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"It's like stepping on a landmine…"
– Reintegration of Prisoners in Ireland
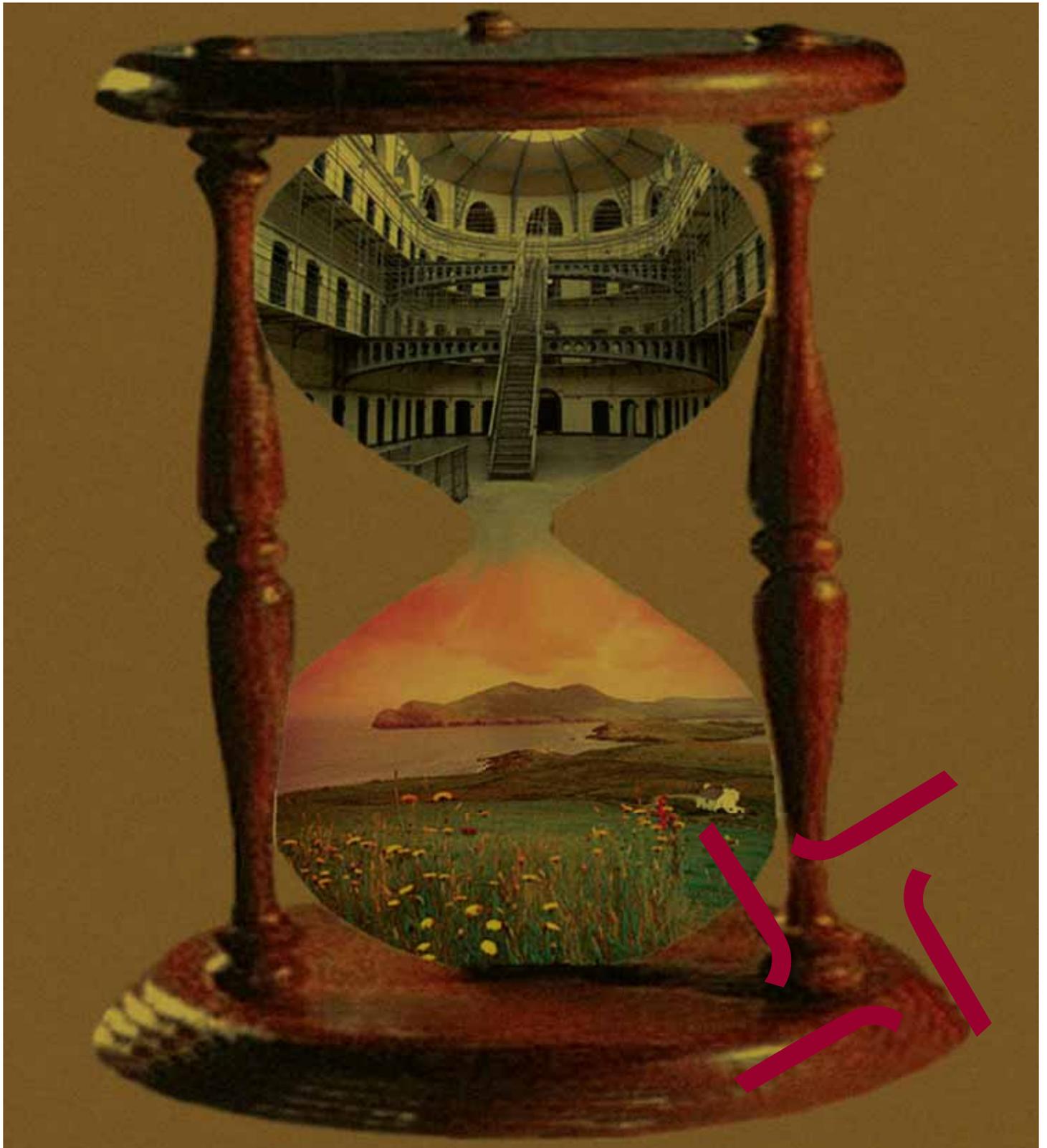
The Irish Penal Reform Trust is an independent non-governmental organisation campaigning for the rights of everyone in the penal system, with prison as a last resort.

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Photographs: Photo-montage artwork by participants of the Pathways Project; all other artwork and gardens by residents at Tus Nua.

"It's like stepping on a landmine…"
Reintegration of Prisoners in Ireland

Report by the Irish Penal Reform Trust

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st.stephen's green trust

The Community Foundation for Ireland

Executive Summary

The provision of effective reintegration support to prisoners and ex-prisoners is central not only to their individual progress, but also to the reduction of re-offending and of the overall number of people imprisoned in the State, ultimately leading to significant reduction in the number and cost of prison places in the prison system. This report looks at how reintegration services in Ireland can contribute to such change and what developments are needed to improve the level of support currently available to prisoners, ex-prisoners and their families to limit the experience of imprisonment in the future.

The findings of the report are based on a study undertaken by the Irish Penal Reform Trust between October 2009 and February 2010,[1] which consisted of an extensive literature review, a number of semi-structured interviews with service providers (in the statutory and non-statutory sector), a short questionnaire sent out to a number of service providers in the community sector in different regions of Ireland, and two focus groups with ex-prisoners residing in the Dublin area. The key findings to emerge from the study are:

1. While significant progress has been made in recent years in integrating post-release services within the wider work undertaken in this area by the Irish Prison Service and its partners, there still appears to be a less than uniform approach to the provision of necessary services in individual prisons and access to support is dependent on the facility in which the prisoner finds his- or herself. Provision of services in the community also varies between different areas of the country, often limiting access to post-release assistance.

2. A system of Integrated Sentence Management (ISM), which could potentially provide a national framework for reintegration services, is currently operating at various stages of development in four prisons: Arbour Hill and Wheatfield Prisons in Dublin, as well as the Training Unit in the Mountjoy complex in Dublin and in Midlands Prison. Where ISM has been introduced, interviewees reported improved co-ordination between different service providers working with prisoners in preparation for release. It must, however, be recognised that the reach of ISM (which is only available to prisoners serving sentences no shorter than 12 months) will in practice be limited, encompassing approximately 30% of all committals to prison. As assistance by the Probation Service is also gradually being altered due to the need to prioritise work with high-risk offenders, co-ordinated support may not be available to those on shorter sentences and/or presenting lower risk but who present an equal or even greater needs upon release.

3. The unstructured use of Temporary Release (TR) as a measure to relieve the pressure on prison places continues to impact negatively on preparation for release and on prisoners' access to available support. The study found that prisoners are often given short notice of release – in some cases no more than few hours – and some are still released at times when accessing support is particularly difficult, such as Friday evenings or Saturdays. This practice appears to be particularly true for prisons experiencing high levels of overcrowding which need to free-up places at short notice to accommodate prisoners committed by the Courts. This practice undermines the work being done with prisoners prior to release. More importantly, short notice of release and difficulties in communication between various service providers in such cases leads to prisoners "being lost" on release and vital support in the first few days not being provided.

4. The lack of a statutory duty in relation to reintegration (or a duty of statutory agencies to co-operate) continues to have a negative impact on the response to the needs of prisoners and ex-prisoners. This is most acutely felt in relation to provision of accommodation by local councils, and provision of medical treatment, including addiction and mental health treatment, upon release.

5. The study confirms that a number of very progressive and positive initiatives have taken place in recent years in addressing the needs of people in prisons in Ireland. These include, for example, the establishment of the Prison In-Reach and Court Liaison Project in Cloverhill Prison; wider provision of drug counselling, including the awarding of a contract to Merchants' Quay as a service provider; and increased provision of services to address homelessness.

Respondents to the study, however, identified a number of areas where improvements are still urgently required. These included: increased mental health provision across the prison estate,

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[1]   Additional information was also provided by the Irish Prison Service and the Probation Service in April 2010.

with particular focus on linking prisoners with community-based providers upon release; increased psychological support; increased provision of addiction counselling services, in line with increasing needs among the prison population, with appropriate linking with community-based services upon release; provision of programmes in the prisons dealing with offending behaviour and other needs; provision of more structured activity in the prisons, including easier access to education and vocational training; provision of accommodation, in particular transitional accommodation, upon release; and provision of "sheltered employment" where ex-prisoners could prepare for their re-entry into the labour market through gaining practical experience.

6. Service providers across the sector have expressed their growing concern regarding the availability of funding to support an increased demand on their services due to the increasing number of people in prison in Ireland and those leaving custody every year. Recent budget cuts have impacted negatively on staffing levels and the sustainability of many projects that have developed significant expertise in the prisons and in the community setting, as well as on statutory sector providers.

7. The study found that even where services are available in a prison and in the community, information about assistance is not always provided on committal to prison, during the sentence or in preparation for release. Ex-prisoners in particular reported that they found it difficult to access information, and other prisoners were most often the source of such information. Additionally, both service providers and ex-prisoners were concerned that access to available support provided in custody is often made difficult due to the need to provide an escort, which is not always possible, and due to often-inadequate facilities in the prisons.

8. There continues to be the need to raise awareness among general service providers (not linked directly to working with prisoners and ex-prisoners), as well as the general public, about the issues faced by ex-prisoners. There appears to be a general lack of knowledge regarding the reality of prison life in Ireland and its impact on individual prisoners, their families and their communities. The image that often prevails in the media of prisoners as people who should not be part of society and of prisons being "like holiday camps" is highly misguided. Representation in the media, in particular regarding high-profile prisoners, often hinders the efforts made by the prisoner and the professionals who support them in preparation for release, inadvertently increasing the risk of re-offending.

While very little analysis is available of re-offending rates following engagement with projects aimed at reintegration of ex-prisoners, the high re-offending rates following a period in custody clearly indicate that imprisonment in its current form is not working and that solutions other than re-imprisonment must be developed to stem the continuous rise in the prison population in Ireland. In this report we argue that appropriate investment in reintegration initiatives, and the establishment of a co-ordinated national framework for such work, is what is required. In light of this, and taking into consideration the findings of this study, IPRT makes the following recommendations:

1. The Irish Prison Service, in co-operation with the Probation Service and in partnership with organisations in the voluntary and community sector, should ensure equality of provision across the prison estate in Ireland. To this end, the Irish Prison Service should commission an independent analysis across all prisons and an independent evaluation of services already existing in prisons to ensure that those most effective are mainstreamed across all establishments.

2. Mental health diversion services should be extended to all prisons in Ireland to ensure that those in need of therapeutic interventions are directed to appropriate services in the community and/or other non-forensic settings.

3. Provision of mental health services to those who, in exceptional circumstances, are not diverted outside of the prison system should be equal across the whole prison system and respond to the needs identified. The provision of mental health services in prisons should take into consideration the impact of the custodial environment on the health of prisoners that are in treatment.

4. Community projects working with ex-prisoners experiencing mental health difficulties should be supported by appropriate community-based mental health services irrespective of the abode of ex-prisoners upon release.

5. The Irish Prison Service should facilitate appropriate access and facilities in the prisons for practitioners working with prisoners on drug and alcohol addictions or providing any other assistance to persons in custody. This includes the provision of an appropriate escort where required and the provision of facilities ensuring confidentiality and a therapeutic environment for service users.

6. All prisons should provide drug-free landings.

7. The Irish Prison Service, in partnership with service providers working in the prisons on issues concerning drug and alcohol addictions, should ensure that appropriate arrangements are made to continue treatment immediately upon release when required.

8. Planning for release should not be limited to those who are leaving prison following long periods of custody. Short-term prisoners should be afforded an opportunity to access available services and to access assistance with linking into the necessary provision in the community. They should also be afforded an opportunity to participate in the development of an active plan for their time in custody and planning for release as appropriate.

9. More structured use should be made of Temporary Release as a tool of gradual integration into the community upon release.

10. Services providing holistic approach to addressing the needs of prisoners upon release and supporting the transition from custody to community – such as mentoring or residential support projects – should be extended to all prisons.

11. A statutory duty to reintegrate and/or a statutory duty to co-operate should be introduced to ensure that statutory services provide assistance where a need has been identified by the Probation Service or other service providers working with prisoners and ex-prisoners.

12. The Government should make the introduction of Spent Convictions legislation a legislative priority in 2010.

13. Detailed and up-to-date information should be provided in all prisons regarding services available while in custody of the Irish Prison Service. All prisoners should also be provided with detailed, up-to-date information about post-release support, including information on welfare entitlements, housing provision, medical card and services available to them on release from prison. This information should be made available in a variety of formats to facilitate access by prisoners with lower levels of literacy and numeracy or who are unable to understand written information for other reasons. It should also be provided in a variety of languages.

14. The Irish Prison Service should collect data regularly on the number of people leaving prisons every year, and make it publicly available as part of statistical information included in the Service's Annual Report.

In the course of the research, it has become clear that the study would not be able to address all issues that require urgent attention, and in particular the specific needs of children and young people leaving custody, the specific needs of women prisoners, and the specific needs of foreign national prisoners – nor does it discuss in detail the needs of families who support prisoners during custody and upon release. IPRT plans to follow-up on all of these issues in our research and policy work in the near future.

Introduction

The use of imprisonment as a way of addressing crime and other social problems is largely an ineffective and counter-productive measure. In the words of the Scottish Prisons Commission, "prison may sometimes do good, but it always does harm".[2] Prison represents a serious restriction on the rights of the prisoner, quite apart from the deprivation of liberty; it carries with it profound negative social impact on the prisoner's family and on his or her community and often the consequences of even a short period of imprisonment are permanent for both the prisoner and those close to him or her.[3] Losing contact with family, losing employment and social or community services, even for a short period, can have long-lasting negative effects. Research has shown that those communities to which most ex-prisoners return are those characterised by high levels of deprivation and least able to cope with their re-entry.[4] For individuals, experience of imprisonment may lead to institutionalization and, as Coyle summarized it, "Damage is done to prisoners' social functioning and their ties to the lawful community, making them vulnerable to a rapid return to crime when they leave".[5]

Return to life outside prison walls can therefore be a traumatic experience. As one of the ex-prisoners interviewed for this study put it,

> *Leaving prison is like stepping on a land-mine... When you are in, you really want to be out and then the gate opens and everything is different, traffic, buildings, family, and this is really hard to cope with...*

Provision of support is therefore crucial to the successful transition from prison back into the community and a return to independent living. While individual motivation plays a central role in reintegration, initial support such as provision of information about accommodation, welfare entitlements, and assistance in gaining a medical card or arranging for drug addiction counselling has the potential to prevent the frustration and sense of rejection by society that may be felt when the basic needs of ex-prisoners are not addressed.

Effective reintegration of prisoners is central not only to their individual progress, and to the reduction of harm caused by a period in custody, but also to the reduction in overall numbers of people imprisoned in the State, and ultimately a reduction in the number of prison places in the prison system. Effective reintegration is thus central to one of the core aims of IPRT's work, that is, of achieving a prison system in Ireland in which incarceration is only ever used as a last resort.

The aims of this study

The IPRT Strategic Plan 2008-2010 identified the need for the development and delivery of a research paper on the reintegration of prisoners to inform IPRT's activities, including a possible campaign for change, in this area. Its purpose was also to enable IPRT to assess the implementation of recommendations made in the 2002 report *Re-integration of Prisoners (Forum Report No. 22)* published by the National Economic and Social Forum (NESF). The NESF report, as the most comprehensive study of the reintegration needs of ex-prisoners and the system that is to deliver support for them, has been central to the framing of IPRT's research and our own recommendations in this area.

The aims of IPRT's study were:

a) to review the national and international practice and policy (including human rights standards) relating to reintegration;

b) to identify barriers to reintegration of ex-prisoners in Ireland;

c) to map, as far as possible, available services and identify possible gaps in service provision; and

d) to make recommendations for development of future policy and practice.

To achieve these aims, IPRT researchers conducted interviews with service providers (in both the voluntary and statutory sectors); distributed a short questionnaire to those who they were unable to interview in person; and facilitated contribution from ex-prisoners in two focus groups in the Dublin area.[6] Additionally, the researchers conducted a wide-ranging literature and policy review.

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2   Scottish Prisons Commission (2008) *Scotland's Choice: Report of the Scottish Prisons Commission, July 2008* (available at: http://www.scotland.gov.uk/Publications/2008/06/30162955/0).

3   See for example: Codd, H. (2008) *In the Shadow of Prison: Families, Imprisonment and Criminal Justice*, ullompton: Willan Publishing; Liebling, A., Maruna, S. (Eds.) (2005) *The Effects of Imprisonment* Cullompton: Willan Publishing.

4   See for example: O'Donnell, I. (2008) 'The Harms of Prison' in *Studies, An Irish Quarterly Review*, Vol.17, Issue 388.

5   Coyle, A. (2005) *Understanding prisons. Key issues in policy and practice*, Maidenhead: Open University Press, p. 158.

6   Full methodology of the research is included in Appendix A.

It is hoped that the findings of the study presented in this report make a positive contribution to the discussion regarding reintegration of ex-prisoners in Ireland. IPRT is keen to highlight positive developments in this area that have taken place since 2002, the year of the NESF report and recommendations. It is also hoped that the recommendations stemming from our report will support further improvements in the delivery of what is a vital service to people leaving prisons in Ireland.

1. Reintegration as a concept and reality

1.1 REINTEGRATION OR INTEGRATION?

Reintegration is a concept which is difficult to define. It encompasses issues such as changes in offending behaviour, the creation or re-creation and maintenance of social supports and networks upon release from prison, along with participation in activities considered the 'norm' in one's community. As a concept, reintegration also covers the difficulties and challenges faced by both the ex-prisoners and the community upon someone's release from prison.

Reintegration following release from prison forms a part of a wider process of rehabilitation that, at least in theory, is considered to be one of the main purposes of imprisonment.[7] In its mission statement, the Irish Prison Service states that it strives to manage custodial sentences in a way which encourages and supports prisoners "in their endeavouring to live law abiding and purposeful lives as valued members of society."[8] The role of the prison system in the preparation of prisoners for release, and the need for establishing contacts with services in the community, is embedded in the European Prison Rules 2006 in a number of Basic Principles which state:

> *Life in prison shall approximate as closely as possible the positive aspects of life in the community.*[9]

> *All detention shall be managed so as to facilitate the re-integration into free society of persons who have been deprived of their liberty.*[10]

> *Co-operation with outside social services and as far as possible the involvement of civil society in prison life shall be encouraged.*[11]

The capacity for rehabilitation within a criminal justice institution with an overriding aim of incapacitation and public protection has been widely questioned, as has its potential to support prisoners in their integration into the life outside of prison walls following their release.[12] Prison systems often provide programmes and initiatives which attempt to address prisoners' needs. Encompassing educational and vocational training, drug and mental health services, along with specific assistance such as sex offender programmes, a considerable number of services are provided within the prison setting. However, recent studies, including the current research by IPRT, show that despite improvements to service provision in Irish prisons in recent years, the system struggles to engage with the vast majority of prisoners.[13]

In examining the wider reasons for which prisoners may not be willing to engage with in-prison programmes, the concept of institutionalisation cannot be overlooked. Institutionalisation in the prison setting may be best considered as a psychological adaptation to the unnatural environment in which one finds oneself upon incarceration. In a psychological study of the effects of imprisonment, Haney writes:

> *[...] prison is painful, and incarcerated persons often suffer long-term consequences from having been subjected to pain, deprivation, and extremely atypical patterns and norms of living and interacting with others.*[14]

Dependence upon the structures in place in prison may be internalized by prisoners over the period of incarceration. The constant presence of external controls and their role in regulating one's behaviour can result in the individual's self regulation becoming muted and for younger prisoners, underdeveloped.[15]

The prison environment itself is not conducive to rehabilitation or to preparation for reintegration on release, as the isolation and disempowerment during a prison sentence can worsen one's sense of a lack of control.[16] In Ireland, this problem was echoed in a report on Limerick Prison where families voiced concerns about the difficulties faced by prisoners on their re-entry into the community.[17] The report highlighted the need to provide support to both prisoners and their families as they adjust to change. Families were deeply concerned by the level of institutionalisation

7 Coyle, A. (2005) *Understanding prisons. Key issues in policy and practice*, Maidenhead: Open University Press.

8 Irish Prison Service (2009) *Annual Report 2009* (available at: http://www.irishprisons.ie/documents/IPSannualreport2008e.pdf), p.9.

9 European Prison Rules 2006, Basic Principles, Rule 5.

10 European Prison Rules 2006, Basic Principles, Rule 6.

11 European Prison Rules 2006, Basic Principles, Rule 7.

12 Coyle, A. (2005) *Understanding prisons. Key issues in policy and practice*, Maidenhead: Open University Press, p.161.

13 See for example: Brown, R., Evans, E. and Payne, S. (2009) *The social inclusion needs of prisoners, ex-prisoners and their families in County Kildare,* Naas: Kildare Community Partnership.

14 Haney, C. (2001) *The Psychological Impact of Incarceration: Implications for Post-Prison Adjustment, Santa Cruz: University of California, p. 5.*

15 Ibid, p.7.

16 Maruna, S. (2001) *Making Good: How Ex-Convicts Reform and Rebuild Their Lives, Washington D.C.: American Psychological Association,* p.154.

17 *Voices of Families Affected by Imprisonment: A Bedford Row Family Research Project* (2007) (available at: http://www.drugsandalcohol.ie/11833/1/Beford_VOICES_OF_FAMILIES_AFFECTED_BY_IMPRISONMENT_final.pdf)

experienced by prisoners. One family member stated that even simple things were difficult; for example ex-prisoners were not used to eating with other people, as they had become accustomed to eating alone in a cell. The long periods of time prisoners spent alone in cells was one of the concerns raised[18] – an issue that is of utmost importance in Ireland where 20% of the prison population at any given time is placed in protective custody often requiring 23 hour lock-up.[19]

Ex-prisoners themselves highlighted 'idleness' and long periods of lock-up, which negatively impact on motivation and well-being, as a major concern.[20] Prisoners felt that programmes in prison were inadequate and that their time in prison needed to be made more productive, particularly in the areas of education, training and work.[21]

Despite growing evidence that providing support for prisoners on release is a key element in the reintegration process, there continue to be significant gaps in such support in Ireland.[22] Many prisoners return to their previously unsupportive environment and state services have in the past been found to be unable to deliver the necessary assistance.[23] The bureaucracy and inefficiencies in accessing essential social services is still seen as a barrier to reintegration. Co-ordination between various government and community organisations and agencies that work with prisoners and the provision of a 'one-stop-shop' for prisoners in accessing social welfare, medical and housing services is therefore seen as the most sensible solution.[24] As will be explained in the later parts of this report, where such an approach has been introduced using the Integrated Sentence Management model, improvements to co-ordination of services are already evident. Systematic change that would bring assistance to the majority of prisoners who require it is still, however, some way away.

18   Ibid, p.36.
19   Inspector of Prisons (2009) *Annual Report 2008* (available at: http://www.inspectorofprisons.ie/en/IOP/Annual%20Report%202008%20-%20 Inspector%20of%20Prisons.pdf/Files/Annual%20Report%202008%20-%20Inspector%20of%20Prisons.pdf).
20   *Voices of Families Affected by Imprisonment: A Bedford Row Family Research Project* (2007) (available at: http://www.drugsandalcohol.ie/11833/1/Beford_VOICES_OF_FAMILIES_AFFECTED_BY_IMPRISONMENT_final.pdf, p.48.
21   Ibid, p.51.
22   POBAL/NEVA (2007) *Social Inclusion of Ex-Prisoners and their Families: The Role of Partnerships* (A Report on seminars organized by NEVA and Pobal in 2007), p.3.
23   Ibid.
24   POBAL/NEVA (2007) *Social Inclusion of Ex-Prisoners and their Families: The Role of Partnerships* (A Report on seminars organized by NEVA and Pobal in 2007), p.3.

2. Contextualising reintegration

2.1   IMPRISONMENT IN IRELAND

Incarceration rates in Ireland are on the rise and the average sentence length is increasing. This situation persists despite the negative effect this practice has on re-offending rates and on the incarcerated individual.[25] In Ireland the prison population has risen by over 500% since 1970.[26] The number of people in Irish prisons stood at just over 3,900 in July of 2009 at a cost of Ð92,717 per prisoner per year, rising to over 4,000 in mid-October 2009 at a similar cost, and to nearly 4,200 in February 2010.[27] While the Irish daily prison population is similar to the European average (standing at approximately 94 per 100,000[28]), this figure masks the rate and nature of committals to prison institutions which are comparatively high due to the high number of short term sentences. Overall, in 2008 (the last year for which full data is publicly available), 13,557 people were committed to prisons in Ireland.[29] Unfortunately, the Irish Prison Service do not record the number of people being released from prisons on an annual basis,[30] a lack of data that significantly impacts on the assessment of needs in relation to post-release support.

In the past 12 years the Irish prison population has increased by 65%. This has occurred in the context of vast expansionism of the prison estate with the building of 1,720 new prison places since 1997.[31] With prison presenting a huge burden on public finances and demonstrating a re-committal rate of almost 50% after 4 years,[32] this should provide the impetus for structural change of the penal system and a shift towards ensuring that as many ex-prisoners as possible do not return to prison. According to O'Donnell *et al* the integration of ex-prisoners is essential for public security, community vitality, tackling the spiralling costs of running the criminal justice system, and "*the various collateral costs*

that arise when a large fraction of ex-prisoners is not brought back into the fold".[33]

The increasing number of prisoners in the State translates into an increasing number of people leaving the prison system and returning to their communities or seeking to start life in new locations. This in turn raises the importance for society as a whole of post-release integration.

2.2   RECIDIVISM RATES IN IRELAND

Until very recently there has been a dearth of empirical research in the area of recidivism in the Irish context, the first comprehensive study having been published by O'Donnell *et al* in 2008.[34] Having analysed data relating to over 19,000 prisoners in Ireland, the study found that 49.2% of them were re-imprisoned within four years of release.[35] Within the first year 27.4% were re-imprisoned, increasing to just over 45% within three years.[36] The analysis predicted that 60% of those with prison experience in recent years will be re-imprisoned. The study confirmed that prisoners in Ireland are most at risk and more likely to re-offend within the first year of release.[37]

Broadly in line with studies in other jurisdictions, recidivism rates were found to be significantly higher for males, younger people, individuals with less formal education, the unemployed and those who have literacy and numeracy problems.[38] Interestingly, the return to prison of people who defaulted on a fine was found to be "almost inevitable" as they were twice more likely to be re-imprisoned than other categories of offenders (85.4% as opposed to 42%).[39]

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25   Andrews, D.A. et.al. (1990) "Does Correctional Treatment Work? A Clinically Relevant and Psychologically Informed Meta-Analysis" in *Criminology*, Vol. 28, No. 3, pp. 369-404.

26   From an average daily prison population of 749 in 1970 to a high of 4,197 in April of 2010.

27   The exact figure as for 12 February 2010 was 4, 192 (information provided to IPRT by the Irish Prison Service). The average cost of a prison space as per: Irish Prison Service (2009) *Annual Report 2008* (available at: http://www.irishprisons.ie/documents/IPSannualreport2008e.pdf).

28   This has been calculated on the basis of the April 2010 figure of 4,197 for the prison population and the estimated general population of 4,459,300 in April 2009 (Central Statistics Office *Population and Migration Estimates April 2009*, available at: http://www.cso.ie/releasespublications/documents/population/current/popmig.pdf).

29   Irish Prison Service (2009) *Annual Report 2008* (available at: http://www.irishprisons.ie/documents/IPSannualreport2008e.pdf).

30   Information provided by the Irish Prison Service in correspondence with IPRT, 4 March 2010.

31   Dáil debate, Irish Prison Service, 27 April 2010 (available at: http://debates.oireachtas.ie/DDebate.aspx?F=DAL20100427.xml&Node=H13-1#H13-1).

32   O'Donnell, I., Palmer, E.P. and Hughes, N. (2008) 'Recidivism in the Republic of Ireland' in *Criminology and Criminal Justice*, Vol. 8, No. 2, pp.123-146.

33   Ibid, pp.123-124.

34   O'Donnell, I., Palmer, E.P. and Hughes, N. (2008) 'Recidivism in the Republic of Ireland' in *Criminology and Criminal Justice*, Vol. 8, No. 2, pp. 123-146.

35   Ibid, p.132.

36   Ibid, p.136.

37   Ibid, p.138.

38   Ibid, pp. 123-124 and p. 134.

39   Ibid, p.125.

If fine defaulters were kept out of prison the overall rate of recidivism would be reduced from 49 per cent to 42 per cent [...] Furthermore, the number of prisoners released each year would fall by 9 per cent. Finally, the cost savings would be considerable. As these are individuals who have committed minor offences and who judges were prepared to leave at liberty in the first place, there is no real threat to public safety. Surely this is a package of benefits that will exercise an irresistible appeal? [40]

Considering the significant damage done to individuals, as well as their families, by even a short term of imprisonment, this last finding is of particular concern. The number of people imprisoned for fine default has been steadily rising in the last few years, reaching 3,366 people imprisoned between January and the end of October 2009. This represents a jump of over 50% on the total figure for 2008.[41] The rise in imprisonment for fine default continues to persist despite the chronic overcrowding in Irish prisons and the high costs of imprisonment. In this context, the reform of the system of fines in Ireland initiated through the introduction of the Fines Bill 2009 should go some way to addressing this issue in the future.

Elsewhere, O'Donnell *et al* also address the effect of the quality and quantity of time in the community *during* a sentence on re-offending.[42] The study found that prisoners who were occasionally allowed out for vocational and family visits were significantly less likely to be re-imprisoned.[43] This suggests the need for a more structured use of Temporary Release (TR) if the reintegration chances of ex-prisoners are to be improved, in particular the need for the use of such a measure *with the aim of assisting integration* rather than its use as a safety valve to deal with overcrowding in prisons. Unfortunately, some of the most recent research into reintegration of prisoners in Ireland indicates that TR is still mostly granted with little or no notice given to the individual prisoner before release, which impacts negatively on the ability of the prisoner

as well as service providers to arrange for post-release support.[44] IPRT's research confirms these findings and we discuss this issue in more detail later in the report.

In recent years, much needed research has also been conducted into the geographic location of ex-prisoners in the community.[45] The study demonstrated that "areas characterised by deprivation, particularly if they are located in a city, experience by far the greatest challenge in terms of accommodating released prisoners."[46] Most importantly, the study looked not only at the number of prisoners being released from prisons every year, but also at where they were going to, and therefore considered the potential '*burden of resettlement*' on communities which are dually and disproportionately affected by both deprivation and the task of facilitating the re-entry of people coming out of prison. In terms of policy implications, the allocation of resources for reintegration should be targeted at these areas:

The challenge of connecting ex-prisoners with relevant services, supports and treatment options is of critical importance from a penal planning perspective [...][47]

The mapping exercise showed a total of 2,335 (68%) of the 3,422 electoral divisions (EDs) in the country had no released prisoners associated with them during 2004.[48] The study reveals that nearly 24% of all prisoners came from 1% of EDs, while less than 5% of the overall population of Ireland came from the same 1% of EDs.[49] When looking at the number of prisoners from certain areas, the study found that there were 145.9 prisoners per 10,000 in the most deprived areas. This compared with a rate of just 6.3 prisoners in the least deprived areas. The authors go on to describe how:

[...] this difference is startling and demonstrates unequivocally that it is the areas already marked by serious disadvantage that must bear the brunt of the social problems that accompany released prisoners.[50]

40 Ibid, p.138.
41 'Over 3,000 jailed for non-payment of fines, a 56% increase on last year', *The Irish Times*, Thursday, December 31, 2009.
42 Baumer, E.P, O'Donnell, I. and Hughes, N. (2009) 'The Porous Prison: A Note on the Rehabilitative Potential of Visits Home' in *The Prison Journal,* Vol. 89, No.1.
43 Ibid, p.122 (43% vs. 48% for family leave and 42% vs. 46% for vocational leave).
44 Brown, R., Evans, E. and Payne, S. (2009) *The social inclusion needs of prisoners, ex-prisoners and their families in County Kildare,* Naas: Kildare Community Partnership, p.22.
45 O'Donnell, I., Teljeur , C., Hughes, N., Baumer, E. and Kelly, A. (2007) 'When prisoners go home: Punishment, Social Deprivation and the Geography of Re-integration' in *Irish Criminal Law Journal,* Vol.17, No.3.
46 Ibid.
47 Ibid.
48 Ibid.
49 The 1% of EDs were in the cities of Dublin, Cork and Limerick and the towns of Dundalk, Tralee, Tullamore, Navan, Clonmel, Dungarvan and Mullingar.
50 O'Donnell, I., Teljeur , C., Hughes, N., Baumer, E. and Kelly, A. (2007) 'When prisoners go home: Punishment, Social Deprivation and the Geography of Re-integration' in *Irish Criminal Law Journal, Vol.17, No.3, p.7.*

O'Donnell *et al's* 2008 study on recidivism showed, however, that individuals were more likely to be re-imprisoned if they were from outside Dublin.[51] One potential reason for such a finding may be the geographical distribution of post release supports, which sees the grouping of most support services in and around Dublin City.

While understanding the rate of and reasons for re-offending and re-imprisonment is important, post-release integration must also be measured on more than simply rates of recidivism. Underneath the figures of repeat offending lie a multitude of needs, events, experiences, processes and progression routes. If reintegration is to be a core aim, or even a duty of the Prison Service and other agencies working with prisoners and ex-prisoners, then co-ordinated and appropriate services are required that both address the complex needs with which prisoners present and support desistance from crime in the long term. The next chapter outlines some of the information available regarding such needs in the prison population in Ireland and internationally.

51 O'Donnell, I., Palmer, E.P. and Hughes, N. (2008) 'Recidivism in the Republic of Ireland' in *Criminology and Criminal Justice*, Vol. 8, No. 2, p. 138.

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3. Prison populations and barriers to reintegration – international evidence and experience in Ireland

Often the issues which form barriers to reintegration following a period in custody are the very issues which may have constituted the causes of offending and resulted in incarceration in the first place. It is therefore important to understand the characteristics of the Irish prison population, and the difficulties faced on an individual level by those who come into contact with the criminal justice system. Those from low socio-economic backgrounds,[52] individuals with mental health difficulties[53] and members of the Travelling community[54] are all over-represented in the Irish prison population. Before moving to an analysis of current policies and practices regarding post-release support services, this section outlines such issues in more detail as ones that need to be addressed before someone is sent to prison, or as a last resort during the time in custody, as well as in the post-release stage.

3.1 MENTAL HEALTH

The rates of mental ill-health observed amongst prisoners are significantly higher than rates in the population as a whole. Research by Kennedy *et al* found in 2005 that 27% of sentenced men and 60% of sentenced women in Ireland suffered from mental illness.[55] Related figures for other jurisdictions vary greatly across studies – this can largely be attributed to definitional and methodological differences in the way in which such data is collected. For example, a large U.K. study identified that 50-78% of prisoners had a personality disorder.[56] It is, however, worthy of note that increasingly prisons are being referred to as "the de facto major providers of mental health services".[57]

A report by the National Economic and Social Forum (NESF) on *Mental Health and Social Inclusion* noted that certain groups in society, including prisoners, were more susceptible to suffering from mental ill-health and discrimination.[58] The NESF highlighted the shortcomings in services to meet the mental health needs of ex-prisoners.[59] Recommendations proposed by the NESF were to make additional resources available to treat mental ill-health in prison, to improve the availability of one-to-one support for ex-prisoners with mental ill-health, and to address the issue of long-term accommodation for people leaving prison.[60]

The 2005 study by Kennedy *et al* referred to above found that the prevalence of severe mental health disorders was significant among the prison population. According to the findings, 2% of sentenced men and 5.4% of sentenced women suffered from psychosis; 5% of male sentenced prisoners and 16% of female sentenced prisoners suffered from a major depressive disorder. Often prisoners with mental illness also had problems with drugs and alcohol (dual diagnosis).[61] In the same year, it was estimated that such high rates of mental illness in the prison population would require approximately 376 additional transfers from prison to hospital per annum, and between 122 and 157 extra secure psychiatric beds, in addition to extra mental health in-reach clinics providing services directly in the prison setting. While lengthy delays in securing places at the Central Mental Hospital (CMH) were condemned by the European Committee for the Prevention of Torture (CPT) in 2006,[62] the most recent *Annual Report* of the Irish Prison Service notes that, following discussions with the CMH in 2008, 10 additional beds were opened for transfers from prisons by the CMH, reducing the number of individuals awaiting transfer. Unfortunately, the *Report* doesn't note the size of reduction in waiting lists.[63]

52 O'Mahony, P. (2002), *Criminal Justice in Ireland, Dublin: Institute of Public Administration.*

53 Kennedy, HG, et.al. (2005) *Mental Illness in Irish Prisoners: Psychiatric Morbidity in Sentenced, Remanded and Newly Committed Prisoners,* Dublin: National Forensic Mental Health Service (available at: http://www.wrdtf.ie/downloads/2005-mental-illness-irish-prisoners.pdf).

54 Seymour, M. and Costello, L. (2003) *A Study of the Number, Profile and Progression Routes of Homelss Persons Before the Court and in Custody*, Dublin: Dublin Institute of Technology, p. 50.

55 Kennedy, HG, et.al. (2005) *Mental Illness in Irish Prisoners: Psychiatric Morbidity in Sentenced, Remanded and Newly Committed Prisoners,* Dublin: National Forensic Mental Health Service (available at: http://www.wrdtf.ie/downloads/2005-mental-illness-irish-prisoners.pdf).

56 Brooker, C., Repper, J., Beverley, C., Ferriter, M. and Brewer, N. (2002) *Mental health services and prisoners: a review (available at:* http://www.ohrn.nhs.uk/resource/Research/MHSysRevIntro.pdf).

57 Swartz, J. and Lurigio, A. (2007) 'Serious Mental Illness and Arrest' in *Crime and Delinquency, Vol. 53, No. 4, p.582.*

58 National Economic and Social Forum (2007) *Mental Health and Social Inclusion (available at:* http://www.nesf.ie/dynamic/pdfs/No-36-Mental-Health-Social-Inclusion.pdf).

59 Ibid, at para. 4.47.

60 Ibid, at para. 5.56.

61 Kennedy, HG, et.al. (2005) *Mental Illness in Irish Prisoners: Psychiatric Morbidity in Sentenced, Remanded and Newly Committed Prisoners*, Dublin: National Forensic Mental Health Service (available at: http://www.wrdtf.ie/downloads/2005-mental-illness-irish-prisoners.pdf).

62 *Report to the Irish Government on the visit to Ireland carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 2 to 13 October 2006* (available at: http://www.cpt.coe.int/documents/irl/2007-40-inf-eng.pdf).

63 The IPS *Annual Report 2008* notes, however, that during the second half of 2008, the weekly waiting list averaged 15 prisoners (Irish Prison Service (2009) *Annual Report 2008* (available at: http://www.irishprisons.ie/documents/IPSannualreport2008e.pdf).

In 2006, the CPT noted that:

a) while detainees were medically assessed promptly on reception, poor records were kept especially in relation to any injuries existing or subsequently sustained, and existing records from community care were not transmitted promptly or at all;

b) many prisoners were being prescribed anti-psychotic drugs without adequate supervision or follow-up assessments;

c) there was over-reliance on pharmacological treatment, and an under-development of non-pharmacological interventions;

d) contrary to the standards set out by the World Health Organisation, prisoners who had self-harmed, or attempted self-harm or suicide were not considered to require psychiatric assessment. Moreover, particularly in St. Patrick's Institution, prisoners who had attempted self-harm or suicide were rarely provided with any psychological support following the incident. [64]

There is no question that some progressive and long-needed initiatives have been taken by the authorities in recent years to alleviate what is a very serious concern. One of the most positive developments in relation to the provision of mental health assessment in prisons in Ireland has been the creation in 2006 of a Prison In-reach and Court Liaison Service (PICLS), based in Cloverhill Prison[65] – a service that was established by specialists from the Central Mental Hospital in response to the high rates of psychiatric illness among remand prisoners.

On the other hand, the practice across the prison estate appears to be largely inconsistent still. In his most recent report on the conditions in Mountjoy Prison, the Inspector of Prisons highlighted the lack of a dedicated area in the prison where vulnerable prisoners – including those requiring mental health support – could be accommodated.[66] He also notes the fact that after assessment, the risk is not managed by the prison authorities in Mountjoy Prison. This practice places the safety of prisoners and staff in jeopardy, as was most starkly illustrated in 2006 by the manslaughter by reason of diminished responsibility of Mountjoy prisoner Gary Douche by the mentally unwell Stephen Egan.[67]

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64 *Report to the Irish Government on the visit to Ireland carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 2 to 13 October 2006* (available at: http://www.cpt.coe.int/documents/irl/2007-40-inf-eng.pdf).

65 McInerney, C. and O'Neill, C. (2008) "Prison Psychiatric Inreach and Court Liaison Services in Ireland" in *Judicial Studies Institute Journal*, No.2.

66 Office of the Inspector of Prisons (2009) *Report on an Inspection of Mountjoy Prison by the Inspector of Prisons* (available at: http://www.inspectorofprisons.ie/en/IOP/Mountjoy%20Report%202009.pdf/Files/Mountjoy%20Report%202009.pdf).

67 'Witnesses identified in Douche inquiry', *The Irish Times,* Thursday, April 23, 2009.

3.2 SUBSTANCE ADDICTION

The issue of drug use among the prison population has long been a recognised feature of the Irish prison system. In the past, statistics showed that prisoners with a history of drug use greatly outnumbered those with no such history.[68] It has also been observed in the Irish context that rates of drug use remain high while individuals are in prison. Seymour and Costello found that of prisoners who had been homeless prior to imprisonment, two thirds used illicit drugs while in prison.[69] In 2008, the Health Research Board provided the following statistics on tests conducted in Irish prisons:[70]

TABLE 1:
Number of tests, by prison, and number (%) of positive tests, by prison and by drug type, 2007[71]

Prison	No. of tests	Cannabis	Benzodiazepines	Opiates	Cocaine	Alcohol	Amphetamines
Mountjoy Main	3,680	1,860 (51%)	1, 871 (51%)	2,112 (57%)	78 (2%)	23 (0.6%)	29 (0.8%)
Dochas Centre	2,464	844(34%)	1,294 (50%)	751 (46%)	85(11%)	55 (3%)	14 (1%)
Wheatfield	4,369	2,122 (49%)	1,572 (36%)	1,842 (44%)	51 (1%)	31 (0.7%)	35 (0.8%)
Cloverhill	3,301	833 (25%)	1,206 (37%)	1,141 (35%)	267 (8%)	79 (2%)	31 (0.9%)
St Patrick's Inst.	3,489	245 (7%)	179 (5%)	86 (3%)	12 (0.3%)	14 (0.4%)	20 (0.6%)
Castlerea	92	14 (15%)	17 (19%)	9 (10%)	0 (0%)	0 (0%)	2 (2%)
Loughan House	407	128 (32%)	55 (14%)	16 (4%)	7 (2%)	9 (2%)	8 (2%)
Shelton Abbey	382	97 (25%)	45 (12%)	22 (6%)	19 (5%)	12 (3%)	10 (3%)
Limerick	518	189 (37%)	223 (43%)	228 (44%)	3 (0.6%)	18 (3%)	5 (1%)
Cork	97	3 (3%)	8 (8%)	1 (1%)	0 (0%)	1 (1%)	0 (0%)
Midland	1,694	263 (16%)	422 (25%)	871 (51%)	18 (1%)	9 (0.5%)	9 (0.5%)
Portlaoise	20	3 (15%)	4 (20%)	4 (20%)	0 (0%)	1 (5%)	0 (0%)

68   O'Mahony, P. (1997) *Mountjoy Prison: A Sociological and Criminological Profile*, Dublin: Stationary Office.

69   Seymour, M. and Costello, L. (2005) *A Study of the Number, Profile and Progression Routes of Homeless Persons Before the Court and in Custody*, Dublin: Dublin Institute of Technology, p.65. See also: Hickey, C. (2002) *Crime and homelessness*, Dublin: Focus Ireland and PACE, and O'Loingsigh, A. (2004) *Getting out, staying out: the experience of prisoners upon release*, Dublin: Community Technical Aid.

70   Longe, J. (2008) 'Drug tests in Irish prisons' in *Drugnet Ireland*, Issue 26, Summer 2008 (available at: http://www.drugsandalcohol.ie/12089/), pp. 22-23.

71   Source: Longe, J. (2008) 'Drug tests in Irish prisons' in *Drugnet Ireland*, Issue 26, Summer 2008 (available at: http://www.drugsandalcohol.ie/12089/).

According to the analysis, more than 20,000 voluntary tests were carried out each year to monitor drug use and responses to treatment in all prisons. The tests included those carried out on committal to prison (new entries) as well as on prisoners already in the establishments. The study therefore assumed that some of the positive test results related to drugs or alcohol consumed outside the prison. Between one-third and one-half of those screened tested positive for at least one drug (Table 1). Cocaine and alcohol were detected in a small number of tests.[72]

3.3 HOMELESSNESS AS A BARRIER TO INTEGRATION

The connection between crime and homelessness is of particular importance as prisoners released without a place to stay are more likely to re-offend.[73] By re-entering a life of homelessness upon release individuals are exposed to the same situation which may have led to their imprisonment. Even those wishing to desist from crime may find themselves in a situation with a perceived limited set of opportunities to change. The reality of homelessness as a problem facing those leaving prison should not be under-estimated. Seymour and Costello[74] have found that one in four prisoners in Dublin had been homeless upon committal, and that over half of prisoners had experienced homelessness at some stage in their lives.

3.4 BARRIERS TO EMPLOYMENT EXPERIENCED BY EX-PRISONERS

Ex-prisoners encounter numerous barriers in accessing and staying in work. A report by the National Economic and Social Forum on *Creating a More Inclusive Labour Market* identified these obstacles as including "low self-esteem, lack of educational qualifications and training, insecure housing, lack of recent job experience, difficulty in setting up a bank account and discrimination

in trying to get a job."[75] Having a criminal record was also identified as a barrier to accessing employment.[76] This is important as unemployed ex-prisoners are twice as likely to re-offend as those in full or even part-time employment.[77] Furthermore, a 2005 study highlighted that only 41% of prisoners in Dublin were in full-time employment prior to imprisonment.[78] In the same year the annual average unemployment rate was 4.4%.[79]

The Council of Europe recommends that criminal policy should be aimed at prevention and social integration, and has identified having a criminal record as a feature which may jeopardise the convicted person's chance of social integration.[80] Section 258 of the Children Act 2001 provides that where an offence is committed under the age of 18, and following a 3 year conviction-free period, the person shall be treated as not having committed the offence and is not obliged to disclose their convictions.

In Ireland, no such provision yet exists for adult offenders. In 2007 Deputy Barry Andrews sponsored the Spent Convictions Bill, which would provide for expungement of criminal convictions.[81] The Bill enumerates the limit of a sentence to which the conviction can be expunged as being no longer than six months in duration; the Bill includes no provision for sentences exceeding six months to be expunged. The time frame for a conviction to be deemed spent is a minimum of seven years after completion of a custodial sentence, and five years after completion of a non-custodial sentence. Unfortunately, as of April 2010, the progress of the Bill has been stalled and it is not clear whether new legislation will be introduced and if so, when.

The Law Society's Spent Convictions Group has also recommended that a spent convictions mechanism should be introduced for adult offenders.[82] The recommendations of their report go far beyond what was put forward in the Spent Convictions Bill 2007. The report recommends a tiered system whereby shorter

72   Ibid.
73   Social Exclusion Unit (2002) *Reducing Re-offending by Ex-Prisoners,* London: HMG Cabinet Office (available at: http://www.thelearningjourney.co.uk/file.2007-10-01.1714894439/file_view).
74   Seymour, M. and Costello, L. (2005) *A Study of the Number, Profile and Progression Routes of Homelss Persons Before the Court and in Custody*, Dublin: Dublin Institute of Technology.
75   National Economic and Social Forum (2006) *Creating a More Inclusive Labour Market, Dublin: National Economic and Social Forum, p.9.*
76   Ibid, p.129.
77   Law Reform Commission (2007) *Report: Spent Convictions, Dublin: Law Reform Commission, LRC 84-2007, p.26.*
78   Seymour, M. and Costello, L. (2005) *A Study of the Number, Profile and Progression Routes of Homelss Persons Before the Court and in Custody*, Dublin: Dublin Institute of Technology, p.52.
79   Central Statistics Office, *Seasonally Adjusted Standarised Unemployment Rates* (available at: http://www.cso.ie/statistics/sasunemprates.htm).
80   Council of Europe Recommendation No R (84) 10 *Recommendation on the criminal record and the rehabilitation of convicted persons, 21 June 1984.*
81   Spent Convictions Bill 2007 (available at: http://www.oireachtas.ie/viewdoc.asp?fn=/documents/bills28/bills/2007/4807/document1.htm).
82   Law Society of Ireland (2009) *The Disclosure of Criminal Convictions – Proposals on an Rehabilitation of Offenders Bill. A report by the Spent Convictions Group (available at:* http://nclc.ie/documents/SpentConvictionsfull.pdf). See also: National Economic and Social Forum (2002) *Re-Integration of Prisoners, Forum Report No.22* (available at: http://www.probation.ie/pws/websitepublishing.nsf/AttachmentsByTitle/NESF+Re-integration+of+Prisoners/$FILE/NESF+Re-integration+of+Prisoners.pdf), at para. 6.25.

sentences require shorter conviction-free periods before being eligible to apply for expungement of the conviction. It also recommends a separately tiered system for young offenders where timeframes are shorter again.

The rationales for adopting spent convictions legislation are manifold. Such legislation means that an ex-offender can move on from their past 'in law' as well as in practice.[83] Where the barriers to integration associated with disclosure of a criminal conviction may impede an individual's ability to partake in activities associated with criminal desistance such as gaining employment,[84]

> *In the absence of a spent convictions regime, an ex-offender is required to suffer the consequence of an offence indefinitely, irrespective of the nature of the offence or the penalty initially imposed by the criminal justice system.*[85]

According to O'Donnell *et al*, the failure to legislate in this area "could amount to tacit support for the de facto ancillary punishments that follow de jure criminal punishments."[86]

The Spent Convictions Group stated that the primary objective of a spent convictions regime is the reintegration of offenders.[87] The Group argued that adopting a spent convictions scheme would benefit victims and society as a whole, it would reduce recidivism rates and "provide an incentive to ex-offenders to remain conviction free."[88] Control and access to criminal records can "critically" affect the chances of social integration[89] with research showing

that employers are less likely to hire an ex-offender.[90]

3.5 EDUCATION

Employment options for ex-offenders are further impacted on by educational disadvantage. In line with academic studies,[91] a research paper published by the Irish Prison Service found that *"a significant number of prisoners have virtually no literacy skills [...]."* [92]

The study found that rather than there being a directly causal link between low educational attainment and engagement in crime, there is a relationship where sometimes "poor literacy skills restrict a range of life-choices (particularly employment), and thus become a pre-disposing factor in criminal activities".[93]

The research concludes:

> *The results of the study emphasise the link between anti-social behaviour and educational disadvantage as manifested in the low literacy level of so many prisoners.*[94]

This poses particular problems for the integration of ex-prisoners in an increasingly educated workforce.[95] Upon a review of the IPS annual reports (2002-2008), there would appear to be a slight decrease in the percentage of prisoners participating in education[96] despite the fact that the length as well as the number of prison sentences are on the increase. Participation in education is impacted negatively upon by the rising number of prisoners in the system not being accompanied by the development of sufficient additional resources across the prison estate. The fact that

83 Maruna, S. (2001) *Making Good: How Ex-Convicts Reform and Rebuild Their Lives, Washington D.C.: American Psychological Association, p.165.*
84 Irish Penal Reform Trust (2008) *Position Paper 2: Spent Convictions (available at:* http://www.iprt.ie/contents/1144).
85 Law Society of Ireland (2009) *The Disclosure of Criminal Convictions – Proposals on an Rehabilitation of Offenders Bill. A report by the Spent Convictions Group (available at:* http://nclc.ie/documents/SpentConvictionsfull.pdf), p.9.
86 Kilcommins, S., O'Donnell, I., O'Sullivan, E and Vaughan, B. (2005) *Crime, Punishment and the Search for Order in Ireland, Dublin: Institute Of Public Administration, p.199.*
87 Law Society of Ireland (2009) *The Disclosure of Criminal Convictions – Proposals on a Rehabilitation of Offenders Bill. A report by the Spent Convictions Group (available at:* http://nclc.ie/documents/SpentConvictionsfull.pdf), p.14.
88 Ibid, p.11.
89 Redmond, S. (1997) 'Approaches to Crime Reduction' in *Working Notes, Jesuit Centre for Faith and Justice, April 1997.*
90 National Economic and Social Forum (2002) *Re-Integration of Prisoners, Forum Report No.22* (available at: http://www.probation.ie/pws/websitepublishing.nsf/AttachmentsByTitle/NESF+Re-integration+of+Prisoners/$FILE/NESF+Re-integration+of+Prisoners.pdf), at para. 6.27.
91 Seymour, M. and Costello, L. (2005) *A Study of the Number, Profile and Progression Routes of Homeless Persons Before the Court and in Custody,*   Dublin: Dublin Institute of Technology, p. 52.
92 Morgan, M. and Kett, M. (2003) *The Prison Adult Literacy Survey: Results and Implications, Dublin: Irish Prison Service* (available at: http://www.iprt.ie/files/adult_literacy_survey.pdf), p.9.
93 Ibid, p.10.
94 Ibid.
95 Eurostat (2009) *Education Statistics* (UOE) (available at: http://www.education.ie/admin/servlet/blobservlet/des_educ_trends_chapter08.htm#hd08_09).
96 Irish Prison Service Annual Reports (2002 – 2008). Percentage educational participation among prisoners was, in the years from 2002 until 2008; 54%, 54%, 51%, 51%, 47%, 50% and 48% (all reports are available at: http://www.irishprisons.ie/Publications-Annual_Reports.htm).

educational participation is decreasing within the prison setting will undoubtedly have negative consequences for post-release integration and further inhibit one's ability to participate in the labour market.

Before moving to a detailed analysis of existing mechanisms supporting reintegration of prisoners upon release, it is important to consider that the duty on the State to provide appropriate assistance stems not only from national legislation (such as the Prisons Act 2007 and the Prison Rules 2007), supported by findings of national and international criminological research, but also from international human rights obligations. The following chapter outlines those obligations.

4. International human rights standards in prisons and relating specifically to the reintegration of prisoners

4.1 HUMANE CUSTODY – HUMAN RIGHTS STANDARDS DURING IMPRISONMENT

Under international human rights treaties ratified by the Irish Government, Ireland has accepted a body of legal obligations conferring rights on all persons resident in the State. Many of these rights have particular relevance to the situation of people detained in prisons and impose obligations in relation to conditions and regimes in the prisons and basic minimum standards of care for all prisoners, *including* programmes designed to support their reintegration following release.

Perhaps the most important international human rights instrument in an Irish context is the European Convention on Human Rights (ECHR), which provides a right of individual petition to everyone in the area of the Council of Europe to the European Court of Human Rights in Strasbourg. The ECHR is the only major international human rights treaty that has been given the force of domestic law in Ireland through the European Convention on Human Rights Act 2003. Since 1975, the European Court of Human Rights has upheld a number of complaints made by prisoners, particularly regarding breaches in a number of contexts of Article 3 of the ECHR (freedom from torture, inhuman or degrading treatment or punishment); Article 2 (the right to life); Article 5 (the rights to liberty and security of person); Article 6 (the right to fair trial); Article 8 (the right to private and family life); and, Article 3 of Protocol I to the Convention (the right to vote).[97]

Additionally, recognising the identified weaknesses of the Convention process in the protection of prisoners and ensuring that prison conditions are subject to regular, rather than ad-hoc, monitoring, the Council of Europe developed the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (ECPT), establishing the European Committee for the Prevention of Torture (CPT).[98] This Committee provides a specialist system of oversight of places of detention and over the years has developed a set of standards based on international human rights instruments and the 'soft-law' standards formulated by the Council of Europe.[99] While these are not directly enforceable in courts, the European Court of Human Rights has considered them in a number of cases before it, and in particular used the information provided in country reports by the CPT in a number of cases regarding the application of Article 3 of the ECHR to prison conditions (including overcrowding). Standards developed by the CPT, as well as its work in monitoring conditions of detention in States-parties to the Convention, significantly impact, therefore, on the Court's judgments.

The Council of Europe has issued a number of recommendations in relation to the treatment of persons in detention, and other aspects of policy and practice connected to detention, such as the transfer of sentenced prisoners between countries and prison leave (the latter of which we discuss in more detail below).

The European Prison Rules 2006 outline the most comprehensive set of standards and guidelines that should govern the policy and practice of detention in member states of the Council of Europe, including standards in relation to: admission; allocation and accommodation; hygiene; contact with the outside world; prison regime; education and release.

While this report is not primarily concerned with outlining all of the standards applicable to time in custody,[100] it is worth noting that compliance with human rights obligations in prisons has a direct impact on reintegration of prisoners after time in custody. Of particular importance in this respect is the provision of safe and humane custody; access to appropriate healthcare; access to education; respect for family and private life.

4.2 STANDARDS RELATING TO REINTEGRATION OF PRISONERS

The importance of preparation for release underpins European law and policy on imprisonment. The European Prison Rules 2006 (the Rules) require that prisons and prison life is organized in a way that is as close as possible to life in the community, and that the term of imprisonment is structured in such a way

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97   Herrick, L. (2009) *Prisoners' Rights* in Kilkelly, U. (ed) (2009) *ECHR and Irish Law*, Bristol: Jordan Publishing Ltd., pp. 325-351.

98   van Zyl Smit, D., Snacken, S. (2009) *Principles of European Prison Law and Policy: Penology and Human Rights*, Oxford: Oxford University Press, p. 10.

99   European Committee for the Prevention of Torture and Inhumane or Degrading Treatment or Punishment (CPT) (2006) *The CPT Standards*: *"Substantive" sections of the CPT's General Reports,* (available at: http://www.cpt.coe.int/en/docsstandards.htm)

100   For a more detailed analysis of human rights standards applicable to prisons, please see: IPRT Position Paper on Human Rights in Prisons (available at: http://www.iprt.ie/contents/1405). See also: Hamilton, C., Kilkelly, U. (2008) 'Human Rights in Irish Prisons' in *Judicial Studies Institute Journal*, No.2, pp. 58-85.

that it facilitates a return to open society upon release. Additionally, Rule 102.1 comments on the objectives of the regime for sentenced prisoners and states that:

> *[…] the regime for sentenced prisoners shall be designed to enable them to lead a responsible and crime-free life.*

Rule 102.1, while in line with Article 10.3 of the International Covenant on Civil and Political Rights,[101] avoids the notion of "rehabilitation" as the main aim of imprisonment, placing more emphasis on "the importance of providing sentenced prisoners, who often come from socially deprived backgrounds, the opportunity to develop in a way that will enable them to choose to lead law-abiding lives".[102] In this, the Rules focus on the more positive role for the prison system rather than the introduction of enforced treatment of prisoners in order to "reform and rehabilitate" them, as well as on the autonomous choice made by prisoners and ex-prisoners about their own lives.

The European Prison Rules outline the obligations of the prison authorities in relation to the prison regime and its implementation with the aim of preparation for release. To this end, the Rules require that:

1. As soon as possible after admission (committal on sentence), a report should be drawn up about the individual situation of each prisoner, together with a proposed sentence plan and the strategy for preparation for their release (Rule 103.2);

2. Individual prisoners should be encouraged to participate in drawing up their sentence plans (Rule 103.3);

3. Such plans should, as far as practicable, include: work, education, other activities during the sentence, and a plan of preparation for release (Rule 103.4);

4. Where applicable and necessary, social work and medical and psychological care may also be included in the regime for individual prisoners (Rule 103.5), and

5. Particular attention is to be paid to providing appropriate sentence plans and regimes for life sentenced and other long-term prisoners (Rule 103.8).

In accordance with the Rules, all sentenced prisoners should be "assisted in good time prior to release by procedures and special programmes enabling them to make the transition from life in prison to a law-abiding life in the community".[103] To this end, prison authorities are required to work closely with services and agencies that supervise and assist released prisoners to enable all sentenced prisoners to re-establish themselves in the community, with particular regard to re-establishing family links and gaining employment.[104] Such agencies and services should be afforded all necessary access to prisons and to prisoners to allow them assist in the preparation for release and the planning of after-care programmes.[105]

The European Prison Rules also require that a system of prison leave should form an integral part of the overall regime for sentenced prisoners (Rule 103.6). This is particularly important in the case of long-term prisoners where the authorities should ensure a gradual return to life in the community.[106] This aim may be achieved by providing appropriate pre-release programmes in prisons or by partial or conditional release under supervision, combined with effective social support.[107] We discuss one aspect of such a system, the use of Temporary Release (TR), in the next section.

4.3 TEMPORARY RELEASE

The use of structured release on a temporary basis is considered of utmost importance in preparation for transition from life in prison to life back in the community. The 1982 Council of Europe Recommendation on prison leave[108] considers temporary release a means of facilitating the social reintegration of prisoners and urges national authorities to grant prisoners leave to the greatest possible extent, "not only on medical, family and social grounds but also

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101 Article 10.3 of the International Covenant on Civil and Political Rights reads: "The penitentiary system shall comprise treatment of prisoners, the essential aim of which shall be their reformation and social rehabilitation".
102 Council of Europe (2006) *European Prison Rules (with commentary)*, Strasbourg: Council of Europe, p.96.
103 European Prison Rules, Rule 107.1.
104 European Prison Rules, Rule 107.4.
105 European Prison Rules, Rule 107.5.
106 European Prison Rules, Rule 107.2.
107 European Prison Rules, Rule 107.3.
108 Council of Europe Recommendation No. R (82) 16 of the Committee of Ministers to Members States on prison leave.

for educational and occupational purposes".[109] In van Zylt Smit's view,

> *Procedures for early release are of particular importance because of their role in limiting the overall use of imprisonment [...] and assisting with reintegration of prisoners.*[110]

In Ireland, around 750 prisoners are on temporary release (TR) at any given time. The main concern with the use of TR in Ireland has been that this measure is mainly used as a 'safety valve' to release pressure on prison places rather than to support reintegration in any meaningful way. While there are obvious advantages to the use of TR as a measure that in effect improves conditions in prisons through preventing even higher levels of overcrowding, the overall balance appears to be tilted towards such narrow use. Opportunities may, therefore, be missed in relation to its use as a preparation tool for eventual release. Our research confirms those concerns, which we discuss in more detail later in the report.

109 Van Zylt Smit, D. and Snacken. S. (2009) *Principles of European Prison Law and Policy: Penology and Human Rights*, Oxford: Oxford University Press, p.321.
110 Ibid, p.316.

5. Current responses to reintegration of prisoners in Ireland

5.1 THE ROLE OF THE IRISH PRISON SERVICE

According to the Mission Statement of the Irish Prison Service, the aim of the Service is to provide "safe, secure and humane custody for people who are sent to prison."[111] The Service is further "committed to managing custodial sentences in a way which encourages and supports prisoners in their endeavouring to live law abiding and purposeful lives as valued members of society,"[112] an approach that is also required of the service by the Prison Rules 2007.[113]

In line with this general commitment, the Irish Prison Service *Strategy Statement 2001 – 2003* included a number of further, more detailed targets in relation to promoting rehabilitation and reintegration of prisoners, including continuous use of the following means:

a) individual and group counselling on offending issues;

b) programmes in the areas of education, vocational training and life skills;

c) drug treatment;

d) specific programmes (Thinking Skills, Anger Management and Sex Offender Treatment Programmes);

e) one-to-one counselling and support, and facilitating the involvement of voluntary organisations in providing appropriate prisoner support services.[114]

In the same document, the Irish Prison Service also stated its commitment to the introduction of positive sentence planning (now introduced as a pilot project: Integrated Sentence Management – see below), and outlined a number of services provided in the prisons such as provision of education and training; counselling;

chaplaincy service, etc.

While the *Strategy Statement 2001 – 2003* appears to be the most comprehensive document relating to the vision for Irish prisons and services provided while in custody,[115] the Irish Prison Service has published a number of other documents relating to specific areas of their work in recent years, including a very comprehensive paper on the provision of sex offender rehabilitation programmes[116] and a new Sex Offenders Management Policy which was launched in April 2009.[117] The IPS also produced its Drugs Strategy in 2006, which includes plans for the provision of drug counselling support while in custody.[118]

In its latest *Annual Report 2008*, the Irish Prison Service describes a number of services provided to support prisoners' activity while in custody, including: education, library services, work and training and chaplaincy services, psychology service and work regarding addressing homelessness.[119]

In response to the need for a multi-disciplinary approach to working with offenders the IPS has committed itself to the development and introduction of Integrated Sentence Management (ISM) across the prison estate.[120] This strategy is employed to "ensure co-ordination of interactions with prisoners based on agreed individual sentence plans".[121] A commitment to this approach can also be observed by its inclusion in the 2009 White Paper on Crime discussion document.[122] Currently at various stages of development in four different prisons,[123] ISM is staffed by multi-disciplinary teams using a model of assessment, creation of individual sentence plans, the reviewing of these plans and finally putting in place pre-release community integration plans. ISM's goal is to involve the prisoner in setting his or her own individual goals and achieving them through active engagement with specialist and non-specialist services in the prisons. Since the

111 Irish Prison Service (2000) *Strategy Statement 2001 – 2003* (available at: http://www.irishprisons.ie/documents/Strategy_statement.pdf).
112 Ibid.
113 Available at: http://www.justice.ie/en/JELR/prison%20rules%202007.pdf/Files/prison%20rules%202007.pdf
114 Irish Prison Service (2000) *Strategy Statement 2001 – 2003* (available at: http://www.irishprisons.ie/documents/Strategy_statement.pdf), p.33.
115 Since that document, targets relating to performance of the Irish Prison Service have been subsumed to the general strategy statements of the Department of Justice, Equality and Law Reform and have a less detailed nature, concentrating mostly on structural and resource. issues. These can be found at: http://www.justice.ie/en/JELR/Pages/Publications_strategy_statements
116 Lundström, F. (2002) *The Development of a New Multi-Disciplinary Sex Offender Rehabilitation Programme for the Irish Prison Service*, Dublin: The Irish Prison Service (available at: http://www.irishprisons.ie/documents/sex_offerder_programme.pdf).
117 Irish Prison Service (2009) *Sex Offender Management Policy: Reducing Re-offending, Enhancing Public Safety* (available at: http://www.irishprisons.ie/documents/Sexoffendersfinalversion-22April09.doc).
118 Irish Prison Service (2006) *Keeping Drugs Out of Prisons* (available at: http://www.irishprisons.ie/documents/IPS_Drugs_Policy_And_Strategy.pdf).
119 Irish Prison Service (2009) *Annual Report 2008* (available at: http://www.irishprisons.ie/documents/IPSannualreport2008e_000.pdf), pp.29-34.
120 Ibid, p.29.
121 Ibid.
122 Department of Justice, Equality and Law Reform (2009) *White Paper on Crime. Discussion Document No.1: Crime Prevention and Community Safety* (available at: http://www.inis.gov.ie/en/JELR/Pages/WPOC_Discussion_Doc_1).
123 All information regarding ISM as supplied by the Irish Prison Service in correspondence with IPRT researcher, April 2010.

introduction of ISM in summer 2008, over 300 prisoners have participated in the scheme and work has continued in the Irish Prison Service on a range of system supports needed for wider introduction such as the development of appropriate IT systems, staff training and offender programmes. It is envisaged that ISM will be rolled out progressively to all prisons in 2010 subject to the availability of resources.[124]

5.2   THE ROLE OF THE PROBATION SERVICE

The concept of probation has been an element of the Irish criminal justice system for well over a hundred years. Since the introduction of the Probation of Offenders Act (1907), the Probation Service has expanded from one probation officer to an organisation employing over 500 people in 2008.[125] Initially formed as the Probation and Welfare Service, the organisation has undergone a number of significant changes in the past few years, including its re-structuring to become what is now the Probation Service.[126] The current Mission Statement highlights the role of the Probation Service as that of a lead agency providing *"high quality assessment of offenders and a professional and effective management of services and supports to bring about positive change in the behaviour of offenders"*.[127] Focused on reducing crime rates and increasing community safety, the Probation Service currently works with offenders and ex-offenders both in the community and in prisons.

In 2008 the Probation Service received 9,999 court referrals regarding 7,977 individuals.[128] The majority of these referrals were for pre-sentence reports (7,034) and community service reports (1,419). The remaining referrals were for pre-sanction reports to consider community service (525), referrals for direct supervision (986) and family conferences (35).[129] As can be seen the majority of the work undertaken by the Probation

Service is that of pre-trial assessment, as well as supervision of alternatives to detention.

As well as this, the Probation Service funds many programmes and projects which work towards the goal of prisoner reintegration, including some of the projects mentioned in this report. The projects provide accommodation, addiction support, educational opportunities and various other supports to ex-offenders around Ireland.[130] A 2008 report on Probation Service expenditure estimated that these services cost on average 25,519 per individual.[131] The report concluded that, measured against the cost of re-imprisonment, a 14% reduction in rates of recidivism would be required for these projects to be cost effective. This figure is difficult to either verify or assess in terms of the long term nature of offending and the complexity of potential costs. Moreover, many of the services funded highlight the importance of their "soft outcomes", such as an increase in ex-prisoner's confidence. By definition these may not be easily quantifiable, and do not easily reconcile with the definitive outcome statistics required for such a cost analysis to be constructed.

In 2008, only 35% of Irish prisoners had given a Dublin address prior to committal.[132] However, over half of Probation Service funded community services are located in the greater Dublin area. This may indicate that resources need to be re-adjusted to cover other areas where needs have been identified, but may also be indicative of the fact that ex-prisoners released from prisons where no such supports are available, or where it is more convenient to avail of them in the capital, travel to Dublin to access the necessary services.[133]

Projects responding to the survey conducted for the 2008 *Value for Money Review* of the projects funded by the Probation Service dealt with a total of 4,913 referrals

124 Arbour Hill Prison, Wheatfield Prison (since 2008) and the Training Unit in the Mountjoy Complex (all in Dublin), as well as in the Midlands Prison (since 2009). Preparatory work also commenced in St. Patrick's Institution in 2010. (All information regarding ISM as supplied by the Irish Prison Service in correspondence with IPRT researcher, April 2010).

125 The Probation Service (2008) *A Century of Change, Challenge and Service: Annual Report 2007* (available at: http://www.probation.ie/pws/ websitepublishing.nsf/AttachmentsByTitle/Probation+Service+Annual+Report++2007/$FILE/Annual_Report_2007.pdf).

126 Ibid.

127 The Probation Service's Mission Statement is available at: http://www.probation.ie/pws/websitepublishing.nsf/Content/Our+Mission

128 The Probation Service (2008) *Annual Report (available at:* http://www.probation.ie/pws/websitepublishing.nsf/AttachmentsByTitle/Probation+ Service+Annual+Report+2008/$FILE/Probation+Service+Annual+Report+2008.pdf), p. 27.

129 Ibid.

130 The Probation Service (2008) *Annual Report (available at:* http://www.probation.ie/pws/websitepublishing.nsf/AttachmentsByTitle/Probation+ Service+Annual+Report+2008/$FILE/Probation+Service+Annual+Report+2008.pdf), p. 12.

131 The Probation Service (2008) *Value for Money and Policy Review Report on Projects Funded by the Probation Service* (available at: http://www.probation.ie/pws/websitepublishing.nsf/Content/Reviews,+Inspections+and+Evaluations~Reviews,+Inspections+and+ Evaluations+of+organisations+funded+by+The+Probation+Service), p.2.

132 Irish Prison Service (2009) *Annual Report 2008, Additional Statistics (available at:* http://www.irishprisons.ie/documents/Additionalstatsfor2008AnnualReport.doc).

133 Brown, R., Evans, E. and Payne, S. (2009) *The social inclusion needs of prisoners, ex-prisoners and their families in County Kildare,* Naas: Kildare Community Partnership.

during 2006 and of this number, 3,533 individuals were directly assisted or joined the projects involved.[134] Of those individuals referred to projects, 1,380 (28%) did not commence or engage with the project. In addition, the number dropping out after commencement was 804 or 16% of the total number of referrals.

The 56 projects which responded to the questionnaire in 2008 had 1,839 places available and an annual capacity to deal with just over 3,000 individuals, indicating the need to extend capacity to shorten waiting times.[135] The average duration of participation was 14 weeks for addiction type projects, 27 weeks for accommodation and counselling type projects and 45 weeks for education, work training and placement projects.

5.3   PROJECTS IN THE COMMUNITY

Many projects aimed at prisoner reintegration are funded through the Probation Service, as noted above. Such services play a dual role in pro-actively diverting people from prison and supporting ex-prisoners after release. The projects and organisations to which the Probation Service currently awards funding encompass a wide range of supports and activities including counselling and offender reintegration, addiction support and accommodation services.[136] These are also complemented by many voluntary and community programmes which support ex-offenders but do not receive funding from the Irish Prison Service or the Probation Service. Their operation often requires an integrated approach due to the multiple needs presented by ex-prisoners.

One of the projects working on the basis of a 'whole-person' approach to needs is the "In-Reach" programme piloted by Focus Ireland since 2007. The project works with individuals on remand who have been identified by the Probation Service as being at risk of homelessness upon release. The programme uses a 'Care and Case Management' model of service provision and coordination. This model has existed for

several years in homeless services[137] and is comparable to micro-level integrated sentence management being run by an outside agency. Initial assessments of this service indicate reduced levels of re-offending for those who engage with the project.[138] The initial positive indicators in relation to the project's success have been attributed largely to the intensive work done by the Case Managers, the front line staff who co-ordinate post-release services and bridge the gap between pre- and post-release service provision.[139] While provided by an organisation working from a housing perspective, the project works to address the person's wider needs (for example, mental health issues or addiction issues, or access to training and employment), with service co-ordination based on issues identified by the client in the initial assessment.

Further to the specific issues described above, there is an increasing realisation that there are "a large number of prisoners who have limited skills of a kind that would be likely to enable them to meet the challenges of modern living".[140] Compounded by the effects of institutionalisation, this is particularly relevant for individuals such as the 13% of prisoners with a history of state care[141] as well as those from difficult family backgrounds and a history of long-term imprisonment. As such, many ex-prisoners may not be confident to live independently. For this group, there exist a number of supported and transitional housing services. Two of the main ones in the Dublin areas which work with ex-prisoners are the Tus Nua project for women and Priorswood House for men, described in more detail later in the report. These two services offer transitional housing for individuals with no fixed abode and aim "to assist in the transition to independent living".[142] Both projects also offer links to employment and training services along with drug and alcohol addiction supports. The provision of services structured around multiple needs transcends the usual remit of a housing project by acknowledging that people in need of housing often require more than just a roof over their head.

134 The Probation Service (2008) *Value for Money and Policy Review Report on Projects Funded by the Probation Service* (available at: http://www.probation.ie/pws/websitepublishing.nsf/Content/Reviews,+Inspections+and+Evaluations~Reviews,+Inspections+and+Evaluations+of+organisations+funded+by+The+Probation+Service).

135 Ibid.

136 See: http://www.probation.ie/pws/websitepublishing.nsf/Content/Community+Based+Projects+and+Programmes

137 Eustace, A. and Clarke, A. (2005) *Care and Case Management: Assessment of the Homeless Agency's Model*, Homeless Agency Research Series 2005 (available at: http://www.mqi.ie/docs/care_and_case_management.pdf).

138 Quigley, M. (2009) *Where to break the cycle? Examining the use of Care and Case management for working with remand prisoners at risk of homelessness*, unpublished thesis, Dublin: Dublin Institute of Technology.

139 Ibid.

140 Morgan, M. and Kett, M. (2003) *The Prison Adult Literacy Survey: Results and Implications, Dublin: Irish Prison Service, p. 9.*

141 O'Mahony, P. (1997) *Mountjoy Prison: A Sociological and Criminological Profile*, Dublin: Stationary Office.

142 Information about Tus Nua is available from: http://www.depaultrust.ie/our_services/projects/tus_nua.htm

Another model designed to bridge the gap of pre- and post-release services is that of mentoring. One such project based out of Cork and Castlerea prisons was the "You're Equal" programme which was piloted there between 2007 and 2009, and in which mentoring was provided as an integral part of working with prisoners before their release. The work was based on post-release plans that were put in place with the mentor remaining in contact with the person after their release from prison "to assist them in negotiating their way back into the world outside of prison".[143] With a core aim of maximising the employment potential of ex-offenders, the project also offered support by way of referrals and advocacy to external agencies.

A 2009 evaluation of this project indicated positive outcomes linked with participation in the programme.[144] The evaluation highlights the importance of multi-agency collaboration to the success of the project,[145] in line with the high levels of multiple issues faced by ex-prisoners and the need for integrated service provision. Also noted in the evaluation was the difference in provision of post-release support services between rural and urban settings. As distinct from urban areas, the authors note of rural settings:

> *The challenges of long-distance commuting, poor public transport and distance from other support services have a direct impact on the caseloads and expenses involved for the mentors working in the countryside.* [146]

It was found that this in turn had a negative effect upon agencies' ability to contribute to, in terms of collaborative working, areas such as case conferences. Upon termination of the "You're Equal" project, a mentoring programme was established in 2009 by Business in the Community to work from the same prisons initially (Cork and Castlerea), and was recently extended to the Training Unit in Mountjoy Prison complex in Dublin. We discuss this, and other community-based projects, in more detail in the two final sections of this report.

143 Culleton, J. and Hogan, F. (2009) *Re-Integration – Life After Prison: An Evaluation Study of the You're Equal Project*, Waterford: Waterford Institute of Technology (available at: http://eprints.wit.ie/1187/1/Re-Integration_-_Life_after_Prison.pdf).
144 Ibid.
145 Ibid, p.113.
146 Ibid, p.118.

6. The need for reform

6.1 THE NATIONAL ECONOMIC AND SOCIAL FORUM 2002 REPORT ON REINTEGRATION OF PRISONERS

In 2002 the National Economic and Social Forum (NESF) published an extensive report on the issue of reintegration of offenders.[147] The findings of the report highlighted both the positive steps which have been taken towards structurally aiding post-release integration, as well as identifying areas of policy change which could be beneficial to such ends. While stating that agreement exists at policy level on the importance of reintegration, it found that it is the lack of coherent implementation mechanisms or models which has prevented this from translating into practice. Unfortunately, eight years on from the NESF report, there is still a lack of cohesion in the provision of reintegration support in Ireland.

The NESF report made a number of recommendations, and the key ones were:[148]

a) The Irish Prison Service should establish a Reintegration Group to advise and monitor implementation of reintegration initiatives;

b) Prisoners and ex-offenders should be an identified group in equality and social inclusion programmes;

c) Statutory agencies should establish 'one-stop-shop' type outreach offices in prisons;

d) Non-custodial options should be further explored and promoted within the judiciary, with the particular potential of Restorative Justice to be closely examined;

e) A legislative mechanism should be put in place to expunge criminal convictions after a set conviction-free period; "criminal history" should be included as one of the enumerated grounds of discrimination under employment equality law;

f) All prisoners under sentence should have a sentence plan. This should be completed by a multidisciplinary team with reintegration as the key goal, and cover areas such as substance abuse, education, family supports and health.

While not quoting all the recommendations made in the review, it is worth noting in the context of the current report that the NESF made the following recommendations in relation to discrete areas of work with prisoners and ex-prisoners:

a) Each prison, in developing its Business Plan, should specifically address prisoner reintegration, based on wide consultation, with goal setting and regular reviews;

b) Greater recognition should be given to the role of voluntary and community organisations and further development of this sector should be encouraged to have access to expertise of interest groups;

c) Training and education needs should be considered as part of a sentence plan and should include self-development, education skills, training needs and career guidance;

d) Prisoners' health needs should be considered as part of a sentence plan;

e) Offenders with severe mental health problems should be diverted before or at sentencing from the prison system to appropriate alternatives;

f) A strategic plan for the treatment of prisoners with mental health problems and substance abuse and/or alcohol problems should be designed and implemented in the context of sentence planning;

g) A full range of counselling services should be provided, monitored and independently evaluated, with delivery targets;

h) Continuity of drug treatment between prison and community should be ensured;

i) Health and treatment partnerships between the prison system and the community should be further developed;

j) A prisoner family support strategy should be developed in each prison, and all visiting facilities should be to the highest standard and include family-friendly facilities;

147 National Economic and Social Forum (2002) *Re-Integration of Prisoners, Forum Report No.22* (available at: http://www.probation.ie/pws/websitepublishing.nsf/AttachmentsByTitle/NESF+Re-integration+of+Prisoners/$FILE/NESF+Re-integration+of+Prisoners.pdf).

148 Ibid, pp. 8-12

k) Out-reach offices ('one-stop-shops') with a liaison officer should be provided in all prisons by relevant statutory services, including the development of links with local community services;

l) A comprehensive information leaflet on prisoners' options on leaving prison should be produced;

m) Structured supervised temporary release should be the norm for most prisoners, as part of their sentence plan;

n) Half-way hostels should be available to those on temporary release if required;

o) An Accommodation Directorate should be established within the Probation Service and other statutory agencies should treat prisoners in need of accommodation as high priority cases;

p) Local Authorities should address prisoners' housing needs in their Housing Strategies;

q) A range of accommodation options should be provided, from supported accommodation to independent units; and

r) Criminal records should be expunged after a period of time, bar exceptions necessitated due to public safety concerns.

If these recommendations were important then, they are even more critical now. Since 2002 the prison population has increased by 25% from an average daily prison population of 3,200[149] to over 4,000.[150] This obviously increases the numbers leaving prison, and eight years on from the publication of the NESF's report, progress in the development of coherent reintegration services needs to keep pace with the increased need. The current report, as well as other recent studies regarding the needs of ex-prisoners,[151] show that while some much needed initiatives have been put in place since 2002 – for example, the Prison In-Reach Court Liaison Service and the enhanced drug counselling service provided

in prisons by Merchants' Quay project[152] – much more remains to be done, particularly in the area of provision of accommodation, mental health services and addiction services.

It should also be noted that some encouraging initiatives have been undertaken recently by the Government in recognition of the problem of over-use of imprisonment in Ireland. In particular, the Fines Bill 2009 provides for much-needed reform of the fines system in Ireland, giving the judiciary an option of sentencing individuals to Community Service Orders in cases of fine default rather than using short-term imprisonment. However, while some very welcome statements about the development of other community-based sanctions have been made by the Government in recent months,[153] progress on the implementation of concrete measures has so far been slow.

The issue of effective reintegration of prisoners has received political attention via the coalition Government's recent renegotiated programme for government.[154] Unlike its predecessor,[155] this programme contains a specific section on penal reform which includes commitment, at least at policy level, to "improve prior and post-release supports for prisoners to facilitate their reintegration into society and expand the use of alternatives to custody within youth justice services." [156] Despite such a statement, however, the system as a whole appears to be largely lagging behind in the provision of equal services in all prisons in Ireland.

6.2 THE DUTY TO REINTEGRATE – FROM IDEA TO PRACTICE

The NESF's 2002 report on the reintegration of offenders highlighted as a conclusion that:

> [...] *the successful re-integration of prisoners into society should be the primary function and central objective of the justice system and that this function should be given increasing priority by the judicial, prison and post-release systems. As few people as*

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149 Ibid, p. 3

150 http://www.iprt.ie/contents/1443

151 Brown, R., Evans, E. and Payne, S. (2009) *The social inclusion needs of prisoners, ex-prisoners and their families in County Kildare,* Naas: Kildare Community Partnership.

152 Dáil Debates, Statement by the Minister for Justice, Equality and Law Reform Dermot Ahern TD, 4 February 2010 (available at: http://debates.oireachtas.ie/DDebate.aspx?F=DAL20100204.xml&Node=H10-2#H10-2).

153 The Minister for Justice has, for example, recently announced an expansion of the Community Service Scheme in a statement on the 16th February 2010 (available here at 8 minutes: http://www.rte.ie/news/2010/0216/newsontwo_av.html?2702766,null,230).

154 *Renewed Programme for Government* (2009) (available at: http://www.greenparty.ie/en/government/renewed_programme_for_government).

155 *Agreed Programme for Government* (2007) (available at: http://www.greenparty.ie/en/government/agreed_programme_for_government).

156 *Renewed Programme for Government* (2009) (available at: http://www.greenparty.ie/en/government/renewed_programme_for_government), p. 21

possible should be sent to prison and prison should have a clear function to prepare the prisoner for release.

By way of examining how this concept can be implemented in practice, it is worth looking at recommendations put forward by the Scottish Prisons Commission in relation to the "duty to re-integrate".[157] The Commission recommended that prison be used for offences that are so serious that no other form of punishment would do, or when there is a serious threat to public security.[158] Moreover, in order to remove the reliance on prison for punishment, 'paying back' in the community should be a default position for less serious offences.[159] In order to effectively achieve this goal the Commission recognised that the entire criminal justice process needed to change, including prosecution and court processes.[160]

Examining the issue of resettlement of prisoners, the report highlights the need for co-operation between government agencies and prisons, as well as co-operation and support from the public. In particular, the Commission advocates the establishment of a National Community Justice Council to provide leadership in developing criminal justice social work.[161] Moreover, the Commission introduces the concept of a "duty to reintegrate". Recommendation 18 states:

The Commission recommends that the Government promote recognition across all Government departments, all public services, all sectors and all communities of a duty to reintegrate both those who have paid back in the community and those who have served their time in prison.

Placing reintegration as a duty rather than an aim of the penal system offers a marked move away from aspirational policy and towards effective practice. The clear statement of accountability in providing support is a most logical move in facilitating systemic change. As will be seen from the findings of IPRT's research presented in the next two chapters, there is significant support among the service providers in Ireland for a similar approach.

157 Scottish Prisons Commission (2008) *Scotland's Choice: Report of the Scottish Prisons Commission, July 2008* (available at: http://www.scotland.gov.uk/Publications/2008/06/30162955/0).
158 Ibid, Recommendation 1.
159 Ibid, Recommendation 2.
160 Ibid, at para. 3.1.
161 Scottish Prisons Commission (2008) *Scotland's Choice: Report of the Scottish Prisons Commission, July 2008* (available at: http://www.scotland.gov.uk/Publications/2008/06/30162955/0), p. 43.

Auld Triangle
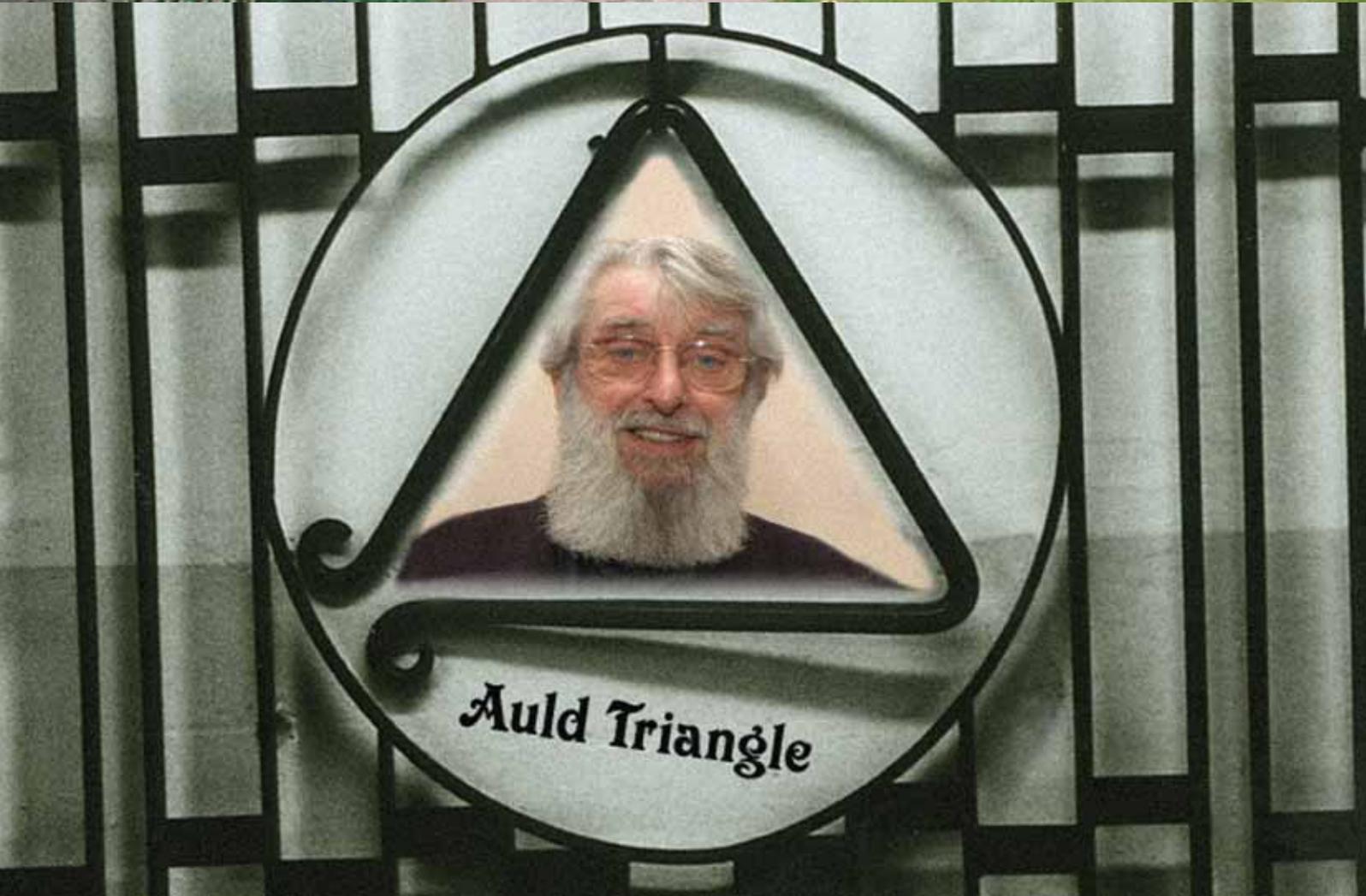
7. Research findings and observations – systemic issues

In 2002, the NESF report noted a number of key issues that needed to be addressed if the reintegration of offenders in Ireland was to improve their chances of desisting from crime in the long term and lower the potential for re-imprisonment. In relation to those systemic issues, the report stated that:

a) After-care services for ex-prisoners were patchy and lacked a national framework;

b) Available initiatives covered only a small number of ex-prisoners;

c) There was a need for greater linkages between prison-based and community initiatives.[162]

While our research found some evidence of improved co-operation between prison-based programmes and agencies and those based in the community – particularly in those prisons which are piloting ISM or use the case management model as a way of working with offenders - serious concerns remain as to the first two issues.

7.1 'POST-CODE LOTTERY' AND THE NEED FOR A CO-ORDINATED NATIONAL FRAMEWORK

During the course of the research, it has become clear that two systemic issues merit immediate attention if the reintegration of ex-prisoners is to be improved in the long-term: (i) the equivalence of services in and around all prisons on a national scale, and (ii) the commitment of resources to support the largest possible number of prisoners rather than just 'target groups' falling under the remit of the Integrated Sentence Management (ISM) or under the priorities of the Probation Service.

Despite some progress regarding the reorganisation of the Irish Prison Service, and the establishment of the Regimes Directorate in 2002 with responsibility for creating a more integrated approach to reintegration, the provision of after-care services for prisoners and ex-prisoners remains patchy. There still appears to be no uniform approach to provision of services in individual prisons, and access to a variety of support mechanisms – including homelessness advice and drug and mental health services – is dependent on the facility in which a prisoner finds him or herself on sentence, or even on remand. Provision of services in the community also varies between different areas of the country, often limiting access to reintegration support.

There are numerous reasons for such a situation, according to those interviewed for this research. These included:

• differences in the nature and characteristics of the prison population in various prisons. (For instance, reintegration work and case management were seen as more effective ways of addressing needs in those prisons with a large proportion of long-term prisoners.)

• the geographical location of the prison and the post-release location of ex-prisoners. (For example, it was seen as easier and more effective to work with prisoners in the Dublin area who were released from prisons in Dublin, and much less possible to plan the release of prisoners from Portlaoise and Midlands Prisons due to the fact that very few ex-prisoners would reside in the immediate vicinity of the prison post-release.)

• the rural versus urban divide in relation to the provision of services in the community, with most concentrated mainly in cities and larger towns (Dublin and Cork in particular).

While these reasons are clearly valid, interviewees also expressed the view that some of the services should be provided regardless of the location of the prison or the nature of its population, and the Irish Prison Service should take overall responsibility for equality of service across all of the prisons.

One example of differing provision to prisoners was the difference between the services available to women prisoners in the Dóchas Centre in Dublin and those in Limerick Women's Prison. While services provided in the Dóchas are largely seen as very supportive, and the link between the prison and the Tus Nua project in particular as invaluable, by contrast the situation in Limerick Women's Prison is wholly inadequate for addressing the needs of women prisoners held there.

Differences persist in other areas such as:

a) Access to mental health support and treatment, including to psychiatric and psychological support;

b) Access to appropriate therapeutic environment, including to appropriate facilities to meet with counsellors and psychologists in the prisons;

162 National Economic and Social Forum (2002) *Re-Integration of Prisoners, Forum Report No.22* (available at: http://www.probation.ie/pws/websitepublishing.nsf/AttachmentsByTitle/NESF+Re-integration+of+Prisoners/$FILE/NESF+Re-integration+of+Prisoners.pdf), Box 3, p.30.

c) Access to drug treatment, including availability of drug-free facilities in the prisons;

d) Access to education, work and training;

e) Access to programmes addressing offending behaviour;

f) Access to appropriate information about the range of services available to prisoners while in prison and upon release.

The Linkage Service – employment and training improving life for former offenders on a national scale

The Linkage Service was established in 2000 and is a partnership between Business in the Community Ireland (BITCI) and the Probation Service, supported by IBEC, the Small Firms Association and Irish Congress of Trade Unions. The Linkage Service currently employs 22 staff, including 16 Training and Employment Officers (TEOs) based in the community across the country, with in-reach into all Irish prisons. It offers a desistance-focused guidance and placement service to former offenders.

The Prisons Project, renamed The GATE Service (which is separate from the Linkage Service in that it is a partnership between BITCI and the Irish Prison Service, established in August 2007) is also a guidance and placement service, aiming to assist prisoners and ex-prisoners in accessing appropriate training, education, and ultimately employment thereby maximising the advantages to the individual, their family and their community and reducing the potential for re-offending. There are currently four TEOs working in the Mountjoy complex and Midlands/Portlaoise Prisons.

Engagement with the Linkage Service and The GATE Service is voluntary and TEOs work solely with clients who are motivated to participate. Clients are then supported by TEOs to address their employment, education and training needs through involvement in a range of activities either in the prison or in the community, or both. Between 1st August 2007 and 28th February 2010, The GATE Service assisted 941 individuals, placing them in training, education or employment, while the Linkage Service, between January 2000 and February 2010, assisted in 6,764 placements.

The Linkage Service and The GATE staff co-operate with a number of organisations "in the field", including the Probation Service, the Regimes Directorate of the Irish Prison Service, IBEC, FÁS, the VECs to name but a few. They also collaborate with a number of local organisations and partners to provide innovative initiatives such as "Breakfast for Employers" (run in the Midlands Prison in 2008) and "Breakfast Morning/Jobs Club" run in partnership with the New Ross Community Development Project in New Ross.

The Linkage Service and The GATE are also involved in the development of additional new programmes specifically tailored to the needs of their clients. Examples of such programmes include the "Moving On Programme" and "World of Work Workshops/Pre-release Programmes". The "Moving On Programme" is based in the community and seeks to facilitate the vocational development of ex-offenders, matching skills shortages to local labour market trends thus enabling clients to compete more successfully for employment in their local area. The Programmes cover many modules including literacy and numeracy skills as well as vocational training and life-skills training. The "World of Workshops/Pre-release Programmes" are delivered by TEOs in prisons in their designated area, seeking to address the particular needs and barriers of those with a custodial sentence in entering the labour market following release.

The Linkage Service is the only criminal justice guidance project run on a national scale. All current Training and Employment Officers working in the programme have full professional training in Adult Guidance Counselling and accreditation in Psychometric Assessment (Level A & B). The Service itself achieved the Excellence Through People Standard in 2008.

More information about the Linkage Service can be found here: http://www.bitc.ie/linkage[163]

7.2 FOCUS ON HIGH-RISK OFFENDERS AND LIMITED REACH OF THE INTEGRATED SENTENCE MANAGEMENT MODEL

Currently, the Probation Service's priorities cover work with: those prisoners who are subject to Post-Release Supervision Orders; sex offenders (who may fall within the previous category); and life-sentenced prisoners who are released on licence (see more detail in the next section). Yet even with those priorities, the practice of engagement with prisoners appears from our findings to differ across individual prisons, with the Probation Service in some establishments making contact with all prisoners committed on sentence (at least initially) while in others, contact is only made with those who fall into the categories outlined above.

This prioritisation of resources by level of risk leads to very limited resources being made available to those who pose little or no risk of committing serious crimes but who could still benefit from increased support. A number of the interviewees commented that this focus often leaves prisoners who do not pose high risk upon their release with very limited access to support while their needs in relation to accommodation, training and employment, addiction services and other support are often equal, if not higher, than those of high risk offenders. One respondent commented that their clients are often ones that adjust to post-release reality much easier, and often have a reasonably good history of tenancy sustainment for example. While resources are directed into the supervision of high risk offenders and their management in the community, they are not available to those in equal or even greater need that do not fall in that category.

In the course of this study, the researchers also had the opportunity to familiarise themselves with the model of Integrated Sentence Management (ISM) currently operational, at different stages of development, in four prisons, including Arbour Hill and Wheatfield prisons in Dublin. Initial indications are that, where provided, ISM is working well, providing a co-operation tool for the Irish Prison Service, the Probation Service and providers of other services, such as drug counselling, accommodation and health care. Any assessment of its effectiveness in terms of integration back into the community, however, is so far very limited when it comes to addressing need or addressing re-imprisonment, as the programme is new and it has not been running for long enough for the first sample of prisoners to be released and assessed. Such assessment of effectiveness should be conducted before ISM is introduced nationally.

An analysis of all committals on sentence to Irish prisons between 2005 and 2008 (Table 2 below) indicates that under the current design of the ISM model, such assistance will only be available to around 20% of all sentenced prisoners. While this may be significant in terms of the number of prisoners on ISM at any given time in the prisons (in relation to the resources that are needed to operate the system with long-term prisoners), it will not offer support to the vast majority of those who are leaving prison following completion of short-term sentences. This is the most significant shortcoming of the ISM system, as those who are most likely to re-offend within a short time are those who have spent the shortest time in prison. Moreover, the ISM system will not 'catch' those who are coming back to prison on a regular basis for consecutive short-term sentences and who may present with an equally high level of need.

TABLE 2:
The number of prisoners committed on sentence by length of sentence, 2005 – 2008

Year	Total no. of sentenced committals	Under 12 Months (%)	Under 6 Months (%)	Under 3 Months (%)
2008	8043	6424 (79.9)	5020 (62.4)	3526 (43.8)
2007	6455	4952 (76.7)	3667 (56.8)	2293 (35.5)
2006	5802	4607 (79.4)	3473 (59.9)	2253 (38.8)
2005	5088	3944 (77.5)	2982 (58.6)	1962 (38.6)

The Irish Penal Reform Trust welcomes the introduction of Integrated Sentence Management as a way of better preparation for release, and we welcome the steps undertaken by the Irish Prison Service to roll out ISM in some of the Irish prisons. We are concerned, however, that due to its specific characteristics as a support system designed for dealing with prisoners serving sentences of over 12 months, it will be limited in its reach even when rolled out nationally.

7.3 SYSTEMIC ISSUES OCCURRING IN WORK WITH PRISONERS

The role of the Probation Service

As outlined earlier in this report, the Probation Service has undergone significant changes in the last few years, including in its focus and priorities. In 2007, the Probation Service undertook a radical restructuring exercise, resulting – among other effects – in the creation of a newly formed national region in the Service, that of 'Prisoners, Risk and Resettlement'.[164] The new region was provided with dedicated staff who now focus on the delivery of consistent practice across the prison estate.

While the new structure and focus on delivering a more effective service is welcome, interviewees from a variety of sectors expressed their concerns during the research that the withdrawal of the welfare function of the Service, together with increased responsibility for Post-Release Supervision Orders and risk assessments, means that the Probation Service now has to focus largely on risk management and its work covers a limited number of prisoners and ex-prisoners.[165] This, in the view of some of the respondents, leaves a gap in relation to the responsibility of statutory bodies for fulfilling the welfare role. Some went as far as to say that the change in the priorities of the Service has meant that the organisation may be losing its prisoner focus, instead becoming an agency that manages risk posed by offenders and ex-offenders to society rather than one that assists them in effective reintegration upon release, although those two functions are not necessarily mutually exclusive.

Budgetary constraints are seen as the factor that is limiting the extent and the nature of support provided to ex-prisoners. While community-based service providers, as well as dedicated Community Welfare Officers, cover some of the need, this is still largely insufficient. We also found that the lines of overall responsibility for co-ordination of reintegration services and linking with community-based services are not all clear.

The role of the Irish Prison Service

The NESF report in 2002 recommended that the role of prison officers in reintegration should be developed and staff should be provided with the necessary skills to play such a role. The report stated that the role of prison officers has in the past been underestimated, and called for a wider recognition of the role they play in preparing prisoners for their reintegration into society.[166]

Since September 2007, all recruit prison officers (RPOs) complete a Higher Certificate in Custodial Care programme, delivered by Sligo Institute of Technology.[167] The objective of the two-year Higher Certificate programme is to provide a professional development framework for RPOs and provide them with a range of skills that will enable them to carry out their duties in a professional manner.

While recognising the role of prison officers in providing safe custody and information, a number of interviewees representing community-based service providers, as well as ex-prisoners themselves, expressed the view that prisoners find it easier to engage with services that are removed organisationally from agencies that are part of the criminal justice system. In relation to engagement during their time in custody, the role of prison officers was seen mainly as one that focuses on security and this, in the view of some of our interviewees, would make it nearly impossible for them to engage on a different level. Prison officers were often seen as those who "hold power" in the prisons and the relationship between them and prisoners was seen as not being conducive to work on reintegration. This overall view was presented despite some of the ex-prisoners acknowledging good relationships with individual prison officers during their time in prison.

The Irish Prison Service envisages that the professionalisation of prison officers through provision

164 Irish Prison Service (2008) *Annual Report 2007* (available at: http://www.irishprisons.ie/documents/IPS_AR_2007.pdf), pp. 21-22.
165 Priorities of the Probation Service in this area now cover: a) offenders sentenced under the Criminal Justice Act 2006 (Section 99) with part suspended sentences; b) offenders sentenced under the Sex Offenders Act 2001 (part 5) with post-release supervision orders; c) life sentenced prisoners; d) prisoners who are assessed by the Parole Board; e) women prisoners; and f) young people (additional information provided by the Probation Service, April 2010).
166 National Economic and Social Forum (2002) *Re-Integration of Prisoners, Forum Report No.22* (available at: http://www.probation.ie/pws/websitepublishing.nsf/AttachmentsByTitle/NESF+Re-integration+of+Prisoners/$FILE/NESF+Re-integration+of+Prisoners.pdf), p.76.
167 Information provided by the Irish Prison Service in correspondence with IPRT researcher, April 2010.

of the Higher Certificate course, which covers modules on equality and diversity awareness, ethics of custodial care, and prisoner well-being among other topics,[168] will result over time in a move away from a security-focused approach to a more relationship-based engagement between staff and prisoners. This is a welcome development and it is hoped that in time the new approach will result in improved staff-prisoner relationships. In facilitating such change, the Irish Prison Service should, however, be conscious of the concerns outlined above and in particular of the tension between the 'care' and 'discipline' functions that are inherent in the work of prison officers.

Reintegration support services

In relation to engagement with reintegration services on release, voluntary engagement rather than engagement through an obligation to, for example, the Probation Service due to a supervision order was seen as a more effective basis for reintegration work.

While many service providers stated that their co-operation with the Irish Prison Service and the Probation Service works well, some interviewees stated that they felt their work was on occasion not seen by the authorities as a professional service, which they felt undermined their position in their work with clients. There appears, therefore, to be a continuing need to follow the recommendations of NESF in this respect, and the statutory agencies should be seen as encouraging the involvement of community providers and recognising their professional contribution to work on reintegration.

A number of service providers, as well as ex-prisoners, expressed the view that they perceive peer-support projects as one of the most effective ways of engaging with prisoners. Ex-prisoners in particular felt that programmes based on such support accorded them with an opportunity to work with people who "know what you've been through". They also very much appreciated the informal nature of their engagement with such projects, which additionally provided a certain level of flexibility to which they found it easier to adjust. This flexibility allowed them to engage in a positive way and they felt that they were doing it for themselves and had a feeling of achievement when they were able to reach the goals they set for themselves.

Pathways (Dublin) – through education to integration

The Pathways project in Dublin is an outreach initiative of the C.D.V.E.C. Educational Service, providing socio/educational support to ex-prisoners upon their release from custody. The project was initially funded in its pilot phase (1996-1998) by the EU Integra programme and has since been mainstreamed by the C.D.V.E.C. and is now funded through the Department of Education and Science.

The project offers respite, support and guidance to ex-prisoners in the crucial period after release by providing education, counselling, referral and information in a safe and supportive environment.

Initially set up as an education programme, the project's current work is based on the recognition, coming from its experience over the years, of the multiple needs of prisoners who are being released from custody, including considerations such as: food, shelter, money, employment, isolation, addictions and broken family relationships. It currently operates a model that is a mixture of peer support and professional intervention, and offers guidance counselling, personal/addiction counselling and educational programmes and activities, including provision of State exams.

Since its inception, the Pathways project has supported over 1,000 people and employs ex-prisoners among its staff.

7.4 USE OF TEMPORARY RELEASE

As in the NESF report in 2002, we found that the lack of planning for release and the continuing use of Temporary Release (TR) to relieve pressure on prison spaces rather than using TR as a structured tool to support post-release integration back into the community, impacts negatively ex-prisoners' access to post-release support. One of the ex-prisoners we spoke to stated about his experience that:

> *[…] you are told at 6.20pm that you are supposed to pack because you are coming out, couple of hours later you are out.*

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168 Ibid.

This finding is in line with the findings of the Brown *et al* report which states that:

Many current and ex-prisoners interviewed noted that, prior to release, there was little preparation for release, bar ensuring that prisoners had provided a release address. Current and ex-prisoners and practitioners noted that the short notice periods often given to prisoners of their release can affect the co-ordination that can take place. Those serving short sentences or released on Temporary Release (TR) are often only given, at most, a few days notice. Some ex-prisoners reported they were only told on the day of their release and given a few minutes to pack their bags.[169]

IPRT's research confirms that often prisoners are only given short notice of their release, and that many are still released at times when accessing support is particularly difficult – on Friday evenings and on Saturdays. This appears to be particularly true for prisons experiencing overcrowding which need to free-up places at short notice to take in prisoners committed by the Courts, and it mostly applies to those prisoners on short sentences or those who have already been assessed as suitable for early release. Short notice of release may undermine the work being done with a prisoner prior to release, and some of the service providers noted that this leads to prisoners being "lost" by their organisations on release, or the vital support needed in the first few days post-release is not provided at all.[170]

7.5 PROVISION OF INFORMATION REGARDING AVAILABLE SERVICES AND ACCESS

Even where services are available in prison and in the community, information about what is available is not always provided on committal to prison, during the sentence or in preparation for release. Ex-prisoners interviewed by IPRT stated that they were often left to their own devices in relation to finding out what services are available during the sentence and how to access them, and often such information was gained only through their contacts with other prisoners and not from those charged with providing custody. This is confirmed by the research report into support for ex-prisoners in County Kildare conducted by Brown *et al*.[171]

Service providers also stated that the security concerns of the prisons, the need to provide an escort (which is not always available due to staff shortages), and inadequate facilities in prisons (such as inadequate meeting rooms) impact negatively on the extent, and also the quality of the service they are able to provide, including issues around confidentiality.

Additionally, during the course of the research we found that prison culture has a significant impact on the ability and willingness of prisoners to access services available to them in prisons – a situation that has a knock-on effect on their willingness and ability to access services upon release. This is of particular concern. Similarly to the Brown *et al* research,[172] interviewees for IPRT's research stated that not only their relationships with other prisoners can negatively impact on access to services (for instance, when a prisoner experiences bullying due to their willingness to engage with Community Welfare Officers, or with Probation Officers) but – and in some respects more worryingly – their relationship with some of the prison staff can have the same effect, with access made harder as informal 'punishment' for breaches of discipline.

7.6 THE NEED FOR A HOLISTIC APPROACH TO MULTIPLE NEEDS

The issue of multiple needs presented by prisoners and ex-prisoners has been a recurring theme throughout the research. This presents certain difficulties to service providers as they are increasingly required to provide support that may be going beyond their original remit. (For example, while a service may have been originally set up as working with homelessness, it now finds itself in the situation of having to deal with issues concerning mental health or addictions.)

In this context, a number of interviewees pointed to the lack of a statutory duty in relation to reintegration (or the duty to co-operate, for example with the Probation Service, by other statutory agencies) and the negative impact that this has on the response of statutory agencies in particular to issues faced by ex-prisoners. This was most acutely felt in relation to provision of accommodation by local councils, and provision of medical treatment, including drug and mental health treatment, upon release. A number of interviewees commented that co-operation is currently too dependent

169 Brown, R., Evans, E. and Payne, S. (2009) *The social inclusion needs of prisoners, ex-prisoners and their families in County Kildare,* Naas: Kildare Community Partnership, p.22.

170 See also: Brown, R., Evans, E. and Payne, S. (2009) *The social inclusion needs of prisoners, ex-prisoners and their families in County Kildare,* Naas: Kildare Community Partnership, p. 33.

171 Ibid.

172 Ibid.

on "individuals and personalities", leaving too much scope for differences in treatment depending on geographical location, prior experience of dealing with people released from prisons, etc.

Business in the Community Mentoring Service – supporting self-motivation

The Mentoring Service was set up by Business in the Community as a pilot project in 2009, and is funded by the Irish Prison Service and the Dormant Accounts Fund. The Project replaced the 'You're Equal' mentoring service formerly operating in Cork and Castlerea Prisons.

The project currently employs three mentors (working with prisoners serving their sentences in the Training Unit in Mounjoy Prison, Castlerea and Cork Prisons, and with those who are transferred to open prison facilities at Shelton Abbey and Loughan House), supporting around 16 individuals each at any given time (pre- and post-release). Mentors provide one-to-one practical and emotional support before and after release from prison, building a trusting relationship through engagement with the client, to enable them to challenge the client where necessary, encourage personal responsibility and development, and support long-term commitment to change. Clients can be referred by other service providers in the prisons, by prison management or through the work of a multi-disciplinary team. Mentors engage with prisoners up to 6 months prior to their release date to enable them to agree on which needs have to be addressed prior to and post-release. The assessment takes into consideration the circumstances which may have led to the person committing a criminal offence, as well as looking at needs such as housing, employment and addictions.

The purpose of the service is to assist prisoners with the transition from prison to the community, and includes necessary assistance with dealing with identified needs that may include: accessing benefits and accommodation; accessing support for alcohol or drug addictions; accessing healthcare; accessing training and education or employment; supporting re-establishment of family relationships. The ultimate aim of the service is desistance.

The work with clients is based on personal motivation, and engagement with the service is voluntary.

More information about the Mentoring Service is available at: http://www.bitc.ie/thementoringservice

7.7 THE NEED FOR AWARENESS-RAISING AMONG SERVICE PROVIDERS AND THE GENERAL PUBLIC

A number of interviewees spoke about the more general need to raise awareness of the issues faced by ex-prisoners. They criticised the image that is often promoted by the media, and in particular regarding those involved in high-profile cases, of prisoners as people who should not be part of society but rather who should be kept behind bars with no possibility of return. The image of prisons as 'holiday camps' is highly misguided, and there appears to be a general lack of knowledge regarding the reality of prison life and its impact on individual prisoners, their families and their communities. One respondent stated that prisoners are "human beings that deserve to be integrated back to their communities" and supported in their efforts not to re-offend, but are often not treated in such a way. Another added that the representation in the media, in particular, often hinders the efforts made by the prisoner and the professionals who support them, often inadvertently increasing the risk of re-offending by causing the person to be socially excluded.

7.8 INADEQUATE RESOURCES

All service providers, whether from the statutory or community sectors, expressed their concerns about the limitations placed on their resources by uncertainty about continued funding and significant cuts to existing budgets and staffing levels. A number of community projects working on a 'pilot' basis were concerned that their expertise will be lost due to a lack of funding and that good practice models could be lost for the same reason.

However, worries about funding are by no means limited to voluntary and community-based organisations. The caseloads of all providers will significantly increase this year in some of the prisons where new prison places have been built and are expected to open during the year: as new prison places are built, resources are not being increased for the prison staff, Probation staff or education staff to engage with the larger numbers held in custody. The existing moratorium on recruitment to statutory agencies means that employees cannot be replaced if any of the existing staff retire or leave the services for other reasons.

8. Areas of need – thematic overview of findings

8.1   A LIST OF PRIORITIES

All those who participated in the study were asked to provide their 'wish list' – a list of services or other provisions that would make their work on reintegration easier and more effective or, in the case of ex-prisoners, would contribute to an easier transition to life in the community following a period in custody. Respondents pointed to the need for extensive improvements in the following areas:

a)   Provision of mental health services, including psychiatric and psychological support both within and outside of prison, and in particular linking with community-based mental health teams upon release;

b)   Increased provision of addiction counselling and other services, including detoxification programmes both within and outside of prison;

c)   Provision of accommodation upon release, including transitional and supported housing, and the introduction of coherent policy in relation to provision of local council accommodation for prisoners in need;

d)   Provision of 'sheltered employment' where ex-prisoners could prepare for their re-entry into the labour market through gaining practical experience;

e)   Provision of programmes in the prisons dealing with offending behaviours;

f)   Provision of more structured activity in the prisons, including easier access to education and vocational training;

g)   Provision of up-to-date information relating to entitlements (social welfare), training and employment opportunities, linking with community-based projects;

h)   More planning before release; and

i)   Increased rather than decreased support for community-based projects and securing appropriate funding for their continuing work.

The next sections of the report provide some detailed information about our research findings in selected areas where improvements in services have been identified as crucial by the participants of the study.

8.2   MENTAL HEALTH PROVISION

As outlined earlier in the report, individuals suffering from mental health difficulties are over-represented in the prison system and, in particular, among those detained on remand.[173] The 2006 report of the Expert Group on Mental Health Policy, *A Vision for Change*, asserted that:

> *[...] every person with serious mental health problems coming into contact with the forensic system should be afforded the right of mental healthcare in the non-forensic mental health services.*[174]

In keeping with these recommendations, the prison system has seen the introduction of the mental health Prison In-Reach and Court Liaison Service (PICLS) in Cloverhill remand prison, provided by specialists from the Central Mental Hospital.[175] This service offers specialised screening and one of its core aims is to divert those with serious mental health problems away from the criminal justice system. In 2008 the service diverted 91 individuals to community based mental health services, up from 19 such referrals in 2005.[176]

Despite some progress in the area of diversion into appropriate mental health services, large numbers of individuals experiencing mental health difficulties continue to be imprisoned. While praising the work of projects such as the Prison In-Reach and Court Liaison project operating in Cloverhill Prison in Dublin, service providers commented on the ongoing inadequacy of mental health provision across the prison system, and the often-experienced difficulties of linking ex-prisoners with services upon release.

There appears to be a near total lack of community-based services designed specifically to deal with prisoners and ex-prisoners who present with mental health difficulties. A number of service providers we interviewed stated that they are not adequately

173 Kennedy, H.G., Monks, S., Curtin, K.,Wright, B., Linehan, S., Duffy, D., Teljeur, C. and Kelly, A. (2004) *Mental Illness in Irish Prisoners: Psychiatric Morbidity in Sentenced, Remanded and Newly Committed Prisoners, Dublin: National Forensic Mental Health Service, p.*23.

174 *'A Vision for Change': Report of the Expert Group on Mental Health Policy* (2006), Dublin: The Stationary Office (available at: http://www.dohc.ie/publications/pdf/vision_for_change.pdf?direct=1).

175 For more information on the Prison In-Reach and Court Liaison Service see: http://www.nda.ie/cntmgmtnew.nsf/0/8B71583417C5138080257444003F95FC/$File/paper03_conor_oneill.htm

176 'Project diverted 91 mentally ill prisoners' *The Irish Times,* Saturday October 17, 2009 (available at: http://www.irishtimes.com/newspaper/ireland/2009/1017/1224256900550.html)

equipped to deal with this group, either due to a lack of the necessary expertise in the respective projects or due to the lack of opportunities to link in with services provided in the community by other providers, including those run by community mental health teams, because of the lack of a standard agreed relationship with the services. Despite being ill-equipped to do so, service providers reported having to step in as the result of the inadequacies in other supports to those who are in need.

Another recurring theme in interviews was that of support for prisoners and ex-prisoners with dual diagnosis – that is, with mental health difficulties accompanied by drug and/or alcohol dependency. A number of participants stated that more and more project clients have been presenting with dual diagnosis in recent years. Due to a lack of diagnostic services, many of them are not supported in the prisons, and there are close to no services in the community to address their needs upon release.

This is an increasingly serious issue, often linked to poor physical health, including cases of brain damage and other physical difficulties. Lack of diagnostic and support services in relation to dual diagnosis is an issue that not only impacts on the prison population – the difficulty appears to lie in the general provision in the community where only a very limited number of medical professionals specialize in dual diagnosis.

8.3   SUBSTANCE ADDICTION

The information IPRT collected for this research indicates that in some prisons up to 80% of the population struggle with addictions – either drug or alcohol or combined. All of our interviewees, whether those from statutory sector, community-based service providers or ex-prisoners, stated that addiction services, while improving, are still insufficient to address the ever-increasing needs of prisoners. This situation also translates to insufficient services in the community that can be accessed post-release and thus an increased potential for re-offending. As one respondent commented:

Prisoners who often fall through the net are those who have a drug problem or severe alcohol problems and are on short-term sentences… Come out quickly but also come back quickly.

While some encouraging changes have taken place in recent years regarding the provision of drug treatment in prisons, some interviewees stated that their clients are still finding it difficult to get on waiting lists for counselling and to access accommodation on drug-free wings in prisons. Drug counsellors in prisons are reported to be "overstretched" and interviewees spoke of the lack of a strong presence of counsellors provided by the Health Service Executive (HSE). The findings of our research are similar in this respect to those of Brown, *et al* who reported in 2009 that:

Current and ex-prisoners were generally of the view that there was little support for those entering prisons with such issues [drug and alcohol addiction or mental health difficulties]. *Some current prisoners stated that prisoners who had been receiving treatment or counselling in the community could expect to have this continue once in prison, but those hoping to start treatment in prison generally found that services were limited. […] Some ex-prisoners noted that they entered prison with alcohol or drug habits and had received no support for them.*[177]

Another reported difficulty relates to the continuity of treatment between the prisons and services in the community. Again, this is in line with the findings in the Brown *et al* research. Participants in our research stated that their and their clients' main concern was the relatively long waiting lists for residential drug and/or alcohol treatment, as well as waiting lists to link in with community-based services. For some, the waiting time was a crucial issue, meaning that ex-prisoners are occasionally left without support directly after release, the time when they are particularly vulnerable to relapse.

8.4   ACCOMMODATION AND HOMELESSNESS

Homelessness and the provision of suitable accommodation was by far the most frequently mentioned difficulty facing prisoners and the service providers supporting them on release. Some of the people with experience of custody interviewed for this research stated that the lack of accommodation was a source of constant anxiety for them during their stay in prison. One female interviewee stated that she was constantly worrying about accommodation when she was in prison and that:

177 Brown, R., Evans, E. and Payne, S. (2009) *The social inclusion needs of prisoners, ex-prisoners and their families in County Kildare,* Naas: Kildare Community Partnership, p.19.

[…] others were saying I can't wait to go home, and I had nowhere to go to […]

A number of initiatives in relation to addressing the needs of homeless prisoners have taken place in recent years, and both the Irish Prison Service and the Probation Service are actively involved in representing the needs of this group on the Cross Departmental Group on Homelessness and other fora.[178] One of the successful initiatives led by the Irish Prison Service includes making sure that payment of 13 weeks' rent in private accommodation following committal to prison is secured to prevent homelessness in cases of short sentences. It is clear from the information supplied for this research that improvements have been made in provision of assistance to address homelessness on release, in particular through initiatives such as the in-reach provided by Focus Ireland in Dublin, Cork and Limerick, as well as in-reach provided in 10 prisons by the Homeless Persons' Unit (HSE) Community Welfare Officers.[179] It is important to note that services such as Focus Ireland's In-reach are co-funded by the Irish Prison Service, increasing the capacity of community-based providers in this area.

On the other hand, it is important to note that although the Irish Prison Service reports that it strives not to release anyone without an address to go to, ex-prisoners as well as service providers stated throughout the research that cases of release without an address continue. Reasons quoted for such a situation differed and ranged from unwillingness on the part of prisoners to disclose their lack of address to prison authorities, to breaches in communication in the prisons in preparation for release, particularly in cases of individuals being released on TR at short notice.

Those ex-prisoners to whom we spoke reported that on release they were often only provided with a free-phone number which they could contact to arrange short-term, emergency accommodation, often of a very low standard. Service providers reported facing additional problems in securing accommodation for particular groups of ex-prisoners: foreign national prisoners not entitled to State assistance; ex-prisoners with mental health needs and/or drug addictions; sex-offenders and those who have been convicted for arson.

Of particular concern was what appears to be a complete lack of appropriate accommodation for ex-prisoners presenting with dual diagnosis of mental health difficulties and drug addiction. This, combined with virtually non-existent provision of other services required by this particular group, leads to significant gaps in support for this high-need population. Service providers suggested that a "housing first" approach to this group, and to those with a variety of mental health difficulties, would go some way at alleviating this situation, and give an opportunity to develop specialised external services that can provide further support. All of these concerns should be considered in future developments of service provision in this area.

178 See: Irish Prison Service (2009) *Annual Report 2008* (available at: http://www.irishprisons.ie/documents/IPSannualreport2008e_000.pdf), p.33. (Additional information was also provided to IPRT researcher by the Probation Service, April 2010).
179 Figures for 2009 indicate that 759 prisoners accessed assistance provided by the Community Welfare Officers alone. (Additional information supplied by the Irish Prison Service in correspondence with IPRT researcher, April 2010.)

Focus Ireland In-Reach Service
– through-care at the heart of addressing need

The Focus Ireland In-Reach Service in Dublin was set up in September 2007 as a two-year pilot project in co-operation with the Probation Service, the Homeless Agency and Focus Ireland. It has continued to operate since 2009 with support from the Irish Prison Service, the Probation Service and the Health Service Executive. Focus Ireland was also successful in its application to provide the service in Cork and Limerick Prisons. Funded by the Irish Prison Service and Dormant Accounts Fund, the service in Cork and Limerick commenced in 2009.

The idea for the project came about as a result of research undertaken by the organisation which showed that up to 70% of young people accessing the homelessness service (aged 18 – 26 years) had been held on remand in Dublin prisons. It therefore became clear that earlier assessment of those who are held on remand, and connecting them with appropriate homeless services, could be beneficial to addressing their needs and identify viable pathways through these services.

The project uses the care and case management approach which includes pre-release assessment, care planning and follow-through activities. Case Managers from the project attempt to engage with prisoners at least a month prior to their release date (although this is obviously not always possible considering the focus of the project on remand prisoners). Their experience showed that any time shorter than this resulted in lower rates of engagement with the service following release from prison. While the project was initially set up as a 'brokerage' model (mostly dealing with accommodation needs), it has developed a more holistic approach to enable it to deal with multiple needs. The project has adapted and utilized an intensive case management approach to allow it to respond to the complex and high support needs of the clients within the prison setting. The current average age of clients has also increased from the initial target group of 18 to 26 years old, to now being 34 years of age.

The project works with clients on an individual one-to-one basis, starting from the premise that "in the first week after release from prison, everyone is a high-need client". Case Managers can engage with clients on a long-term basis if such support is required and have the ability to adapt fully to meet the customers changing needs, circumstances and expectations/goals presented by the clients. This allows a fully adaptable, responsive and intensive model and ensures a continuity of support while accessing multiple services.

Service providers offering assistance in the area of homelessness are concerned that local councils are not keen on placing prisoners and ex-prisoners on their housing lists, and expressed a view that a history of imprisonment can seriously hinder the individual's chances of obtaining council-owned accommodation. One of the interviewees commented that if prisoners

> *[...] ring from within the prison, the chances* [of getting on the housing list] *are nil.*

Lack of fixed release dates also appears to be stopping a number of prisoners from registering on housing lists, and makes it difficult for community-based service providers to offer support on this issue. Interviewees stated that all local authorities should be required to treat ex-prisoners in housing need as a priority group and should not be able to refuse assessment or refuse to place someone on their housing list because of criminal convictions.

Interviewees consistently mentioned the lack of appropriate and accessible emergency housing as a major problem, in larger cities such as Dublin but in particular in more rural settings. Some of the hostels were seen as completely unfit for purpose, with living conditions well below acceptable standards. It was also clear that provision of suitable accommodation may impact on the way in which a person behaves following release. For example, we heard from ex-prisoners and service providers that they felt it was difficult to stay clean of drugs if a person was accommodated upon release in a hostel where other people were using drugs. Another difficulty in relation to housing was the provision of transitional accommodation for individuals 'moving-on' from supported accommodation such as Priorswood House or Tus Nua.

Tus Nua apartments
– supporting women leaving prison

Tus Nua has been in operation since February 2003, funded by the Probation Service and managed by DePaul (Ireland). Tus Nua works with women referred with complex needs based on a low threshold ethos, supporting each resident in an individual way.

All women residing at the project are appointed a key worker and secondary keyworker to ensure they can access all the services they require and receive the appropriate support. A support plan is developed between the resident and key worker; this plan addresses the current and future needs of the service user, it is client centred and reviewed regularly. The support plan can cover areas such as life skills, budgeting, alcohol harm reduction, referral to detox, referral for education and health and mental health support. Initially key workers work hard on relationship building with residents to ensure they feel confident with the support they will receive and can discuss any personal issues they have. Tus Nua could not work in isolation; partnership working with external agencies is highly important to the work done in the project. A case management approach is used when working with external agencies to ensure the areas of each support plan can be achieved by the women.

The in-house supports offered include one to one work on areas such life skills and independent living skills, self esteem building and group sessions such as yoga.

The project provides the time and space during which each resident can address the problems which led to their housing crisis and prison sentence. Tus Nua supports women to gain practical skills and reintegrate into the community. Tus Nua also offers follow on aftercare support for up to 6 weeks for women after they move on from Tus Nua, to help with settling into the wider community.

More information about the project can be found at: http://www.depaulireland.org/our-services/services-by-name/tus-nua-apartments/

Priorswood House – when housing needs are dealt with, everything else can follow

Priorswood House is a residential project established by PACE in Dublin. The project, which amongst its staff employs a number of ex-prisoners, caters for men released from prison, and provides accommodation for 29 clients in a variety of settings (14 beds in the main building of the project for ex-prisoners directly after their release; 8 self-contained apartments on the same site to which clients can move on when assessed as ready, with ongoing access to key-workers' support and peer support; and 7 apartments for those who are ready to move on to independent living in the community.)

Priorswood House provides a stable accommodation environment as the first step to addressing other needs that clients present with. And these are multiple: ex-prisoners present with drug addictions, alcohol addictions, mental health problems or combined mental health and drug addiction problems (dual diagnosis), but are also looking to improve their education, link in with vocational training, or find employment after a period in custody. Following the drafting of a care-plan (in consultation and with input from the individual concerned), key-workers link their clients with other services that may be required on an individual basis, including counselling and mental health services in the community and other medical services. PACE also run a separate employment and training programme with 40 places, linking those who are using the services of Priorswood and those who are living in the community to training opportunities.

The project works on the basis of addressing needs while reducing the potential for dependency and encouraging an eventual move to independent living. While the average stay in Priorswood is eight months, some clients choose to remain engaged with their key-workers on a voluntary basis for a time after they leave the project. This introduces a form of stability and safety that the necessary support will be accessible in time of increased need.

While the project is yet to be evaluated in relation to re-offending rates, there is some evidence from follow-up contact with its former users that those who were able to avail of services in Priorswood are more successful in staying out of prison.

More information about Priorswood House can be obtained from the PACE website at: http://www.paceorganisation.ie/about.php?id=accommodation

8.5 SEX OFFENDERS

Our research has identified the reintegration of sex offenders as one of the most difficult areas of work with prisoners and ex-prisoners.

The research found an increased and much-improved and focused provision of sex-offending programmes and an increased uptake of such programmes in the prisons and in the community. In April 2009, the Irish Prison Service launched its policy *Reducing Re-offending, Enhancing Public Safety*[180] which is now being implemented through provision of specialised programmes and enhanced inter-agency co-operation. The *Building Better Lives* programme became operational in January 2009[181] and Arbour Hill Prison was designated as a national centre for the treatment of sex offenders. There, the provision of the programme is consistent with Integrated Sentence Management, allowing for co-ordinated approach to multiple needs of prisoners.[182]

The provision of appropriate accommodation has been identified by all of the interviewees as a key to success in working with ex-prisoners in this category. It has also been identified by statutory agencies as an area requiring urgent attention.[183] As can be imagined, placement for sex offenders leaving prisons is particularly challenging, considering that they will rarely be able to go back to their family homes or even the communities where they lived prior to conviction. Additionally, and particularly in high-profile cases, placements may be perceived as threatening to the local community, as press and media occasionally disclose the details of the location.

While there are some voluntary sector providers specialising in supporting sex offenders through provision of accommodation, these are very few and nothing near the need identified by the research participants. However, work has been undertaken to address this issue by the Multi-Agency Group (MAG) established in 2004, with representation from statutory and non-statutory partners, to respond to the identified problem of homelessness amongst this group of prisoners.[184]

A number of interviewees also identified prevailing public opinion as a major barrier to reintegration of sex offenders into the community. This group of offenders is generally seen through the prism of high profile cases and, in the view of the respondents, not enough is being done in relation to raising awareness regarding the programmes that offenders are engaging in while in prison, and the support for them while out in the community in relation to addressing their behaviour, including supervision by the Probation Service upon release.

180 Available at: http://www.irishprisons.ie/documents/Sexoffendersfinalversion-22April09.doc

181 More information about the programme 'Building Better Lives' can be accessed at:
http://www.irishprisons.ie/care_and_rehabilitation-sex_offender_programme.htm

182 Information provided by the Irish Prison Service in correspondence with IPRT researcher, April 2010.

183 See for example: Department of the Environment, Heritage and Local Government (2008) *The Way Home: A Strategy to Address Adult Homelessness in Ireland 2008 – 2013* (available at: http://www.environ.ie/en/Publications/DevelopmentandHousing/Housing/FileDownLoad,18192,en.pdf).

184 Department of Justice, Equality and Law Reform (2009) *The Management of Sex Offenders: A Discussion Document January 2009* (available at: http://www.justice.ie/en/JELR/FINAL%20REPORT.pdf/Files/FINAL%20REPORT.pdf), p.12.

9. Conclusions and recommendations

Effective reintegration of people who experience imprisonment is central not only to their individual progress and moving away from crime (desistance from crime), and to prevention of the 'revolving doors' phenomenon of continuous returns to prison, but also to a reduction in overall numbers of people imprisoned in the State, and ultimately a reduction in the number of prison places in the prison system, and the lowering of the financial and human cost of imprisonment. It is therefore in the interest of the State to invest in post-release support and it is in the interest of society to support it.

Not all ex-prisoners will engage with reintegration services; not all prisoners require such engagement or are willing or ready to avail of the support available, but for those who choose to engage, such provision is vital if they are to be successful in staying out of prison. The ex-prisoners interviewed for this research were determined to improve their lives and were highly motivated, at the same time acknowledging that it was the support offered by community-based projects that helped them to overcome the initial shock of coming out of prison.

The 2002 study by the National Economic and Social Forum identified a number of areas in which improvements were deemed necessary if the work on the post-release integration of prisoners in Ireland was to be more successful. While some valuable initiatives in service provision have taken place since the report, it remains true that equivalence of provision is yet to be achieved across the Irish Prison Service, the Probation Service or in support offered to and by community-based projects. Of equal concern are the recent budget cuts resulting in increasing caseloads for professionals working in the field, cuts which often threaten the very existence of projects, particularly those led by voluntary and community organisations. This is happening against the backdrop of ever-increasing numbers of people imprisoned in Ireland, and therefore an ever-increasing number of people who are likely to be in need of support following release from prisons.

All available literature dealing with the reintegration of prisoners in Ireland clearly indicates that the needs are vast. This has been confirmed by our study in which practitioners, as well as ex-prisoners identified the need for extensive improvements in the areas of, among others:

a) Provision of mental health services, including psychiatric and psychological support both within and outside of prison, and in particular linking with community-based mental health teams upon release;

b) Increased provision of addiction counselling and other services, both within and outside of prison;

c) Provision of accommodation upon release, including transitional and supported housing, and the introduction of coherent policy in relation to provision of local council accommodation for prisoners in need;

d) Provision of 'sheltered employment' where ex-prisoners could prepare for their re-entry into the labour market through gaining practical experience;

e) Provision of programmes in the prisons dealing with offending behaviours;

f) Provision of more structured activity in the prisons, including easier access to education and vocational training;

g) Provision of up-to-date information relating to entitlements (social welfare), training and employment opportunities, linking with community-based projects;

h) More planning before release; and

i) Increased rather than decreased support for community-based projects and securing appropriate funding for their continuing work.

Based on the findings of this study, IPRT is making the following recommendations:

1. The Irish Prison Service, in co-operation with the Probation Service and in partnership with organisations in the voluntary and community sector, should ensure equality of provision across the prison estate in Ireland. To this end, the Irish Prison Service should commission an independent analysis across all prisons and an independent evaluation of services already existing in prisons to ensure that those most effective are mainstreamed across all establishments.

2. Mental health diversion services should be extended to all prisons in Ireland to ensure that those in need of therapeutic interventions are directed to appropriate services in the community and/or other non-forensic settings.

3. Provision of mental health services to those who, in exceptional circumstances, are not diverted outside of the prison system should be equal across the whole prison system and respond to the needs identified. The provision of mental health services in prisons should take into consideration the impact of the custodial environment on the health of prisoners that are in treatment.

4. Community projects working with ex-prisoners experiencing mental health difficulties should be supported by appropriate community-based mental health services irrespective of the abode of ex-prisoners upon release.

5. The Irish Prison Service should facilitate appropriate access and facilities in the prisons for practitioners working with prisoners on drug and alcohol addictions or providing any other assistance to persons in custody. This includes the provision of an appropriate escort where required and the provision of facilities ensuring confidentiality and a therapeutic environment for service users.

6. All prisons should provide drug-free landings.

7. The Irish Prison Service, in partnership with service providers working in the prisons on issues concerning drug and alcohol addictions, should ensure that appropriate arrangements are made to continue treatment immediately upon release when required.

8. Planning for release should not be limited to those who are leaving prison following long periods of custody. Short-term prisoners should be afforded an opportunity to access available services and to access assistance with linking into the necessary provision in the community. They should also be afforded an opportunity to participate in the development of an active plan for their time in custody and planning for release as appropriate.

9. More structured use should be made of Temporary Release as a tool of gradual integration into the community upon release.

10. Services providing holistic approach to addressing the needs of prisoners upon release and supporting the transition from custody to community – such as mentoring or residential support projects – should be extended to all prisons.

11. A statutory duty to reintegrate and/or a statutory duty to co-operate should be introduced to ensure that statutory services provide assistance where a need has been identified by the Probation Service or other service providers working with prisoners and ex-prisoners.

12. The Government should make the introduction of Spent Convictions legislation a legislative priority in 2010.

13. Detailed and up-to-date information should be provided in all prisons regarding services available while in custody of the Irish Prison Service. All prisoners should also be provided with detailed, up-to-date information about post-release support, including information on welfare entitlements, housing provision, medical card and services available to them on release from prison. This information should be made available in a variety of formats to facilitate access by prisoners with lower levels of literacy and numeracy or who are unable to understand written information for other reasons. It should also be provided in a variety of languages.

14. The Irish Prison Service should collect data regularly on the number of people leaving prisons every year, and make it publicly available as part of statistical information included in the Service's Annual Report.

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Appendix A: Methodology of the research

The research focused on the analysis of international and national practice of post-release support for adults, and was structured across a number of sections:

- Theoretical background to reintegration – research into the reasons for supporting reintegration services; when services should be made available; with whose help; how appropriate support impacts on re-offending rates.

- Thematic review on barriers to reintegration, with particular focus on the existence or lack of reintegration programmes and facilities (such as supported accommodation), as well as legal barriers such as the lack of spent convictions legislation.

- Review of national and international policy (including human rights standards).

- Review of international and domestic practice in relation to reintegration, including an analysis of the current projects and programmes available to support ex-prisoners in Ireland.

The aim of the research was threefold:

1. service provision in Ireland;

2. to assess the impact of post-release support currently provided on re-offending and re-imprisonment if possible, and to identify good practice examples for such support;

3. to identify and assess existing barriers to reintegration vis-à-vis provision of services.

To achieve the above aims, the methodology of the research included:

1. Review of available literature, with particular focus on studies conducted in Ireland in the area of prisoner reintegration;

2. Review of policy documents and statements relevant to reintegration of prisoners;

3. Semi-structured interviews with service providers (face-to-face and phone interviews with 24 individuals) were conducted between October 2009 and April 2010. None of the interviews were recorded but contemporaneous notes were taken by the researchers. Some quotes were noted verbatim and only those feature as direct quotes in the body of the report. The schedule of interviews was as follows:[185]

a) Service provider (statutory sector) working with adults in custody in Dublin; one interviewee (INT 1); service national; 9th November 2009.

b) Service provider (voluntary sector) working with adults pre- and post-release; one interviewee (INT2); service based in Counties Cork and Roscommon; 10th November 2009.

c) Service provider (voluntary sector) working with adults post-release; one interviewee (INT3); service based in Dublin; 16th November 2009.

d) Service provider (voluntary sector) working with adults post-release; one interviewee (INT4); service based in Dublin; 16th November 2009.

e) Service provider (voluntary sector) working with children and young people pre-custody; one interviewee (INT5); service national; 24th November 2009.

f) Service provider (voluntary sector) working with adults pre- and post-release; one interviewee (INT6); service based in Dublin; 25th November 2009.

g) Service provider (voluntary sector) working with adults pre- and post-release; one interviewee (INT7) (Dublin); service national; 25th November 2009.

h) Service provider (voluntary sector) working with adults post-release; two interviewees (INT8, INT9); service based in Dublin; 1st December 2009.

i) Service provider (statutory sector) working with adults in custody in Dublin; one interviewee (INT10); service national; 7th December 2009.

j) Service provider (voluntary sector) working with adults pre-custody; one interviewee (INT11); service based in Dublin; 7th December 2009.

185 The research was guided by IPRT's Ethical Research Guidelines which include a confidentiality agreement which states that all information is shared on a confidential basis with the researchers (see: www.iprt.ie). We undertook not to assign any quotes or specific information to specific respondents and are therefore only identifying any views or information in the report by reference to a general term "respondent" or "interviewee".

k) Service provider (statutory sector) working with adults pre- and post-release in Dublin; group of 4 interviewees (INT12, INT13, INT14, INT15) (follow-up to questionnaire); service national; 21 December 2009.

l) Service provider (voluntary sector) working with adults post-release; two interviewees (INT16, INT17); service based in Dublin; 18ᵗʰ January 2010.

m) Service provider (statutory sector) working with adults in custody in Dublin; one interviewee (INT18); service national; 19ᵗʰ January 2010.

n) Service provider (statutory sector) working with adults in custody in Counties Cork and Limerick; phone interview, one interviewee (INT19); service national; 21 January 2010.

o) Service provider (statutory sector) working with adults in custody in County Laois; phone interview, one interviewee (INT20); service national; 27 January 2010.

p) Service provider (voluntary sector) working with adults post-release; phone interview (follow-up to questionnaire); one interviewee (INT21); service based in County Cork; 2ⁿᵈ February 2010.

q) Service provider (voluntary sector) working with adults (follow-up to questionnaire); two interviewees (INT 22, INT 23); service based in Dublin; 9ᵗʰ February 2010.

r) Service provider (statutory sector) working with adults in custody; one interviewee (INT24); service national; 9ᵗʰ April 2010.

4. Two focus groups with ex-prisoners who are currently accessing some of the services provided in Dublin were facilitated by the management of two projects based in the community (voluntary sector providers). None of the interviews/statements made in focus groups were recorded but contemporaneous notes were taken by the researchers. Some quotes were noted verbatim and only those feature as direct quotes in the body of the report.

   a) Focus group 1 – peer support project based in Dublin (8ᵗʰ February 2010):

   a. Participant 1 (P1 FG1): male; experience of custody in Ireland; currently working for the service provider;

   b. Participant 2 (P2 FG1): male; experience of custody in Ireland; currently working for the service provider;

   c. Participant 3 (P3 FG1): male; experience of custody outside of Ireland; currently service user;

   d. Participant 4 (P4 FG1): male; experience of custody outside of Ireland; currently service user;

   e. Participant 5 (P5 FG1): male; experience of custody in Ireland; currently service user;

   f. Participant 6 (P6 FG1): female; experience of custody in Ireland; currently service user.

   b) Focus group 2 – residential service based in Dublin (9ᵗʰ February 2010):

   a. Participant 1 (P1 FG2): female; experience of custody in Ireland

   b. Participant 2 (P2 FG2): female; experience of custody in Ireland

   c. Participant 3 (P3 FG2): female; experience of custody in Ireland

   d. Participant 4 (P4 FG2): female; experience of custody in Ireland

   e. Participant 5 (P5 FG2): female; project worker

A copy of a letter sent to all focus group participants is included in Appendix B.

5. A brief questionnaire was also distributed to service providers. 20 questionnaires were sent out, 6 responses were received:

   a) Service provider 1Q (voluntary sector) working with children and young people (main service: counselling); County Kerry; questionnaire received in November 2009.

b) Service provider 2Q (voluntary sector) working with adults (main service: drug addiction); Dublin; questionnaire received in November 2009.

c) Service provider 3Q (statutory sector) working with adults pre- and post-release; Dublin; questionnaire received in December 2009; followed by face-to-face interview (group) on 21st December 2009.

d) Service provider 4Q (voluntary sector) working with adults post-release; Dublin; questionnaire received in December 2009; followed by a face-to-face interview with service manager on the 9th February 2010.

e) Service provider 5Q (voluntary sector) working with adults; County Cork; questionnaire received in December 2009.

f) Service provider 6Q (voluntary sector) working with adults post-release; service based in County Cork; questionnaire received in January 2010; followed by phone interview on the 2nd February 2010.

A copy of the questionnaire is included in Appendix C.

NOTE: This report includes a number of examples of services by community-based projects. We would like to stress that while these have been chosen for their particular focus on certain service provision, such as access to supported accommodation, there are many more, often smaller, projects which are providing invaluable services to ex-prisoners and their families in local communities and whose representatives shared their experiences with us. While they may not be mentioned in this report by name, we would like to take this opportunity to gratefully acknowledge their contribution to this research and to the work on reintegration of ex-prisoners in Ireland.
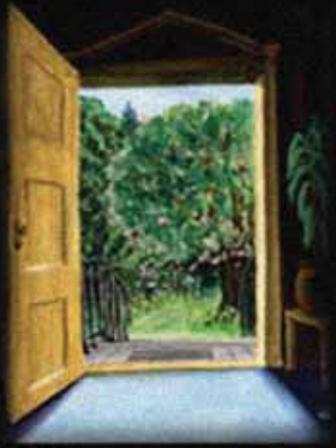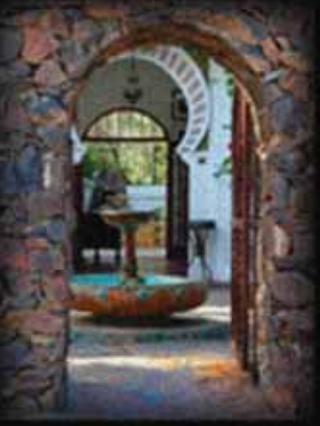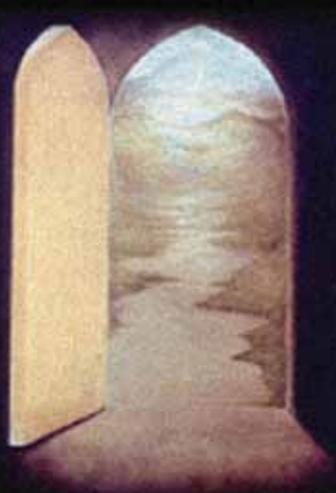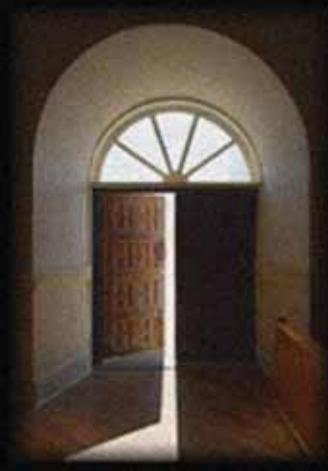
Appendix B: A copy of a letter sent to participants of focus groups

Dublin, 27th January 2010

Dear Participant,

We are writing to you to let you know about a research project we are currently doing, and to ask you to participate in a focus group that would inform our report on post-release support for ex-prisoners.

The Irish Penal Reform Trust is an independent organization (a charity) which, among other functions, uses the results of its research projects to bring about change in the prison system. We want to make sure that in Ireland prison is only ever used in cases where other sanctions cannot be used, for example only for very serious crimes. We believe that currently a lot of individuals are sent to prison that should not be there. We also believe that, when people come out of prison, there should be a system of support for them to help them deal with the difficulties they may experience, if they want such help to be given. For example, there should be a place for them to stay if they are homeless; someone who will help to arrange registration with a doctor, etc.

As part of our work on such support for ex-prisoners, we are doing research on what services and supports work best for people leaving prison. We want to know what services are available for people coming out of prison and which ones are the most helpful. We would like to find out more about why some people end up back in prison after being released and what can be done to help them not to go back.

For this reason we are now looking to speak to people who have recently left prison. We wish to do this by talking to people in a group and asking a series of questions. If you would prefer not to do this in a group we would be able to meet you one to one.

All the information which you give us will be confidential and your name will not be mentioned in our research report; neither will be the name of the project that is helping you. To ensure that everyone taking part in the group feels comfortable and safe to talk about their experiences, we also ask you to undertake that all information provided during the meeting will be treated by you as confidential and private, and will not be disclosed to anyone who did not take part in the meeting. The only reason for which we would have to break the confidentiality would be if we were afraid for someone's safety. In the unlikely event of this happening we would inform you of our obligation to disclose the information before doing so.

Before we start the focus group, you will be able to ask us questions about the research, about the report and about what we are planning to do with it when the research finishes. You will also be able to ask us any other questions if you feel that additional information would help you decide if to agree to talk to us.

We will ask you to sign a consent form before we start the focus group and/or individual interview. You will be able to say 'no' if you changed your mind about participating in our group, even after you sign a consent form which we will give back to you if you no longer wish to take part. You will also be able to leave at any stage, as well as ask us that no information that you gave us before deciding not to take part anymore be used in the report. You will not have to give us any reasons for withdrawing your consent.

We will not use any recording equipment but would like to take notes of the meeting that would

then help us to write the report. No names of participants will be noted in the notes.

The questions we will be asking will include:

- What did you do in prison - for example, did you go to school there? Did you take part in workshops?

- Did you have any needs when you were in prison, and were they addressed – for example, were you able to see a doctor when you needed to? Did anyone talk to you about your education needs or taking part in other activities like workshops?

- Were you released when you thought you would be (at the end of your sentence or were you given a temporary release first; if temporary release, did you know the date in advance)?

- Did anyone in prison talk to you about what is going to happen to you when you are released? For example, did anyone ask you if you had a place to stay?

- Where did you go the day you were released?

- What services did you use when you left prison, if any?

- How did you find out about these services?

- Were those services useful in helping you resolve any problems that you had on release from prison?

- What other services would have been useful and they were not there?

- What could the government do to help people who come out of prison?

- Why do you think so many people end up back in prison?

You don't have to answer all of these questions if you don't feel comfortable doing so, and you will not be asked to give any reasons for why you don't want to do it.

We will not ask:

- Why you were sent to prison and how long did you stay there?

- Any details of drug use/alcohol use;

- Your family history;

- Anything personal you do not want to talk about.

If you would like to share any of that information with us, you may still do so, but only if you want to and in the format you choose (for example, you can ask to see us privately rather than talk about your experience in the group).

You will be given an opportunity to read the draft report before it is published and you can ask us to take out any information that you think may identify you or someone you know.

We hope that by doing this research we can better understand how to help people coming out of

prison in the future. We hope you agree that this is an important issue for people leaving prison and that you will be able to participate in our research.

Thank you for reading this letter, and we hope that you will agree to meet with us and share your experiences.

With warmest regards,

Agnieszka Martynowicz (Research and Policy Officer, IPRT)

Martin Quigley (Research and Policy Intern, IPRT)

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NUA

Appendix C: Copy of the letter and research questionnaire sent to service providers

Dear Sir / Madam

We write to you to ask for your assistance in a study currently being undertaken by IPRT on the topic of prisoner re-integration.

The Irish Penal Reform Trust (IPRT) is Ireland's leading non-governmental organisation campaigning for the rights of people in prison and the progressive reform of Irish penal policy. This questionnaire forms part of a piece of research being undertaken by the trust into reintegration of ex-offenders. The focus of this study is on the nature and level of services available to individuals before and after their release from prison, and its aim is to highlight examples of good practice that could be implemented nationally to secure positive outcomes for those leaving prison.

This is a critical element of our research and we believe that its findings will be of benefit for the promotion of the importance of prisoner re-integration initiatives. All information received shall be treated in the utmost confidence, and IPRT will be very grateful for any assistance your organisation can provide with this study.

We sincerely thank you for taking the time to complete the questionnaire. If you have any queries feel free to contact us on the number provided below.

Kind Regards

Agnieszka Martynowicz – Research and Policy Officer, IPRT

Martin Quigley – Intern, IPRT

Your Organization / Project

1.1 Name:	
1.2 Address:	
1.3 Services Provided:	
1.4 Model of service provision (E.G. Keyworking, Case-Management, mentoring, etc...):	
1.5 Target Group:	
1.6 Catchment Area:	
1.7 Approximate number of individuals who would engage with your programme annually:	
1.8 Average length of client participation in the programme:	
1.9 What is your approximate annual budget?	
1.10 How is your project funded?	

Prisoner re-integration

2.1 From your programme's perspective, what are the three main barriers to post release community integration for ex-offenders?	1. 2. 3.
2.2 Which interventions, in your opinion, work best for those returning to their communities?	1. 2. 3.
2.3 Which services, in your opinion, require further expansion / resources in order to assist prisoner reintegration?	1. 2. 3.

Interagency working	
3.1 Which projects do you work closest with? (If possible please give contact details and some brief information on their service).	
3.2 From where do you receive referrals to your service?	
3.3 To which services does your project refer people to?	
3.4 Do you work directly with the prison or probation services? If so, what is the nature of this relationship?	
3.5 Which services could it be beneficial for your service to strengthen links with.	

Other Comments: (Any further information you feel is important in relation to post release community integration of ex-offenders. Please include additional pages is necessary)

Signed: _____ **Date:** _____ / _____ / _____