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LOCKED UP POTENTIAL

*The McCarthy report on public services failed to see that jailing fewer people and more use of open prisons would save millions and bring better results for prisoners and society, writes **Kevin Warner**.*

The decision to go ahead with the Thornton Hall prison, albeit in piece-meal fashion, must be questioned on financial grounds.

The McCarthy committee's supposed 'forensic dissection' of public service costs missed some serious excesses in the Irish prison system. These mainly relate to the scale and type of imprisonment in Ireland, two aspects that generate enormous and unnecessary costs. Our recent tendency to hold far too many men and women in prison at any one time, and consigning them to 'closed' rather than 'open' institutions, clearly wastes hundreds of millions of euro per annum.

Rising prison populations

It is a common fallacy to assume the size of a country's prison population is a given, determined by the level of crime. Most criminologists know that there is actually little relationship between the two. A former director general of the Finnish Prison Service, said: "The number of prisoners has very little to do with crime. [It] is rather caused by the general situation of confidence in society and of the political equilibrium."

In other words, it is a political choice, reflecting people's values and the form of society they aspire to.

Up to the mid-1990s, official thinking in Ireland was centred on the idea that prison should be used 'as a last resort', because it was assumed (correctly) that imprisonment generally damages people and makes reintegration problematic. This can be found in the Whitaker Report of 1985 and the Department of Justice's *Management of Offenders* of 1994, as well as in the European Prison Rules agreed via the Council of Europe. Such a view is captured in the words of a former Tory Home Secretary, David Waddington: "Prison is an expensive way of making bad people worse."

However, a later British home secretary, Michael Howard, asserted in 1993 that "Prison works," and prison populations there have escalated massively since then.

Here, Maire Geoghegan-Quinn was the last justice minister to take a 'last resort' perspective, and every successor since (whether Fine Gael, Fianna Fail or Progressive Democrat) has gone along with a 'prison works' approach, so that Ireland's prison population of just over 2,000 in 1995 has more than doubled to over 4,200 today.

A waste of public money

Even when we allow for the recent rise in our overall population, having a prison population of 4,200 still means we hold 1,500 people in prison more than we would need to had we adhered to the philosophy and the rates of incarceration that held sway until the mid-1990s. This expansion may not trouble everyone, although the evidence suggests imprisonment is highly counter-productive. However, the enormous cost of this excess should in itself make people think again.

A prison place costs the exchequer well over €100,000 per year in *current* expenditure alone, not counting significant capital spending. (In recent times, the Prison Service have put it about that this cost is approximately €93,000, but in that figure they strangely omit considerable running costs such as teachers' salaries and maintenance.) Were we to choose the level of incarceration that sufficed until the mid-1990s and that is deemed more than adequate in most Nordic countries, i.e. something in the region of 2,700 for Ireland (a reduction of 1,500), then over €150 million could be saved *every year*. This is eminently achievable by following practices common in Nordic countries, rather than slavishly following the Anglo-American path as we have done of late.

Reducing the prison population could be done, for example, by:

- Ceasing to use prison for non-payment of fines.
- Finding alternatives in the community for shorter sentences in particular.
- Allowing some drug-dependent prisoners to undergo treatment in the community.
- Applying remission at the two-thirds rather than the three-quarter point.
- And granting more prisoners early release on parole.

Most of these possibilities are present in the Irish criminal justice system already, but are often only used on a limited basis. Yet, such features are very much part of the way of doing things in Nordic countries.

The type of imprisonment

If the scale of imprisonment has veered out of control in Ireland, the type of imprisonment has also deteriorated in many respects, notwithstanding the high cost.

We get very poor value for our money. People imprisoned here tend to be locked up for an inordinately long part of the day. Most are obliged to share cells, in contravention of European norms; sanitary conditions are unhygienic and undignified for most; there is little drug treatment and often a lack of other services; in recent years regimes have tended to become more restrictive and oppressive. Once again, comparison with Nordic countries shows our conditions to be very poor, despite having a staff-prisoner ratio that is at least as good as theirs.

We almost invariably put people in closed prisons, such as Mountjoy, Cork or Limerick, believing walls and locked gates are essential. Less than 6% of the Irish prison population is in one of our two open prisons, Shelton Abbey or Loughan House. In Denmark, Finland or Norway, a third or more of the prison population will be in an open institution, where prisoners are trusted not to abscond and physical barriers are insignificant. It is

long recognised that open prisons have fewer ‘detrimental effects’, and better prepare people for resettlement.

Crucially, Nordic countries recognise that the cost of holding someone in an open prison is about half that in a closed prison. The profile of prisoners here is much the same as their Nordic counterparts, so what works there could work for us – and allow further scope for large financial savings. Shifting to a policy of holding one-third of prisoners in open centres could generate additional savings in the region of €30 to €40 million a year.

Other inefficiencies

A critical look at the prison system would reveal several other aspects which are highly inefficient.

Department of Finance and C&AG reports have been severely critical of the way the Irish Prison Service administers capital planning and expenditure. The ‘decentralisation’ of the IPS headquarters to Longford in 2007 (nearer to 300 prisoners, further from 3,000) generates extra costs because of distance from its client base.

Further, that headquarters has been hugely increased and it is questionable what useful functions many sections within it now perform. Much the same can be said of the Interim Prison Board, which has an entirely advisory role, now that the direction of the prison service is again firmly within the ambit of the Department of Justice.

McCarthy’s inadequacies

The McCarthy committee failed to take the opportunities that a rational examination of the scale and depth of imprisonment in Ireland offers.

Thus, desirable cuts that could yield savings amounting to possibly €200 million per annum were missed.

Their most substantial reference to the prison system is the assertion that the capital programme will generate value-for-money as new prisons will have lower running costs. There is no evidence that this will be so. On the contrary, there are grounds for fearing the building of massive institutions such as Thornton, which is due to eventually hold 2,200 prisoners, will generate diseconomies, rather than economies, of scale.

For example, the closure of the Curragh Prison in 2003, and the movement of its 100 prisoners to A-wing in the larger modern Midlands Prison, actually led to higher staffing (and a more restrictive regime) for this group of prisoners, arising from a ‘one size fits all’ approach to security and staffing within the Midlands.

The move gave rise to situations such as that described by one staff member, whereby an excessive number of officers would “stand around watching auld fellows playing cards”.

One may ask why the McCarthy committee failed to ask such fundamental questions about the numbers imprisoned and the nature of what is obtained for the money provided. Clearly, they lacked awareness of criminal justice matters. A more important factor, however, must be the ideology with which these bankers and business people went about their work.

The neo-liberal orientation of the group no doubt ensured a blinkered way of looking at things. Such a way of thinking will, predictably, identify social and community services for cuts. However, it is not in the nature of such a right-wing point-of-view to ask serious questions about our prison system that has become excessive, destructive and very costly.

Some years ago, faced with what proved to be a temporary increase in their prison population, the Finnish prison authorities requested extra funds for more prison spaces. Their Ministry of Finance told them firmly to reduce their prison population instead, a process they have since set about; prison authorities today speak of being grateful for this response.

Here in Ireland, the blind-spot shown by McCarthy seems to be shared by our Department of Finance, and current and recent governments. They have all failed to recognise the scope for significant, but constructive, cuts in our prison system.

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Look to Nordic nations for prison guidance

Justice Minister Dermot Ahern's blasé attitude to 'doubling up' in prison cells shows a significant reversal in policy aspirations.

Yet, it does match the very serious decline in regime standards in Irish prisons in recent years.

When the Whitaker Committee examined the Irish penal system in 1985, they stipulated single-cell accommodation as an essential requirement.

The Council of Europe's European Prison Rules likewise insist on this standard. The Department of Justice, under a predecessor of Mr. Ahern's, Maire Geoghegan-Quinn, envisaged the elimination of the relatively small degree of cell-sharing then occurring in their policy document, *The Management of Offenders*, in 1994.

Since the mid-1990s, our prison population has more than doubled to over 4,200. With this escalation has come a deterioration in regimes.

Most men and women in prison (about 60%) must now share cells. Nearly all of these must defecate and urinate in each other's presence. Prisoners eat their meals in confined, unhygienic and undignified spaces.

Prisons, almost invariably, are detrimental to people to some degree, and poor conditions worsen this damage. In Ireland, exceptionally high lock-up times compound the problem.

Cell arrangements in our prisons facilitate bullying and abuse, and the drug problem within prisons.

Thornton Hall and other recent developments in Irish prisons derive from backward penal attitudes and policies drawn from the US and Britain, though there are signs of rethinking in Britain, as exemplified this summer by Kenneth Clarke.

If we look for guidance instead to Nordic countries, we would have far fewer in prison, and prison conditions would be far less destructive.

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