criminal justice system. We will look at the role and responsibility of the media in restoring greater balance. Having looked at the harsh realities of prison life, we will explore some of the effects of imprisonment as we see them. In conclusion we will look towards the future with a clear view that further expansion of this already failing system must be challenged with a more restorative vision of justice.

2. Criminal Justice System and Society

2.1 Rehabilitation

In his report for the year 2004 –05 the late Mr. Justice Dermot Kinlan, Inspector of Prisons, called on the then Minister for Justice, Equality and Law Reform, to put rehabilitation on top of his list of priorities adding “if he does not do it, one hopes his successor will do so.”

As chaplains we have considered this issue of rehabilitation for some time. We have observed what happens in the day-to-day life of men and women in the institutions where they are held. We have witnessed some of the wonderful initiatives in a small number of our prisons. We mention in particular the work-shops in places like Wheatfield where men can avail of work and training opportunities and achieve certification in a wide range of skills such as welding, building construction, wood-work, tiling, laundry service, and catering. Some of these facilities are available on smaller scales in some other institutions too. These facilities do contribute to the future well being of those who can avail of them and great credit is due to the foresight and initiative of those who designed and undertook these developments. They bring a certain normality to an otherwise boredom-stricken day which is the lot of many who walk the yards, lie in bed or go behind closed doors for their own safety. We witness too the efforts of management and dedicated staff, of the education units, of welfare officers and all the various service providers who contribute to the life of the prison. In most institutions, however, what is available is totally inadequate to meet the requirements of a growing prison population.

We question whether it is possible to rehabilitate within a prison environment. So, what does rehabilitation mean, what do the public at large think it means and how much of the overall prison budget is spent on rehabilitation? How many people leaving prison feel they have been rehabilitated? These are some of the questions and issues that need to be addressed. We sentence people to “do time” in one of the most non-rehabilitative environments and regimes that one could imagine. Recently, a judge in sentencing a young man, said, “I know I am warehousing you” This comment followed a visit the judge had made to one of our prisons. So, is it warehousing or rehabilitating? The comment of this judge, who had seen for himself is a mere echo of the chaplains’ report for 2003 where we stated: “ Our prisons continue to be filled with many of the most vulnerable and disadvantaged in our society. In many ways they have become the warehouse for the vulnerable offering little or no hope to many of those imprisoned there or indeed to the wider community that may be under the illusion that imprisonment will effect change.”

2.2 Re-integration

Linked to the whole issue of rehabilitation is that of reintegration. Again copious reports and strategies have been launched and published and no doubt, have contributed to the debate on prisoner reintegration. One need only recall the recommendations of the NESC report as an example. The question many chaplains continue to ask is - What has changed for the majority of those who are being released? How are they being reintegrated? We still see them walking out the gate with the see-through plastic bag. We still see them return - with less. So, what is happening? The question many prisoners struggle with is - "Re-integration, re-integration back to the same homelessness that brought me into prison in the first place, re-integration onto the drug infested streets and areas where violence and fear rule the day and ruin the lives of the many young men and women, reintegration? Was I ever integrated in the first instance?" "Irish prisons have become the dumping ground for the mentally ill and those struggling to cope be it with homelessness, addictions and vulnerability" (Chaplains' Report 2005).

In the year 2000 the multimillion CONNECT programme to be run by the prison service in partnership with the national Training and Development Institute, was launched and implemented in some prisons. This was intended to support prisoners in transition from prison to employment in the community. Today CONNECT is just a memory and nobody really knows what happened to it. We commend the Linkage Programme for their work in placing people in employment and ask that its services be extended to all people prior to leaving prison.

2.3 Societal Issues:

Consistently in our reports we have advocated that many of the issues facing society and local communities be dealt with at local level. We have asked that preventative measures be adopted to deal with societal issues as opposed to turning a blind eye to them until it is too late. Without in any way wanting to single out any specific categories of prisoners we feel called upon to address the issue of sex offending in our society. Daily we accompany people convicted of sexual offences and those who have been abused. We are aware of the trail of pain and disaster that such actions and crimes cause to victims. It seems, however, that the only way the state will help is after someone has actually offended. He/ she is then eligible for treatment but this is not guaranteed and in many instances will not be available. Should they succeed in availing of the one programme currently available in Arbour Hill Prison, they will receive help. There are eight available places each year!

Services for those who realise that they are at risk of offending in this area need to be set up and made available. At present no such services

exist. Some look for help privately only to find that the prohibitive cost is beyond their means. Others again who succeed in getting the help will very often find themselves subsequently imprisoned where, the specialised help they had access to, is no longer available to them.

We appreciate the great expertise and leadership provided by the Granada Institute in this area of work and call for the extension of this particular expertise and service to be provided by the state to those who need it and not just those who can afford it. Again, without in any way diminishing the gravity of sexual offending or the pain caused to victims, we need to ask the question as to whether prison is the place to deal with it. This complex issue will not be resolved by a single one-track response. Families of victims and of perpetrators alike have been destroyed and will continue to be destroyed unless and until some positive interventions are made.

When it is perceived that help is not available many seek the security of their cell or landing and fear the terrible treatment meted out to others with similar offences. Many seek to bury their own pain and maybe deny the pain they have caused in the insecure web of denial. Surely the money spent in response to crime would be better spent in its prevention. This, we repeat, is a societal issue and demands a societal response. Child protection issues are best served by prevention. As a societal issue education as opposed to media hype is what is needed to come to some understanding of this malaise of our nation. This complex issue calls for a human response and not a response of labelling, marginalisation and isolation.

In the context of societal issues we would like to see other issues such as the whole area of addictions and violence addressed. These issues need to be addressed at community and local levels. It is at this level that many of the root causes of addiction and violence are to be found.

2.4 Mental Illness

As in previous reports we again reiterate our grave concern regarding the incarceration of the mentally ill. We have consistently asked that mentally ill people be cared for in hospitals and not committed to prisons. That we continue to do so is a matter of serious concern. The courts continue to remand people in need of psychiatric care into custody and seem to be under the illusion that this is provided. As far back as 1985 the Whitaker Report challenged the Judiciary about finding alternatives to prison for people who are deemed to be mentally ill. Twenty-seven years on, no significant progress has been made.

2.5 Drug Addiction

The misuse of drugs continues to be a major problem in most of our prisons. We welcome the introduction of drug counsellors and addiction nurses and we hope that their expertise in dealing with drug addiction will help address the drug culture that prevails. Given the ongoing debate around methadone maintenance, we hope this additional service will offer greater possibilities and opportunities to those struggling to remain drug free. We strongly recommend that resources be made available for those prisoners who plead for help in the whole area of drug addiction.

To date, at any given time only nine prisoners may avail of a special six-week course in Mountjoy to address their addiction. Surely this must be seen to be insufficient when the drug addiction is the cause of so many prisoners been incarcerated in the first place. There are numerous prisoners who look for a drug free landing in order to stay away from drugs but they are few in number. Many people will in fact have been introduced to drugs initially while they were in prison.

Sniffer dogs have been introduced in some prisons, which have reduced the quantity of drugs getting into the prison. This can cause tension on the landings when the supply is short. We call for a systematic approach to be implemented so that as the supply is diminished the appropriate support be offered in its place.

2.6 Effects of Imprisonment

We are keenly aware that for every individual who is incarcerated there is a circle of people directly affected by their imprisonment. Children grow up with one parent absent from their lives. Mothers are often left to rear these children with constant financial struggles. Their lives are often chaotic as they attempt to support their partner in prison and at the same time manage the family home. Children suffer greatly with the loss of a parent from their lives. This suffering is further exacerbated by a visiting routine that is far from family-friendly. It is important to acknowledge the enormous contribution that the staff and volunteers who work in the waiting rooms in some prisons make in the hospitality they offer to visitors and the crèche facilities they make available. The prison regime, itself, however, does nothing to support the family unit that is shattered by the imprisonment of one of its members. The isolation that is experienced gives rise to high levels of distress for all concerned. We regularly witness the devastation experienced when families of those imprisoned are not facilitated at key moments such as deaths, First Communion, and sickness. It is

hugely important that those in prison are given every opportunity to have quality time with their families at these key moments.

The immediate loss of freedom that comes with imprisonment brings with it a desocialisation of the person. The current regime in our prisons is not centred on encouraging personal responsibility or initiative. On committal to prison people who may have been engaged in a full working week will immediately find themselves behind the cell door for at least fifteen hours a day. Significant numbers walk aimlessly around prison yards or sleep through the best part of the day. Apart from a tiny minority who share meals in a common eating area, all others collect meals to be eaten in cells. Even those who are given work within the prison, or those availing of workshop and education facilities quickly become disconnected from the realities and responsibilities of daily life. In a very real way they are stripped of the social skills and interaction that is a part and parcel of life. This is worrying given that we expect imprisonment to be an agent of change in a person's life moving them towards taking their place in society in a responsible way.

Many men and women who have served prison sentences speak of the huge difficulties they experience on release. They often find themselves lacking in confidence in ordinary matters such as dealing with money, coping with crowds, facing the massive changes that have happened so rapidly. Some may have lost their home while in prison and have the immediate crisis of struggling with emergency accommodation at best.

Imprisonment brings many lasting negative effects, not only for the person incarcerated, but also for families and communities. If our response to crime was more community based we might see an approach that is more about resocialisation than desocialisation.

2.7 Media

Over the years we have expressed our concerns about a certain kind of media coverage that is both distasteful and irresponsible. The public has a valid expectation that media outlets will publish and broadcast what is true and what quite rightly belongs in the public domain. All too often, however, we see an unbalanced coverage of events and a portrayal of people that is in no way at the service of truth or justice. This particular kind of coverage comes in many different forms among them at times, untruths, gross misrepresentations, outrageous exaggerations, dehumanisation of individuals, and a lack of balanced reasoned discussion.

When a person is committed to a term of imprisonment there is obviously an immediate loss of freedom for them and a corresponding isolation for their families. Public interest is not served by pursuing an individual while they are in prison, combing through details that have already been made public. It is hard to understand why cases that have been tried in courts up to decades ago can continue to be given so much media attention. Can editors really convince us that this is of benefit to families of victims or to society at large? Do they really believe that what a person in prison eats for dinner or how well they sleep is of such significance that it merits regular coverage? Our experience suggests that irresponsible media coverage often undermines the genuine efforts of many to address key issues in their lives and to move towards taking their place as responsible members of society.

As chaplains we are aware of a waiting hostile society that many enter on release. We are aware too, in many instances, of a waiting media who, in the name of protecting society, seek to harass and demonise people who have served their time and are merely seeking to pick up the pieces of a shattered and broken life. Many, never sentenced to life imprisonment, do “life sentences” They serve the time imposed by a presiding judge and then on release will continue to serve time imposed by a small section of a hostile media and by a small section of society who buy into a tabloid version of “justice”. Society needs to be reminded that many leave prison never to return. Given the proper support and respect they are enabled to move on and lead purposeful lives. Society needs to be reminded too that many suffer guilt and remorse and the scars of their crimes often continue to torment them and impede their full reintegration. There are good news stories of many people, who in spite of all the odds against them, have returned to education or the job market or are leading law abiding lives.

We believe that the media has a hugely important role to play in providing a platform for reasoned and balanced discussion on crime and imprisonment. This involves engaging with substantial issues such as the root causes of crime, the disturbing reality of sexual violence, social exclusion, and the massive gaps in services for the most vulnerable in society.

The total failure of our prison system and the obvious deficiencies of the criminal justice system are indeed of public interest and merit ongoing attention. Rather than devoting time and space to the dehumanization of those in prison, we would like to see more attention given to these core issues. The foundation for a more hopeful future surely lies in exploring what it is that enhances our humanity. The media has a significant role in this search which ultimately brings us to look not only at the changes that need to happen within the system but also the radical alternatives to the system that are now long overdue.

3. The Reality of Imprisonment

3.1 Sentence Management

It is difficult to believe that in spite of all the documentation and reports, in spite of all the “progress” in many of our prisons we still lack the one thing that would give some meaning to imprisonment i.e. sentence management. As chaplains over the years we have asked that positive sentence management be introduced into all prisons and welcomed the introduction of Integrated Sentence Management last year. We were, however, dismayed to learn that I.S.M was being set up as a two year pilot project only. It will be available in two prisons namely Arbour Hill and Wheatfield and a selected group of about forty prisoners will be invited to participate. So the reality has not changed and, it seems, will not change for the vast majority of the prisoners in the foreseeable future.

We are particularly concerned about the effect of the lack of sentence management on long-term prisoners. In some cases the long-term prisoner may be capable of working out a plan for his/her time but in many instances they simply drift along, sometimes looking for a transfer from one prison to the next in the hope of “breaking up the time” as they say. Having a date on the door is the only glimmer of hope for many. Having a plan would offer not just a glimmer of hope but would provide an impetus and an energy that would help them out of bed in the morning and give them some sense of satisfaction at the end of a short day and before facing into a long night. The current trend of imposing longer sentences and the call for mandatory sentences when research has shown that this approach does not work is worrying. The Supreme Court, in abolishing the system of reviewing sentences, killed one of the greatest incentives those committed to prison had to use their time constructively. Incentives that might motivate people need to be explored if we are continuing to imprison them.

Those sentenced to life imprisonment are another category who need special help in managing their time / sentence. Many describe the long wait to be seen by the Parole Board and the recommendation that they continue to work with the services only to find that they are in the waiting queue for the services they have been advised to avail of. This causes frustration, anxiety and a sense of hopelessness not just for the person themselves but also for the families.

We welcome the introduction of integrated sentence management and ask that it be made available to all prisoners without delay. Again we believe that a lowering of numbers sent to prison and a serious look at alternatives to imprisonment would free up staff and other services to make this a reality for all and not just for the chosen few.

3.2 Care Of Juveniles in Prison

St. Patrick's Institution is currently the only institution, since the unfortunate closure of Shanganagh Castle and Fort Mitchell, where young people are detained. All the concerns raised in this report take on an even greater significance when we consider that, we are in fact talking about children and adolescents being subjected to practically the same regime, the same hostile environment, the same dehumanising system as adults. We are, in many instances, talking about some of the most needy, troubled and damaged young people in the state. Almost all of these young people left school with no qualification. 50% are illiterate. Many are addicted, and even at this young age are homeless. As stated in our report for 2005 these young people "need a level of care and professional intervention that is a world apart from what is currently available to them"

The recent O.E.C.D. Report – *Education at a glance 2007* - outlined for us just how badly Irish schools are funded and stated that Irish spending on Education is one of the lowest per capita in the developed countries. Would it not make more economic sense to pour money into primary education and less into prisons? Would it not make more moral sense? Should we not be looking to early intervention and preventative measures rather than crises intervention when it is too late? Research has shown that once a child enters the criminal justice system, subsequent rehabilitation services, no matter how skilled have less potential for success than if they had been available at an earlier stage.

There is an insufficient number of beds nationwide for children with psychiatric disorders. Children suffering ADHD, schizophrenic teenagers or young people suffering from depression are left on waiting lists or find shelter in adult psychiatric hospital wards while awaiting "resources." Yet, there seems to be no shortage of resources when it comes to incarcerating some of these same young people. There are 3,000 children, we are told, on waiting lists for assessment and every year 300 children are treated in adult psychiatric hospitals. Can we see any connection here with the number of mentally ill people in the prison system?

The recent efforts by prison management to improve conditions are to be commended. These include the improved educational opportunities. There are now two schools, one for the under 18 year olds and one for the over 18 year olds. Workshops have also reopened and the communal eating for the under 18's is allowing some degree of social development. Another welcome initiative is the weekly health care meeting that enables the various disciplines to raise matters of concern. The situation, however, is that in spite of all the genuine efforts of so many, St Patrick's is and will continue to be the preparatory school of

the “Mountjoys” and the “ Wheatfields” of the prison service unless some real and radical alternatives are looked at. Most young people who go to St Patrick’s will spend practically all their youth in and out of prison. Does not this fact alone tell us that imprisoning young people is not the answer?

Another issue that needs to be urgently addressed is the fact that one third of the population of St. Partick’s are legally children. On the 23rd of May this year there were 199 detained in St Patrick’s among them 67 children. When we consider that out of cell time in St. Patrick’s is six hours, of which four is spent in organised constructive activities we begin to realise just how inappropriate and unjust the system is.

We are aware that there are a small number of diversion projects in place among them being An Garda Siochana, Juvenile Liaison Scheme. We recommend that these be expanded upon and every effort made to keep young people out of prison. We hope, also, that the Restorative Justice Commission will give special consideration to the issue of juvenile justice.

3.3 Women in Custody

Women are currently imprisoned in Limerick Prison and in The Dochas Centre at Mountjoy Prison. The Dochas Centre provides excellent care and support for the women committed to their care. The environment is unique in terms of prison and great emphasis is placed on maintaining a lifestyle as close as possible to that on the outside. A humanitarian approach is characteristic of the Dochas Centre. The women are treated with compassion and respect and show signs of marked improvement in their attitudes towards themselves and others. The multi-disciplinary approach in the Dochas Centre is an effective method of promoting high quality care. Befrienders contribute enormously to the regime of the Dochas Centre. They visit on a regular basis. This is very beneficial especially to foreign nationals. It also promotes interaction with the outside community.

We also wish to highlight our concern for aftercare as a significant number of women on release face chaotic situations and lack the necessary coping skills. Providing accommodation alone is not sufficient.

The Dochas Centre continues to be used as a facility for accommodating 'aliens' and some refugee applicants. The response of the state to imprison foreign nationals whose only offence is not having their papers in order is inappropriate. There is a total lack of infrastructure regarding these foreign nationals. A major difficulty, for example, is the absence of adequate translation facilities for the current prison

population which is made up of many nationalities. The Dochas Centre is not the place for holding women awaiting deportation. This situation needs to be addressed and a more suitable place found for them. Men in a similar situation continue to be held in Cloverhill and Cork prisons. We have raised this appalling situation in successive reports and continue to wait for an appropriate alternative to be put in place.

A small number of women are detained in Limerick Prison and while the physical conditions of their accommodation have improved many find the lack of meaningful activity leads to boredom. It is to be hoped that the new facilities being developed in Limerick will be of help to the women. The long distance away from their families is an added cause of distress and anxiety for the women held in Limerick.

3.4 Violence in our Prisons

The tragic and violent death of Gary Douch in August 2006 in the B Base of Mountjoy Prison brought great pain and heartbreak to his family. There was a palpable distress in the prison following his death. We welcome and support the Commission of Investigation into his death, and hope that its findings will offer a solid foundation for many urgent changes that are long overdue. Within a year of Gary Douch's death another young man, Derek Glennon, died violently in Mountjoy bringing immeasurable grief to his family.

The enormity of these tragedies points to a daily reality of violence in Irish prisons where people live and work in a hostile environment, with a climate of constant fear and tension. A growing number of those in custody are seeking protection and serving sentences on almost constant lock-up. Their fear is valid as they witness the increase in serious assaults within the prison. There is of course a clear link between the increase in violence out in the community and within the prison. This link does not exempt those in senior management from the obligation to do everything possible to provide and create an environment that is safe.

When a person is imprisoned, they are placed in the care of the State and have every right to expect that their very lives will not be put at risk. We are not so naïve as to think that there is one single, simple solution to this growing problem. On the contrary, we believe that any response entails a number of approaches ranging from the obvious security precautions, to the creation of a culture where staff model a non-violent approach even in situations of conflict, to the procedure for receiving a new committal, to the appropriate placement of a person and the management of their sentence or time on remand. Responding to the growing violence in our prisons should also involve a serious look at healthcare in general and mental health in particular.

The growing problem of violence in our prisons was noted during the visitation of the EU Committee for the Prevention of Torture and Inhumane or Degrading Treatment of Prisoners in October 2006. The recommended solutions from the committee include strategies targeting improved inmate classification and programming. The committee recommends efforts designed to improve staff/prisoner relations and to change the negative guard culture thought to exist in some prisons. It highlights the importance of ongoing independent, external review of the problem of prison violence. The committee's recommendations concur with research from the US that suggests reduction in prison violence is helped by a combination of prisoner centred strategies; staff centred strategies, and management-focused strategies.

There is of course a particular onus on staff as professionals to offer the lead in approaching situations, however difficult they may be, in a non-violent way. Any approach other than this, or any acceptance of violent responses to situations of conflict contributes to cycles of violence and aggression.

Every intervention that contributes to a person's sense of well being and dignity, be it in daily interaction, individual counseling, group work, family contact will also contribute to the creation of a culture and climate that is less threatening and hostile. Unfortunately, however, these positive interventions do not appear at the top of priority lists in terms of allocation of finance and resources.

3.5 Open Prisons

As chaplains we welcome the new developments in Shelton Abbey and Loughan House and would appreciate any efforts to make the possibility of the open prison regime available to a wider group of prisoners. The movement of prisoners in both prisons raises some issues and perhaps calls for clearer guidelines and criteria as to suitability of people being sent there. We note, however, that from Mid-September 2007 more long-term prisoners are being sent to Shelton Abbey and this has had a stabilising effect on the prison population there. The farm development has contributed greatly in Shelton. The situation in Loughan House whereby a small number of the men are able to work with local farmers or builders is to be commended as is the situation where some of the men worked with the building contractors on the prison building site. This is a real and positive way forward and we welcome the foresight of all involved. We would also ask that this type of initiative be extended.

The Training Unit as a semi-open prison also offers some employment and training outside the confines of the prison. The regime is less restrictive and enables many to prepare for release. We are concerned, however, that not all are engaged in this way and again we would propose that the criteria and guidelines for selection be examined and

the option of transfer to the Training Unit be made available to a wider number of people.

4. Future Planning

4.1 **Prison Expansion or Alternatives to Imprisonment?**

The question has to be asked as to where our priorities lie. Are we as obsessed with locking people up, as the statistics seem to indicate? At present there are in the region of 3,400 people incarcerated. Plans are in place to increase this number by one third bringing our numbers up to 4,200. There will be a net gain when the new Mountjoy complex is replaced in Thornton Hall. Cork Prison is being replaced allowing for bigger numbers. Again, as with Thornton Hall a remote location has been chosen which will have implications for families. There is an extension in Wheatfield Prison. Do we need all these extra spaces? The answer is no! A large number of people are in jail for traffic offences, for defaulting on fines or minor offences. They serve short sentences, are given a criminal record which will remain with them and many will become homeless as a result. It will have a detrimental effect on all. We are prepared to spend on average €1600 a week to lock people up who fail to pay fines and civil debts but are not prepared to adequately resource primary education or invest in disadvantaged areas where social and political neglect has been the hallmark of a Government awash with cash.

In spite of our call over the years and indeed the call of many advocates of criminal reform the expansion continues. Vast sums of public money are being wasted – money that could be more usefully poured into some of the most disadvantaged areas of our cities and towns, the cities and towns many of our prisoners call home.

The knee-jerk reaction of the prison Service following the tragic death of Gary Douch this year was to extend committal status to other prisons. This was merely moving the problem of over – crowding from one institution to another rather than looking at more creative ways of reducing numbers. It has had a detrimental effect on the other prisons, which up to this, catered for sentenced people and had a more stable population. It is indicative of a system faltering from one crisis to another, a system we believe is dysfunctional.

4.2 **Restorative Justice**

We have situated many of our reports in the context of Restorative Justice. This year we hope to develop this against the backdrop of Biblical and traditional Irish justice. The Brehon Laws were based on a philosophy of restorative justice and covered all criminal acts from murder to theft. Many were, strictly speaking, not laws but codes of

conduct guiding people's behaviour and most crimes could be dealt with by way of a fine. It is significant to note that a restorative rather than a retributive philosophy prevailed. The laws discouraged revenge and retaliation.

The biblical focus on crime was not so much on the individual but on the community and corporate responsibility was central to the Hebrew way of thinking. The Old Testament rejected the idea that crime was only the responsibility of a few evil people in society. When a law was broken, there was corporate responsibility. Violence and crime pointed to a crisis in the very fabric of society. To day we believe that in many areas of Irish life there is indeed a crisis and these crises need to be acknowledged and embraced by local communities and by society at large. The Gospel teaches that justice is to be based on the principles of forgiveness and reconciliation. Biblical Justice looks to the future and to the rebuilding of relationships. And above all else Biblical Justice demands that resources be shared with the poor and the needy. We include this brief backdrop to situate the context of restorative justice in our ancient history and in the context of a just and fair society, one based on equality and justice where resources are shared and the poor and vulnerable are treated with the same dignity and respect as that afforded to the powerful and wealthy.

Restorative Justice seeks to move beyond condemnation and punishment to address the causes and consequences of offending. It is a peacemaking approach and involves all affected by the wrongdoing. It is about restoring, as far as possible, the dignity and well being of the victim and of helping the perpetrator to take responsibility and make amends. It is based on the values of participation and honesty, on the values of accountability and empowerment and it is based on the value of respect.

The time has long come for change. The present system has failed and is continuing to fail us as a people. Research has shown that building more prisons and handing down longer sentences does little to deter or prevent crime. Research has also shown that the vast majority of people are keen to find ways forward that will deal more positively with criminal offending. They seek ways that will halt the rush to imprison more widely

In our various reports we have consistently advocated that alternatives to imprisonment be explored. Restorative Justice would be just one option and while seeing it as the most important option we would also like to see a greater use of the current options available to us and also ask that other more creative and life-giving options be explored.

5. Conclusion

By way of conclusion we quote Dr. T K. Whitaker in his foreword to a recent publication; *The Whitaker Report 20 years on. Lessons learned or Lessons Forgotten?* Referring to the report of the *Committee of Inquiry into the Penal System* that was chaired by him in 1985 he says, “The committee saw in imprisonment little beyond temporary and very expensive protection of the public with virtually no rehabilitative or educational value.” He adds that “nothing much has changed in the years since, apart from some overdue improvements in prison conditions”.

At the heart of our report for 2006/07 is our firm belief as chaplains that there is a serious imbalance in our criminal justice system. The scales of justice are clearly tilted in favour of imprisonment as virtually the only response to crime. Despite countless reports and volumes of empirical evidence indicating the ongoing deficiencies of this narrow approach the state continues to place its trust and its money into a system that is failing miserably.

The time has come for a radical change, change based on good sound research that is already available to us. The time has come to stop and take stock of what is actually happening. We believe that the seeds for a more hopeful future lie in developing and supporting community based initiatives. Real and lasting change will not come until we address the poverty and inequality within our society. The kind of change that is needed requires vision and courage, particularly among those who hold public office. The harsh reality of imprisonment challenges us to move towards a model of justice that moves beyond punishment and imprisonment. It urges us to invest time, personnel and resources in providing opportunities to restore something of what is lost in our experience of crime. This movement from the punitive to the restorative is vital if we are to bring a greater balance to the criminal justice system. We believe that this balance has the potential to bring greater hope and confidence to our communities.

Finally, as chaplains we would like to place on record our appreciation of the work of prison management and staff. We appreciate the very many ways they facilitate the work of the chaplaincy service and the dedication and commitment they bring to their work.