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OPENING ADDRESS

Martin Tansey, Chairperson

The Council of the IASD reviews each Annual Conference and through our Manager Geraldine Comerford assess the areas of interest and concern expressed, formally or informally, during the Conference. This year the Council decided on the Re-integration of Offenders, i.e. those in the custody of the Irish Prison Service having particular regard to Forum Report no. 22 by the National and Economic Report on Re-integration of Prisoners published in January 2002.

Amongst that Forum recommendations are the following:

- All prisoners under sentence should have a comprehensive Sentence Plan developed on committal, by multidisciplinary teams in conjunction with the prisoner, with re-integration as a key goal and covering a range of issues such as Substance Abuse, Education, Health and Family Supports.

The Sentence Plan should be monitored on a regular basis and the system should be independently evaluated and best practice shared across the prison system.

Recommendation 3.46 and 3.48 outline the Prison Service's role in Re-integration.

I look forward to hearing during the next day and a half if any or all of the above recommendations, together with other recommendations in that Report have been advanced. Scepticism is not part of my thinking, but experience gained over many years, invites me to ask the question, is this Report like many others gathering dust. How much of the Report on the Prison Service chaired by T.K. Whitaker (published 1985) relating to Aftercare and Resettlement of Prisoners was implemented.

The Department of Justice, Equality and Law Reform in May 1994 published a Five Year Plan – The Management of Offenders, an excellent document which among other things, reviewed progress since the Whitaker Report. Its assessment was as follows and I quote:

“The main problem in the Prison System is overcrowding but it is not the only problem. Others include the absence of clear aims and objectives, inadequately

planned arrangements for release of offenders, excessive resort to unsupervised temporary release, various shortcomings in support services/medical, welfare, psychological, education, work/training and less than satisfactory arrangements for dealing with special problems such as drug abuse and the care and management of sex offenders”.

The Plan stressed the importance of the setting up of a Positive Management Committee and defined Positive Sentence Management as “making available to offenders a range of services and facilities aimed at helping them to cope with their sentences to preserve their physical and mental well being and to prepare them as far as practicable for early structured release under supervision if justified and earned”.

In 1998 a Three Year Strategy Statement was published by the Department of Justice which re-iterated a commitment to maintaining a balance between the use of custodial sanctions and community based alternatives. The objectives amongst other proposals included the provision of an extra 2000 prison places and the recruitment of 850 prison officers. “Nothing in regard to re-integration of prisoners was included in that Strategy Statement”.

The first Strategy Statement issued by the Irish Prison Service for 2001-2003, following its establishment late in 1999 was enlightened and progressive – it focused on three themes:

- A humane prison system which provides decent modern living conditions for prisoners
- A new emphasis on prisoner rehabilitation and integration
- New more efficient working arrangements for prison staff.

Amongst other developments by the Department of Justice was the establishment of the Sentence Review Group in the late 1980s – given the task of assessing long term prisoners including those serving life sentences and making recommendations to the Minister

for Justice in regard to their suitability or otherwise and proposing a pre-release plan where applicable, so that re-integration of the prisoners concerned could be advanced in a structured manner.

The Sentence Review Group was replaced by the Parole Board in 2001.

Looking back at the prison system over the last forty years, the most progressive period was 1964-1974. While the prison population over that period averaged about 700 prisoners, we must take into account that prior to 1965/66 the granting of bail was very restricted. The O'Callaghan v The State decision handed down by the Supreme Courts liberalised bail, with the resultant numbers in custody on remand reduced to a very small number, leaving the prison population to those serving sentences of imprisonment or detention. It was also the time when the concepts of formal Rehabilitation programmes were developed in a meaningful way by the Governors in Mountjoy Prison and St. Patrick's Institution. It was a time when the concept of open institutions were part in place with the opening of Shanganagh Castle, Loughan House and Shelton Abbey, where comprehensive Pre-Release Programmes were implemented and finally drawing on the experience of those facilities the development and building of the Training Unit at Glengarriff Parade.

All of the above meant a positive pro-active implementation of the Criminal Justice (Temporary Release) Act 1960 by the Department and the Minister for Justice over that period. It may be of interest to some that total staff in the Prisons Section of the Department 1964-1969 was 2.5 employees, and increased in the early 1970s. At any one time during the period 1964-1974 there would be a minimum of 30 and a maximum of 100 prisoners either on daily temporary release or working on supervised temporary release in the community.

The majority of 16-21 year age group in detention would be on temporary release from Shanganagh Castle, and adults during the same period on temporary release from Mountjoy Prison. All adult prisoners serving six months and over, in any of the three adult prisons were eligible to be transferred to the Induction Centre at Mountjoy for Assessment as to their suitability for the

rehabilitation Programme Plan. The above may be a rather lengthy summary of a progressive period in penal reform.

It is disappointing to note that the 1980s and 1990s were periods where massive concrete developments replaced the rehabilitation developments of 1960s and early 1970s. It is recognised that there was need for new accommodation to reduce overcrowding, but did it have to be the traditional model?

Other important developments took place in the late 1960s, education and post release accommodation provision. Education in prisons and places of detention up to the latter part of 1980s was provided by a prisoner officer. In the late 1960s two nuns from Mount Sackville, Sister Pious Holt and Sister Collette McAndrew, on a voluntary basis offered the teaching of English, Maths and Music to long term young offenders at St. Patrick's Institution, and by 1970 a number of them had reached a standard where they were eligible to undertake the Intermediate Certificate.

Approaches were made to Cabra Vocational School and Mr. Burke, Principal, could not be more accommodating. He arranged for the young offenders to undertake the Intermediate Certificate and more significantly he put a proposal to the Chief Executive of the Dublin City Vocational School of providing an education service to the young offenders at St. Patrick's Institution. The proposal was accepted and the excellent education service provided today by many County VEC's was born.

The other development was the appointment by the Minister for Justice of an Aftercare Committee at Mountjoy Prison. This Committee did excellent work but its members having assessed requirements felt it did not have the expertise in the area of both short term and long term post release accommodation for prisoners in need. It recommended to the Minister that they cease to exist and that the Vincent de Paul be invited to develop accommodation facilities for offenders. They also stressed the importance of developing a comprehensive Aftercare Service. Discussions took place with the Special Conference established by the Society for visitation to prisoners; the Guide of St. Philip and they at that particular time were unable to undertake this task but agreed to provide knowledge on know-how.

The then representatives of the Probation Service in Adult Prisons and the Chaplain at Mountjoy Prison agreed to explore the possibility of establishing a Committee to develop accommodation on a national basis. The Committee with the Chaplain and the Probation Service representative agreed to formally undertake the task of developing accommodation and PACE was founded. Prisoners Aid through Community Effort as it was called then remained a Dublin based organisation, providing accommodation to ex-offenders from any part of the country that were assessed as suitable.

Two fundamental problems, presented then as they do today – acceptance by communities of facilities for ex-offenders and funding.

There is an urgent need for a National Aftercare Service and a policy needs to be developed urgently, having regard to this recommendation of the National Economic and Social Forum Report No. 22.

The Conference Speakers giving us of their time will, from their prospective expand on the current position in regard to re-integration of offenders and their plans for the future. On your behalf I wish at this time to thank them for giving of their time, to enable this conference to happen.

Martin N Tansey

PRISONER REINTEGRATION - CHALLENGES AND OPPORTUNITIES

Mr. Brian Purcell, Director Irish Prison Service

Introduction

Last year around 8,000 individuals left the gates of an Irish prison. All returned to the community. For some, a family, a home and a job awaited. For others, the outlook may not have been so good. They may have lost contact with their families. They may have been unemployed prior to being imprisoned. Some may have been homeless. They may never have enjoyed these basic supports that all of us take for granted. Indeed, many may feel that they have little hope of ever enjoying them.

The importance and value of a family, a home and a job in helping individuals to lead worthwhile, crime free lives and become productive members of society should never be underestimated. If we are agreed on this, the question then arises as to what, if anything, can the Irish Prison Service do for prisoners entrusted to our care. And even if there is something we can do - should it be the Prison Service that does it; what is our role in reintegration and what are we best placed to do?

I will not rehash in detail why people are sent to prison other than to say it is not for any single reason such as retribution, deterrence, incapacitation or rehabilitation in isolation. I think in almost all cases it is for a combination of all these. That people are sent to prison as punishment, not for punishment is one thing that we can all agree on. The mere fact of having the cell door close against a person effectively covers retribution and incapacitation, and perhaps deterrence. Rehabilitation requires something extra.

That 'something extra' is what the Irish Prison Service and its partners can do to try to move people down a more law-abiding path. It is important to remember that rehabilitation though is not just about the prisoner and seeking to change their behaviour. It is also about the community that they come from and will, probably, return to. Rehabilitation is about seeking to help an

individual change their lives both for their own benefit and for the benefit of their community.

Traditionally the prison system has perhaps focused too much on what the system can do for the individual in isolation. Perhaps we have not thought enough about the prisoner as part of a wider community. This has led in the past to an inward looking service concerned with what it itself could provide in terms of rehabilitation. The potential of the wider community and the role it could play was not focused on while the person was in prison. This is something that I will return to.

The Matter in Hand

What I want to talk about today is what the IPS is currently doing in prisons, the approaches we are taking and about our plans to build on, and improve, these approaches. I want also to address how the prison and the community might work together in a more focused and coherent way, during the period of imprisonment, to prepare prisoners for release. And how the prison system might aid communities in welcoming back and integrating former prisoners.

In recent years the phrase 'Re-entry Movement' has been used to describe those in the penology community who looked for prisons to focus, from the moment a person was imprisoned, on how prisoners will be reintegrated back into the community. A complementary approach is that of looking at imprisonment as merely an incident in a continuum of state involvement with an individual. I don't wish to focus on particular labels and ideologies today. What I do want to note though is that it has been clear for some time that neither the prison nor the community working in isolation can achieve reintegration or rehabilitation - it must be a process of co-operation and partnership between the two.

Past Problems

Until recent years a number of factors, not least being prison overcrowding and poor accommodation, have greatly limited the scope of the prison system to develop sentence management policies that focused on rehabilitation and reintegration. Now with an expanded prison estate and improved prison conditions, we have the opportunity to concentrate more effectively on planning individual prisoners' sentences.

This is not to dismiss what has gone before. Many excellent projects and many committed people have made great efforts in this area. Sentence management processes have operated in the prison system for many years to the benefit of prisoners and the community. Over much of this time, the development of these processes to their full potential has been constrained by a number of factors.

The principal factors involved were the constant pressures and disruption caused by prison overcrowding, limited prison facilities and difficulties in recruiting and retaining personnel for specialist prison services. The emphasis during this time was on macro level management of prisoner numbers with constant resort to unstructured temporary and early release of prisoners to make room for new committals from the Courts. The prison system was characterised by frequent disruption of prisoners' education, training and specialised programmes. In those circumstances it was not possible to develop new systemic approaches to prisoner management which would have had a reasonable chance of success.

Against this background, there has been considerable variation in the development of core sentence management processes from institution to institution. Where resources have permitted, initiatives have been taken at local level, but in the absence of coherent, service-wide systems. This has resulted in positive but uneven development of sentence management processes without reference to, or guidance from, any overall model of best practice.

To give an example, one area I will speak about today is assessment. As currently carried out this generally involves separate interviews with prisoners by the different prison-based services to determine their

individual needs, their suitability for particular programmes and to monitor progress made over the course of the sentence. There is currently no widely used structured model of prisoner assessment in our system. Gaps in service provision in some institutions, as well as heavy workloads, limit the extent of assessment that can be undertaken. There is no formal procedure in use of the kind increasingly being used in other jurisdictions to identify and measure a prisoner's risks and needs.

The systems we currently have in place are inadequate in a twenty-first century prison system. I do not think that it will be good enough to move to a new prison campus at Thornton Hall, and merely reproduce the current systems. The development of new prison infrastructure is a chance for us to meet it with new thinking and new practices - to do otherwise would be to squander a great opportunity.

Positive Sentence Management - Origins and Background

While the development of the prison estate has removed many of the reasons why systems have not developed, it is important to note that much thought has been given to the issue for many years. As far back as the Whitaker Report the way we manage sentences has been challenged, and suggestions for improvements have been made. Most notable and best known of these suggestions has been Positive Sentence Management (PSM). The origin of the concept were first outlined in the *'Management of Offenders: A Five Year Plan'* (Department of Justice, 1994). That plan saw PSM as *'making available to prisoners a range of services and facilities aimed at helping them to cope with their sentences, to preserve their physical and mental well being and to prepare them as far as possible, for early structured release under supervision, if justified and earned.'*

Equally, the Sub-Committee on Crime and Punishment of the Joint Oireachtas Committee on Justice, Equality, Defence and Women's Rights in their report - *'Alternatives to Fines and the uses of Prison'* (2000) - saw a need for PSM to ensure that the needs of individual prisoners would not be *'submerged by institutional imperatives'*.

The National Economic and Social Forum, as well, in its Report on 'Re-integration of Prisoners' also encouraged the development of PSM. NESF saw the primary objective of sentence management as being positive use of time in prison to prepare for a more purposeful life on release. It considered that this would involve individually tailored sentence plans for prisoners that would challenge offending behaviour and raise prisoners' awareness of the consequences of their actions. Such plans were seen as covering a wide range of issues, such as self-development, education, training, health needs, accommodation needs on release and family supports.

In addition to these suggestions, significant developments have occurred internationally in the area of sentence management. Modern prison systems such as Canada and New Zealand have introduced new integrated prisoner management systems in recent years. This involved major systemic change within those countries' prison systems aimed at achieving:

- greater integration of prison services and services based in the wider community aimed at building a network to support seamless through care and improved information flow;
- more integrated prison-based services involving a teamwork approach to the core sentence management processes of prisoner induction, assessment, intervention delivery, review and evaluation and pre and post release support; and
- a prisoner-centred approach focusing on the individual needs of prisoners and fully engaging them in devising and implementing personal development plans geared towards successful resettlement.

The IPS is currently going through a period of profound change and the last few years have not been easy. Resolving the problem of excessive overtime involved pain. Radical but necessary surgery was required. Without doubt, services to prisoners were adversely affected. But we are moving on. And I think the pain that was, and is being, endured will prove worthwhile. Dealing with the cannibalisation of the prison budget to feed overtime was important. We are also implementing huge changes in our prison estate. We can now refocus on rehabilitation and reintegration.

To have tried to develop a prison-wide model of sentence management before this would have been to build on foundations of sand. The new working arrangements put in place and the renewed vigour with which we are developing a prison estate for the 21st Century gives us solid foundations to build on. Indeed, these developments serve to throw into sharp relief the shortcomings of our current rehabilitation and reintegration systems.

That said, we have been making progress on some pieces of the reintegration picture. In a review of the implementation of its 2002 Reintegration of Prisoners Report, the NESF itself concluded that good progress had been made in implementing the main thrust of the report. In particular it noted a number of encouraging steps including the establishment of the Irish Prison Service's Regimes Directorate with a dedicated Director of Regimes as an important first step in rebalancing the custodial and care/rehabilitation functions of the Service. It recognised also the establishment in prisons of initiatives in outreach and in-reach services to improve prisoner reintegration.

These initiatives have included in-reach initiatives providing advice, referral and support to prisoners on housing (including local authority, private rented and transitional), training and employment, income maintenance, and general social welfare.

The most notable of the above mentioned initiatives are the following:

- prisoners are now entitled to apply to be placed on local authority social housing lists nine months before completing their sentences or likely release dates;
- local authorities are now required to address prisoners' housing needs in their reviews of their housing strategies;
- subject to estate management considerations, remand and short sentence prisoners are able to retain their local authority tenancies whilst in custody;

- under regulations introduced by the Department of Social and Family Affairs, short sentence and remand prisoners can continue to receive rent supplement for a maximum of 13 weeks.

Much progress has been made in the area of post release accommodation. Recent additions to services and accommodation in the Dublin area include:

- an in-reach service to prisoners provided by the Health Service Executive's Homeless Persons' Unit (HPU) to the Mountjoy complex - it is hoped to extend this clinic service to all Dublin prisons and to Dublin prisoners in the Midlands Prison in due course;
- the ring-fencing of a small number of transitional beds in hostel accommodation on North Circular Road;
- a pilot in-reach service to Mountjoy complex provided by the Access Housing Unit of Threshold which sources and places prisoners in private rented accommodation;
- high support accommodation for 14 adult males and supported independent accommodation for 8 adult males (at Priorswood House - PACE);
- a transitional accommodation facility in West Dublin for 8 men aged 18-25 (Padua House - BOND);
- a transitional accommodation project on North Circular Road for up to 6 adult women leaving prison (TUS NUA - DePaul Trust); and
- multi-agency committee, led by HOST (Homeless Offender Strategy Team), is looking at developing arrangements to accommodate and manage homeless sex offenders from the Dublin area on release from prison.

The Irish Prison Service and Probation Service have also contributed to the prisoner information booklet *"What Now? - Useful Things to Know Before and After Your Release"*, published in 2004 by the Department of Social and Family Affairs. Finally, the Regimes Directorate successfully negotiated an extension of the terms of the Revenue Job Assist Scheme to ex-prisoners. The extension of the scheme means that for the first time,

employers will receive a tax incentive to employ ex-prisoners.

So, while the prisons went through a difficult period; we were not sitting on our hands. But our focus must now turn towards the larger pieces that can underpin reintegration, most importantly Positive Sentence Management.

Current Situation and Integrated Sentence Management

Sentence management is not a new phenomenon in the Irish prison system. The core sentence management processes of committal, induction, assessment, intervention, and review pre/post release have been part of prison management systems for many years. They will continue to be part of sentence management in the future.

Positive Sentence Management (PSM) has been advocated in the context of bringing a new focus to how sentences are managed. The existing sentence management processes will continue to be carried out under PSM. What will be different is how those processes would be carried out and how they will fit together as a fully coherent system operating across all prisons and places of detention.

The management of offenders requires a carefully coordinated response, sustained over time, with clear goals and accountabilities in place for service delivery. Where this is absent, investment can be misdirected and opportunities lost in addressing offenders' rehabilitation and reintegration. Even with a full range of interventions in place and strategies to pull them together, rehabilitation cannot be properly effective unless there is effective engagement with the individual offender.

The IPS' response to these developments and challenges is a new model of sentence management which will eventually be rolled out throughout the prison system - Integrated Sentence Management or ISM. This new title, rather than positive sentence management, emphasises the importance of integration in building new relationships between prisoners, the prison system and the wider community.

ISM when implemented will:

- provide integrated, cross disciplinary, sentence management that is focused on the prisoner's resettlement from the moment of committal to release
- facilitate the development of formal, structured information systems to improve the flow of information between prisons and community-based agencies, which is important for prisoner assessment and informed sentence management, including decisions on release
- take a prisoner-centred approach, involving all disciplines working as a team with each participating prisoner to address his/her individual re-offending risks and criminogenic needs as well as other personal needs.
- construct a personal development plan for each prisoner, with the active involvement of the prisoner and support key sentence management decisions in regard to the prisoner
- use structured risk and needs assessment procedures to measure the prisoner's progress
- cultivate the development of an integrated system approach with other criminal justice agencies to support seamless through care
- cultivate the development of an integrated system approach that incorporates in-reach service arrangements with community based agencies.

Core Components and Core Challenges

I want now to outline in a little detail the major pieces of work that we, the IPS and the various other agencies involved, have already completed and what remains to be done to make this vision a reality.

The work agenda I outline is a challenging one, but a necessary one. These challenges relate to the necessary underpinning processes that need to be developed and the problems that need to be addressed in order to develop a coherent and practical model of reintegration.

Information

The prison system needs to obtain information on prisoners to

- identify their immediate needs during committal, induction
- assess their individual needs and risks and tailor an appropriate package of interventions to meet them
- determine the most appropriate custodial option for them
- support decision-making in the context of sentence reviews and, in particular, at times of temporary or final release.

Prisoners themselves are the main source of this information. However, sufficient and reliable information is not always available from them. There is, in any case, a need to verify some information with authoritative sources. The IPS therefore requires access to information from external sources. For instance, information gathered prior to committal by An Garda Síochána, the Probation Service and the Courts Service. These services generally deliver the information required but concerns about information sharing such as data protection and confidentiality often arise. Work is ongoing to address these issues by putting in place formal, structured processes to improve the flow of information to prison disciplines from other agencies in the interest of both the prisoner and the community.

Assessment

As I said earlier current assessment in the prison system can often be based on individual prison services carrying out separate assessments for their areas, such as education or health; and often this is appropriate. However, we do need to ensure that a holistic view of the prisoner is taken, to ensure that there is joined up thinking about how their sentence will be managed and how the risks and needs they present are linked. Getting information from the community about individual prisoners can be vital to getting a full picture.

Assessment processes for some groups of prisoners are very well developed in the prison system. For instance risk assessment processes for offenders in programmes such as the Sex Offender Programme are very

comprehensive and these are reviewed on a regular basis with a view to their continual improvement. A key focus of the prison system is on continuing work on assessment of high risk groups such as sexual and violent offenders.

Developing assessment processes on a wide scale basis for all prisoners represents the larger challenge. The IPS is committed to ensuring that assessment, monitoring and evaluation will be key parts of the ISM process. The purpose is twofold:

- to ensure that the work undertaken with and by offenders is effective, and
- to ensure that resources are targeted for best effect.

Assessment will identify deficits and opportunities and facilitate access to appropriate interventions and programmes, education and training while in custody. The intention will be that while in custody each offender will be positively engaged, develop important skills to sustain change and address factors that will reduce the likelihood of their return to custody.

Interventions and Sentence Planning

Prisoners are a heterogeneous group. They present with a wide range of diverse and complex issues (for example accommodation and family issues, education and work-training needs, medical and mental health needs, financial needs, etc.) all of which need to be addressed if offenders are to successfully resettle on their release from prison and avoid re-offending.

There is very good work being done with prisoners within programmes run by prison services and others provided by outside groups on an inreach basis. We also have a very significant number of prisoners engaging with education. But, most prisoners do not have an overall personal sentence plan mapping out agreed programme paths towards their eventual resettlement in the community. We need to develop, on a wider basis, sentence planning that addresses those factors in their lives that have contributed to their offending.

We are making progress in recruiting specialist staff to develop and deliver such programmes. I have in mind the expansion of the nursing service in prisons who are contributing significantly to drug treatment and other

health areas. While we are still encountering difficulties in recruiting specialist like psychologists, recent competitions have brought us to our highest numbers ever. The efforts expended in recruiting these staff, which were considerable, are very important. For instance, the new Drugs Policy launched by the Minister this year requires staff to implement it; and I am happy to say that we are getting extra staff and extra resources. Nurses and addiction counsellors dedicated to drug treatment are being recruited and will play a vital role in addressing a problem that affects up to 80% of prisoners in some institutions. In addition the new working arrangements put in place in prisons are also allowing us to significantly expand the staffing in our work training areas. All these developments add to the range and depth of interventions we can provide.

That said, we need to continue to expand the availability of programmes and continue to monitor their effectiveness. And the priority target groups will include violent offenders, sex offenders and offenders with drug problems.

Core to all of this of course will be the prisoner. The prison system can provide any range of interventions, but it is the prisoner who must engage and who must commit themselves to change and development.

Working Relationships in Prisons

A distinguishing feature of ISM will be a team approach to sentence management processes by all prison disciplines. This will involve team induction and assessment processes, team delivery of programmes, team reviews of prisoners and team support in preparation for release. Development of a systemic team approach will build on existing multidisciplinary working in the prison system. It will bring a new, shared, prisoner-centred focus to the work of prison disciplines, involving new opportunities and challenges.

Working to improve these systems will improve assessment and sentence planning. It will provide the opportunity for development of systemic approaches to sentence management, while taking account of the differing prisoner needs in individual institutions, such as the needs of women prisoners, juveniles, substance abusing prisoners or sex offenders.

New Working Relationships - the Prison System and the Community

As I stated at the beginning of my speech, for some offenders, the process of reintegration follows a smooth path - their families accept them back, jobs await them, supportive networks stand ready to keep them on the right side of the law and to encourage restoration of their status as residents of their communities. For others, perhaps for most, the process of reintegration follows a rocky path - their families may not be willing to accept them back, finding jobs will be difficult, and individuals in their old peer groups will be ready to support the resumption of criminal habits, as well as drug or alcohol abuse. Such circumstances often contribute to an offender's return to criminal behaviour and prison.

The prison system recognises that offenders not only come from the community but on their release are returning to it; partnerships with community-based groups can play an important role in successful reintegration. One of the main aims of ISM is to improve the processes around the prisoner's transition from prison to their community. Thereby increasing public safety and making better use of resources available in prisons and the community. To achieve this, the IPS must form strategic and tactical partnerships with community-based agencies to integrate and co-ordinate the delivery of services to prisoners.

The IPS recognises that enabling prisoners, insofar as is possible, to stay in close and meaningful contact with their family, will be an essential part of the ISM process. We also recognise the need to draw on the positive support of prisoners' families and involve them in the treatment processes and to enlist their support in the management of the prisoner's sentence.

While there is undoubtedly good work being done in the area of pre-release, there is still a need to build closer links with community-based services. There are many great initiatives currently being taken. For example, a liaison group on drug treatment is in place in Dublin to co-ordinate the work of community groups in supporting prisoners while incarcerated and to help manage their return to the community.

Ideally, there should be continuous links between the prison and lead community agencies through both in-reach and outreach initiatives. This would help prisoners build relationships with agencies in the community which are in a position to provide post-release support.

Conclusion

Much of what I have spoken about today focuses on the practical; the core tasks that need to be completed. This is deliberate.

The questions of ideology and philosophy are to my mind settled. The diagnosis of where our systems are deficient has been completed and a solution prescribed. The focus now must move from prescription to implementation; toward doing rather than strategising.

I have made clear today, I hope, that the Irish Prison Service has recognised that it cannot achieve real success in rehabilitation or integration acting alone. We are committed to working in partnership with other state agencies and, importantly, the community and voluntary sector. And I hope that the representatives of those sectors here today share our vision and see a central role for themselves in it.

HOW FAR IS THE TREATMENT OF OFFENDERS LED BY PUBLIC OPINION?

Mr. Gordon Holmes, Chairperson Parole Board

Last year, following the publication of the Annual Report of the Parole Board, I gave, as is my wont, certain interviews to television and radio programmes that have an interest in our work. One of these was the local Cork FM Radio. I gave an interview to them mid morning from my office in Limerick. I discussed the attitudes which the Parole Board take in dealing with persons convicted of murder. I indicated that we had ourselves applied a tariff and that when we were originally formed that tariff was somewhere around 12 years. We had to disabuse the public of the idea that there was virtually an open door system operating in the prison service. I indicated that the prolific number of murders that had happened since the Parole Board came into being meant that in order to put down a marker for the public we had to increase that tariff year by year and it probably now stood at somewhere around 14 or 15 years. The purpose of this increase was to show how we, representing the public, thought the present spate of killings was abhorrent and no matter what the circumstances of a death were a person convicted of murder could expect to serve at least that length of time.

I went on to say that of course gangland murders were something else and that whilst each case was dealt with on its merits we regretted having to take this approach but the common good of the people of Ireland seemed to us to require it.

As the programme was drawing to a close the person running the programme said to me "you might be interested to know, Mr. Holmes" he said "that since this programme started we have had a number of phone calls from listeners. Certainly 5 of those listeners wanted only to discuss the crime of murder and all 5 of them thought that persons convicted of murder, irrespective of the circumstances, should serve life imprisonment and that life should mean life i.e. you throw away the key". I indicated at the very end of the programme that the

idea that all persons were beyond rehabilitation was something that I did not think the Parole Board, however harsh they may be perceived to be, would go along with. If prisoners cooperated and did the best they could to rehabilitate themselves they could expect to be dealt with as reasonably as was possible under the current prevailing circumstances.

Nonetheless, the attitude of the ordinary housewives of Cork remained in my mind because it typifies, I think, the attitude of the ordinary silent majority of Irish people. I have forgotten which of the English poets it was who said "We are the men of England who have not spoken yet". Well these were the housewives of Ireland who had not spoken and yet here they were undivided in their view that life meant life and that the Old Testament's lesson of an eye for an eye and a tooth for a tooth should be what the Irish legal system follows.

So where does this leave us and where does this leave the whole system? There is absolutely no point in rehabilitating a prisoner if you are not going to show light at the end of the tunnel. There is no point in encouraging a prisoner to address his offending behaviour or to address his weaknesses if you are not going to reward him in some way at the end of the process. It was always a matter of intense disappointment to me that when sex offenders were held in the Curragh, as their place of detention, that the sex offenders programmes had to be cancelled because nobody was signing on for them. Why was this? Well the reason was perfectly simple. No Minister for Justice, Equality & Law Reform of the most liberal ideas would grant early release to a sex offender under the prevailing climate in this country. Therefore there is nothing in it for them. There was no point in their doing Offenders Programmes or any other programmes if they were not going to be rewarded for doing it.

This of course gives rise to many other problems. Are persons applying for parole merely going through the

operation of ticking the boxes so to speak and not in reality addressing their offending behaviour at all? If sex offenders will not attend programmes that will benefit them because those programmes will not produce any tangible benefit to the sentence they are serving then is the only reason that persons attend these programmes to give the impression of doing their best to rehabilitate themselves so they will qualify for parole at the earliest possible time?

Now times have changed we all know that. Very many years ago Mr. Justice Melford Stephenson, who was the United Kingdom's equivalent to the late George Murnaghan, was sentencing an old lag, who was then in his late 70s and caught even at that age, for yet an offence of housebreaking in which he had an enormous record. Melford Stephenson, reading this dreadful record, proceeded to sentence the old man to 15 years in prison.

The old lag looked sadly back at Melford Stephenson and said to him "But my Lord I am 78 I cannot possibly serve 15 years".

Melford Stephenson looked at him with what would pass in Melford Stephenson's eyes as kindness and he said to him "Well do as many of them as you can".

That day has gone but what has replaced it? The Cork housewives would undoubtedly applaud, in the loudest possible manner, Mr. Justice Melford Stephenson's approach to these cases. The question which I would like you to consider today is whether organisations like the Parole Board, the Prison Service, etc. lead public opinion in what public opinion should believe or follow public opinion so that our political lords and masters may benefit from it. It is because of the views of right-wing Central Americans that many States in America still embrace the death penalty. Any person who is soft on it suffers politically. The same does not quite happen here but there is little doubt but that if a Minister for Justice, Equality & Law Reform proved soft on a sentencing policy that he would suffer at the polls for it. There is not that much difference between Dublin 4 and the bible belt of the United States. Well, what is our system? Can it and should it be improved and should the ultimate decision on release of prisoners be removed from a politically elected Government? These are

matters which I would invite you to consider with me over the next few minutes.

It is interesting to observe that the second last Government were elected on a policy of what was called zero tolerance. The electorate embraced that policy, returned the Government with a considerable majority and, in fairness, the Government introduced an amount of legislation aiming at dealing with law breakers. Drug offenders and others were made subject to the most severe custodial penalties. Obviously, therefore, the policy was one to which the public related. The ordinary man in the street thought that there should be zero tolerance.

As time went by the policy became eroded but more eroded by judicial intervention than by the policy itself.

There is one rather odd matter that affects the Irish race. Whilst the silent majority are undoubtedly rather right-wing conservatives who favour a strong penal legal system nonetheless our press are the very opposite. It is much to be regretted that the Garda Síochána have given the press so much ammunition with which to attack them but it is in the interests of the press generally to attack the Government of the day, to attack the institutions of the day and generally to appeal to an attitude of liberalism which it seems only exists among a minority of Irish people.

The difficulty we are up against is that if a group such as the Parole Board considers it appropriate that it should recommend Parole to any given prisoner then it really should only do so on the basis that that prisoner, being released on supervision, will receive all the backup services that are available. But what are these backup services? Are they available? Is there, throughout the prison service, sufficient staff to enable the Prison Service or the Probation Service to do the work they would like to do?

Many years ago, on attending a seminar, I heard a speaker make an extremely telling point. It was that if any member of a government takes an initiative and then raises the level of public awareness, followed by the threshold of public expectation but then fails to deliver the adequate funding the end result is disastrous.

How often has this proved to be true? Successive Government Departments in this country embark upon such initiatives in many different walks of life. How many times have politicians promised reform of the Health Service? How many times have politicians promised reform of road infrastructure? Promises are made. Are they adequately funded? They would not seem to be. Alternatively, the funding that is provided for these is wasted by the Institutions themselves. Nonetheless, the failure to provide within the confines of the Prison Service the adequate backup services that are necessary reduces in a very practical way the remedies which are available for the rehabilitation of prisoners. It is not that long ago that in addressing the Prison Chaplains of Ireland Mr. Justice Geoghegan of the Supreme Court said that once a prisoner has been rehabilitated and is released back to Society with the necessary backups to assist him this is the best possible result not merely for the prisoner but also for society.

Yet is that a viable and practical approach? If that necessary backup is not available and if indeed during a prisoner's incarceration the various programmes that he needs for rehabilitation are not made available to him then in the interests of society what can be done? Has he to remain in prison with no education in addressing his offending behaviour, with no education in addressing any weaknesses that has brought him to where he is, with perhaps no programmes on drug addiction or alcohol available to him as is the case in certain penal institutions in this country, then what can be done for such a person? As he is not rehabilitated can he be released before he has served his sentence?

The Press deride our prison system and have certainly poured scorn on certain of our institutions. The recent deaths in Mountjoy Prison quite rightly attracted proper media attention. Yet the Press have managed to do the impossible. They have managed to criticise the Government for maintaining Mountjoy in its present state and furthermore criticised the Government for the purchase of a site for the new prison. They have criticised the Department of Justice, Equality & Law Reform for paying too much for that site when that Department in fact decided that they would operate in a transparent way and make clear the purposes of its

acquisition. Thus betting each way in a two horse race appears to be a matter in which our media are most adept.

It is very important to remember one matter. When a prisoner is sentenced in prison he gets the benefit of a remission of part of his sentence for good behaviour.

Now the history of remission dates back to somewhere around the year 1900 or soon thereafter. Rather bravely and running against the inclinations of the public at the time the Government of the day introduced a system of reform whereby prisoners who were well behaved and who worked industriously, presumably sewing mailbags or breaking stones, received remission on their sentences and thus got early release. So it was carried on for years and years. The Government of Prisons Rules in 1947 repeated the phrase that the way in which remission was obtained by prisoners in this country was special industry and good conduct. This shows at least that nothing had happened in the 50 years during which remission was in existence. The problem is that once a prisoner serves his sentence then on the day when his remission clicks in he walks out the door of the prison and is not subject to any form of supervision by the Probation Service or by anybody else thereafter. He has served his sentence. He has answered his debt to society. Nothing is done for him once he walks out the door of the prison.

Is this right? There has never been in the slightest any move for its reform. There has never been any public demand for it. Most people hardly know that this is the system which operates.

When, on the other hand, a person is released on temporary release, or parole as it is known, then they are subject to the supervision of the Probation Service and in other words an eye is kept on them. The difference is very important.

In the United Kingdom remission of sentences is up to 50% which is applicable in most cases. There is parole over and above that. That is why when you see sentences imposed by United Kingdom judges on prisoners they invariably are far more severe than would be imposed in this country. In this country remission is 25%. Very oddly female prisoners may earn up to 33%

remission. I am sure that is contrary to some equality declaration or other. Somewhat surprisingly no male prisoner has ever claimed to the Equality Authority, who seem from time to time to listen to everything, that this is discriminatory. Whether this is discrimination against men or discrimination in favour of women I am not too sure. Nonetheless it is how the law stands.

It is 21 years since the Whittaker Commission recommended that the present rates for remission should be raised from their present level of 25% to 33 and a third per cent in line with European standards. The Law Reform Commission, in a Consultation Paper some years later, agreed with this. Nonetheless nothing has been done about it. Why?

There is only one reason for it. There are no votes in it. It would not be a popular measure and with the amount of lawlessness that goes on in this country public opinion would not recommend it. Now it is obviously safer to release prisoners into the public domain when they are still under probation supervision than otherwise. It is also obviously more advisable to release people into the public domain when they have themselves attended such programmes and such courses as are available to them to amend their offending behaviour. If they are drug addicts, as is so frequently the case, if they have an alcohol problem, as is equally frequently the case, then these must be addressed. Obtaining alcohol in prisons is difficult although not absolutely impossible. Obtaining drugs in prison is regrettably all too frequent.

The most startling and upsetting feature of prison life that we in the Parole Board found was that of persons in prison for sex offences at one stage out of 400 persons only 8 people were doing the Sex Offenders Programme in one prison and lack of interest caused it to be completely cancelled in another prison. The reason for this is obvious as I have said earlier. No Minister in his right mind was going to release a sex offender back into the public with the inherent risks of re-offending and thus risk political fallout for the Minister in question. Once the prisoners realised that they were not going to get any additional benefits from attending these programmes they did not do so and thus sex offenders stayed in prison until their remission date and were then released without supervision. Furthermore they were

then released without any effort having been made by the State to do anything towards their rehabilitation and without any form of proper training. Is this really what we want and is this really in the public good?

The public may require a great deal of education to be brought to understand some of these issues but no real effort has been made to do so.

It is probably interesting to see the attitude of Courts in other countries on dealing with serious offenders and dealing with murder cases in particular. In the United Kingdom, the trial judge, imposes a life sentence and then indicates what is known as the tariff. That is the length of time that the prisoner would serve in prison. Lest the individual trial judge be too reasonable the entire file has to be read by the Chief Justice who has to endorse on the recommendations of the trial judge to the Minister his own imprimatur. Thus before the Government considers what is the appropriate tariff in every case they have the view expressed by the trial judge either endorsed by the opinion of the Chief Justice or corrected by the opinion of the Chief Justice. Immediately on serving that tariff the prisoner becomes eligible for parole and inevitably receives same. It is to be pointed out that the Parole Board in England is a statutory body who make their own decisions and are not subject to any interference by the Home Office. It is intended I know that the Parole Board in the United Kingdom should soon be moved to be controlled by the Lord Chancellor. I have attended a meeting of the Parole Board in the United Kingdom and I must say if our Parole Board ever operated in a similar manner I would feel, as its Chairman that I was gravely in dereliction of duty. They managed, when I was there, to get through somewhere like 75 cases in two and a half hours. This will show you the length of time and attention that they give to each case and it will come as no surprise that so many offences in the United Kingdom are committed by those on temporary release.

If the Irish Parole Board saw somebody, for whom they had recommended parole, commit a further offence whilst released how would they feel about it? There are two arguments. First of all if it never happens are the Parole Board being far too conservative in following the bible belt of the United States or the ethos of Dublin 4?

The issue as to whether decisions on these matters should be made by Government Departments headed by a politically elected representative are, to put it mildly, arguable.

On the one hand the argument lies that the Minister for Justice, Equality & Law Reform is answerable to the people, he is duly elected by them and he must, in what he says, reflect their views. The cases which fall to be dealt with by him are cases in which a fully competent and impartial Court of law has made adjudication. The question that comes before him is whether or not he should exercise leniency towards any of those persons who have been dealt with by the Courts. Remission arises by virtue of prison regulations and a prisoner virtually gets it as of right. However, temporary release is in fact voluntary leniency exercised by the Minister and in exercising this leniency he obviously must take into account public attitudes.

The contra argument, which I suppose applies more in murder cases where the mandatory sentence is life imprisonment, runs somewhat like this. The release into the public of a convicted murderer, who has been sentenced to life imprisonment, is not a matter which should be dealt with by a person politically elected. If such is the case then the Minister will always be much more careful of what they are doing and much more careful that the public interest is represented and the public safety reflected in the decisions they make. This is not the best impartial way of carrying out the law in sentences such as this. The decision made by a Statutory Board and perhaps subject to Ministerial veto should enable that Board to use its own dispassionate judgment in making decisions in any cases of murder, many of which become politically tainted.

In raising this issue I must obviously make mention of cases such as McArthur which had a serious political side to it which obviously rendered it a most sensitive case for any politician to touch. It is surely better, in cases which have a political element to them that they are dealt with by a Statutory Board whose decision ends the matter.

Between these two varying approaches a decision has to be made. The present Minister prefers to hold the reins in his hand and there are, as you can see, strong arguments for saying that this is the correct approach.

The contra argument would actually relieve the Minister of that burden but that is how matters lie at present. As you can see from earlier comments I made there has not been much change in the approach to prisoners over the years.

Well, where do I think the future should go? Public Press and radio and T.V. media did their best to pour scorn on the zero tolerance strategy of the second-last Government but I have little doubt but that the average Irishman endorsed it. Certainly where drugs are concerned a zero tolerance regime finds considerable favour with the public. However, we really at this stage should make more fundamental reform of our penal system. It is depressing to see the vast percentage of persons are in prison for sentences of three months and less. Since many prison places are occupied by such short time prisoners alternative coherent methods should surely be examined.

Where do I think we should begin? I think we should begin with a total review of our sentencing system. It is perfectly clear that drugs will not be limited in any way on our streets until those concerned are afraid of the consequences. Are drug dealers afraid of what will happen to them now? It seems that they are not. There seems to be no shortage of persons who will do the footwork or the dirty work for the drug barons. They do not seem unduly scared of the sentences that are imposed upon them.

When was our system of remission last looked at? Surely it would be better if remission was contingent upon certain conditions. It would be worthwhile, indeed, experimenting with allowing a greater degree of remission for prisoners convicted of non violent offences who complied with each and every programme which the Probation Service recommended for them. Why can that not be brought into effect? Why can we not, say, have a system of remission which would allow remission at least up to thirty three and a third per cent of a person's sentence providing that the offence for which they were committed did not involve violence. Such remission, however, would be contingent upon the prisoner taking all steps to rehabilitate himself by attending the programmes which the Probation Service and the officer dealing with his case recommended. If this then happened he would be in a better position to rejoin society.

And what would happen when he did rejoin society? Well first of all he would only get remission if he attended these programmes. A person who made no attempt to rehabilitate themselves would get less and less remission. They would only get that degree of remission which would ensure good behaviour whilst in prison. I would favour in full a flexible system.

The alternative is to leave the remission as it stands or reduce it perhaps slightly to 20% of a sentence making available another 15% remission providing that there was compliance with certain conditions.

Should the judiciary participate in this? The answer is quite possibly, but quite often circumstances arise during a prisoner's incarceration that did not arise prior to his trial and therefore matters can arise about which a trial judge would know nothing.

On release what provision would be available for that prisoner to ensure that that prisoner did not resume effectively where he left off? One of the biggest difficulties which the Parole Board have to deal with is where a prisoner, who is given temporary release, will reside. Very often the murder which he committed happened in the area where he lived and there is still a feeling of great anger in that area. One cannot but have sympathy for, say, the father of a girl murdered by a young man. I have had my own experience of being telephoned by such people. There is nothing really you can do for them and a prisoner's sentence obviously cannot be determined by the persons against whom he offended. Nonetheless it is very easy to see the anger that can be caused in a locality over a brutal murder and the passage of time will not dim that anger. It is therefore clear that prisoners on release need supervision and very often frequently need help. Where does that help come from? It comes from the already overloaded Probation Service. Some of the work and opinions written by the officials of the Probation Service are really first class. The work they do they do quietly, unheralded and unsung. It is very valuable work. Its appreciation by the public is not understood. Why? Because our media chose to leave it that way.

Many citizens of Ireland join on visiting committees to prisons and give voluntarily of their service to help out. Do they get thanked? Clearly not nearly enough. Is the good work they do appreciated by the public – hardly at all. Why? Because, again, it is not newsworthy.

The present situation, therefore, is that the Probation Service and the Prison Service are doing their very best under very extreme circumstances. Every time that something goes wrong they can absolutely depend upon the media to lead a chorus of disapproval. Every time that things go right and their programmes succeed in rehabilitating prisoners they can equally rest assured that the media will say absolutely nothing about it. Those persons who work on visiting committees to prisons and voluntarily give their service to help out are in an exactly similar position. If they make a recommendation which is followed and works out well you can rest quite assured that some politician will get the credit for it. If it goes wrong that same politician will probably respond by saying that all he did was to follow the recommendations of the visiting committees. In fairness to the present incumbent at the Department of Justice, Equality & Law Reform this does not happen but there is an added reason for that and that is that he does not always take such advice but being, to put it mildly, a very independent spirit uses his own judgment to come to his own conclusions and in fairness blames no one else for them. The trouble is that if you do not release prisoners you cannot be accused of making a mistake. The problem in England is that they have released huge number of prisoners who proceeded to go and offend again. If even one tenth of that happened in this country there would be a national media led outcry. It is difficult to strike a balance and difficult to maintain it. Yet that is what institutions such as ours and conferences such as this are here to attempt.

Where then have we gone since remission came in over a hundred years ago? Remission is now almost a right. Even bad behaviour and assaulting prison warders causes no more than the loss of a few days remission. Yet many years have gone by since the Whittaker Commission made its recommendations and since the Law Reform Commission made its recommendations.

Some years ago the Judges adopted a most undesirable practice of suspending substantial portions of a prisoner's sentence. In one extraordinary case in Cork a sex offender was sentenced to 8 years by a Judge who promptly went on to suspend over six of those years. The argument is surely that when you look at his sentence coldly he imposed a sentence of 6 or 8 years or whatever it was and the fact that it was nearly all suspended subsequently by the same Judge becomes of less importance. It was little short of window dressing. The trouble with it, however, was that prisoners were being released whether they attended the relevant courses or not. I often wonder whether the judiciary fully understand and appreciate what our parole system is in this country. I wonder do they realise that the principal task facing the system is first of all the management of prisoners and of the sentences imposed upon them to the greater benefit of the prisoner and then to determine and adjudicate after the due passage of time on his or her ability to become rehabilitated and to take their place in society again.

It should be clear from this that it would be a far better system if prisoners were required to participate in the educational courses available for them to enable them to address their offending behaviour before they gained the maximum remission that would be available for them.

Can I put it a different way and raise indeed some other issues. Why, when persons are given temporary release, otherwise known as parole, might they be required to fulfil certain conditions as to where they reside, as to what they do and the company they keep, etc. Yet, people on remission have none of these sanctions. The door opens, out they go and all form of control ceases. Is this the right way to help prisoners towards their own rehabilitation? Very often persons are born into circumstances which give them virtually no chance of avoiding spending long periods of their lives in prison. Society has brought this about. Society must in turn owe them a duty to do everything it can for them to escape the consequences of parental neglect in a system which was for so many years neglected by so many. Many of the persons who are attending this conference have taken time off to attend it. By their very presence and by

the work they do they have shown their dedication to the principles for which it stands. The difficulty is that since there do not appear to be any votes in the rehabilitation of prisoners governmental support will always be muted. There is a lot of work to be done to ensure that the view of the Cork housewives does not absolutely prevail and yet we must be responsive to what the public think. Let that at least encourage us to do what work is necessary in the teeth of attitudes which vary between apathy and downright opposition. The Parole Board have frequently found a number of factors in the present system disturbing. The many complaints about St. Patrick's Institution raise issues about the rehabilitation of young offenders at what is for many of them their last chance at such rehabilitation. Roll on Thornton Hall. To find 18 year olds in prisons such as Wheatfield, exposed to hardened criminals, can be seen as an admission of defeat and is something that has caused us concern for quite a long time. Once young offenders are in the prison system their future is bleak and the task of those trying to bring about the rehabilitation gets all the more difficult.

Bearing in mind that the Parole Board can only make recommendations and although those recommendations are almost always followed how should our achievements, if we have made achievements, be measured? Is it by the number of prisoners that are released on our recommendation? No votes in that. Is it by the number of prisoners to whom temporary release is refused? Certainly that would represent, to a large extent, the public view of what we should do but yet is it fair? Our ultimate goal is to assist in the management of long term prisoner sentences to try to reach the optimum result for every individual prisoner. If the prisoners do not cooperate so be it but if they do then our role is to advise, to help and to assist, and to recommend such programmes and courses as will enable them effectively, on release, to rejoin the human race. It is a daunting task and a task made all the more formidable by the weight of public opinion which has of course been formed in the teeth of the growth in lawlessness and in organised crime in this country which has now reached unprecedented heights. It is only a matter of time before the persons who perpetrated some of these gangland murders come contritely before

us or our successors seeking temporary release. It is a problem which Ireland never had until now and it is a problem which will have to be dealt with firmly. That is why, as I said at the outset, the tariff for taking life must be kept under constant review and the public apprehension must be given full consideration. In that way we can respond to public opinion where appropriate and yet attempt to influence that opinion where that is warranted.

The strength of IASD and of this conference generally is obviously shown by the attendance here today. A story told some years ago of a large seminar being held in this country and when the first speaker, he was pleased to see quite a large gathering present. The conference was opened by the relevant Minister who gave a major address. When the Minister had finished and the first speaker was about to go up on stage, he was horrified to see that virtually the entire audience left. Finally, he remained on the podium with only two persons in the audience. Everyone else had followed the Minister out. Considerably taken aback by this but being a professional at heart, he delivered his paper in any event to a virtually completely empty conference centre. When he had finished, he left the podium and as he was walking past one of the two persons who constituted his audience, he went up, leant across and thanked him very much and he said "I would like to thank you for having the courtesy and good manners in remaining to hear my paper". As he then proceeded towards the exit, he heard a plaintive voice call after him "but hey, are you not going to stop and listen to mine"?

Fortunately, such is not necessary today.

To sum up then, we live in an Ireland which is as lawless as it has ever been and with a higher rate of murder than it has ever had. Gangland murder was unknown in this country and now we are as bad as Chicago was in the 20s. The public are not at the moment interested in rehabilitation. The public are interested in getting lawlessness off the streets. They are interested in having drug dealers locked up. They are interested in having murders remain in prison for a very long time. They have been led in this belief by the media, by newspapers and by television.

The dedicated persons who work in the rehabilitation area are not therefore receiving the support they need and their issues are not being prioritised, as they should.

There are no votes in it. Added therefore to the many tasks that lie ahead, is a major task of educating public opinion to realise the values of rehabilitation in a civilised society. The dedication of many of the persons who are present at this conference must be supported in the most practical way possible for the common good. In addition therefore to educating prisoners and putting them on the road to rehabilitation, we have perhaps an even more difficult task of educating a media driven public opinion down the same road. Though a task it may be, it must be done and every possible support be given to those dedicated persons who devoted so much of their lives to this excellent work.

One of my favourite legal stories involved an eminent Judge, Lord Darling, and an eminent Queen's Counsel in England, Sir Edward Marshall Hall many years ago. They both nourished a very considerable dislike for each other. Having appeared in a case and having made legal submissions before Lord Darling for over an hour Sir Edward Marshall Hall finished his case whereupon Lord Darling looked at him and said to him "Sir Edward, I have been listening to you for an hour and I am afraid I am none the wiser".

Sir Edward Marshall Hall looked back at Lord Darling and said "That would have been far too much to hope for but at least you are better informed".

Even though I fear that you are probably not better informed nonetheless I would like to thank you for the kind invitation to speak at this excellent and most prestigious Conference.

Many thanks.

Gordon Holmes

A CHANCE TO CHANGE – A PROBATION APPROACH TO EFFECTIVE OFFENDER INTEGRATION

Mr. Michael Donnellan, Director Probation Service

To be on Probation means you are given an opportunity to 'prove' yourself and to convince society that you have changed or mended your ways. Probation emerged over a hundred years ago as a humane and effective approach to helping offenders change.

Probation today means the same as it did in 1907 in that offenders are not just left on their own to make the necessary changes but have the benefit of Probation Officers to work with them. Now a hundred years later, the interventions have become more focused and the methods increasingly based on what works (evidence). However the objectives have always been the same; identifying the issues contributing to the offending, setting targets and working with offenders to achieve change and specifically to reduce re-offending.

The theme of this paper is a chance to change and I will cover the 3 areas of change that will strengthen the Probation Service approach and reinforce our contribution to effective offender integration.

1. Firstly, the chance for us to change. The Probation Service itself is going through a process of change and refocusing that will give us a more strategic direction, allow us to play a significant part in the criminal justice family and be an important component in the Government's approach to tackling crime in the 21st century.
2. Secondly, the chance for our clients to change. In 2005 the Probation Service compiled over 8,400 offender assessment reports and managed almost 8,000 offenders in the community.
3. Thirdly, the opportunity/chance for change needs to be planned, managed and driven, not left to chance/destiny.

1. THE PROBATION SERVICE'S CHANCE TO CHANGE

Plan

A new Interim Strategy – 2006 - 2007 which sets itself three high level strategic goals:

- Delivery of the Department's business objectives through the effective use of our resources and the implementation of modernisation commitments.
- We will create a strengthened Probation Service, built on shared national standards, and services that are locally developed and delivered.
- We will build appropriate structures and interagency links, to ensure maximum co-ordination with key justice agencies in this and other jurisdictions.

The Strategy also sets out six strategic actions:

1. Management and Staffing

We will critically review our management and staffing structures, capacity and operations and make the necessary changes to ensure greater efficiency and accountability.

2. Delivery of Effective Services

We will restructure our delivery of services to the courts and prisons by refocusing our resources in order to improve effectiveness, efficiency and increase output.

3. Young Persons' Probation

We will create Young Persons' Probation (YPP), a division of the Probation Service, and dedicate specific resources to it.

4. Funding and Service Delivery Agreements

We will review, and reform where appropriate, our funding and service delivery agreements with our partner agencies and projects to ensure they are in keeping with our refocused commitments.

5. Restorative Justice

We will further develop restorative justice models and reform and revitalise our delivery of Community Service.

6. Legislation and Policy

We will examine the legislative and policy requirements necessary, in conjunction with the Department of Justice, Equality and Law Reform, to meet the new circumstances and demands faced by the Service.

This strategy will be a reforming strategy which sets concrete goals for us to achieve.

Review and Evaluate

- What we do
- Why we do it
- How we do it
- Develop performance indicators and agreed outcomes, e.g. less offending, reduction of violent crime
- Measure target fulfilment, examine what precisely we have achieved
- Feed back into the process the lessons learned from the issues we have grappled with.

Integrate

- How we will re-examine work within the criminal justice family, to become one part of an effective multi-agency approach with a common goal of crime reduction and effective offender integration using the specific tools of effective probation interventions.
- We plan to develop a common language with agreed targets and recognised roles and contributions. Also we can together prioritise categories of offenders and offences.

Audit

The Service has just commenced an 'As Is' Audit of our operations services – some 46 teams in all will be audited and a report with the principal findings will be prepared by December 2006.

It is of the first importance that we be clear about what we have and precisely what resources are realistically available to us.

Research

- There is a need for both short term and long term research on the effectiveness of probation. We need evidence to determine what works and what interventions need to be prioritised. Research can give us a firm basis on which to proceed because it provides empirical evidence about whether or not offenders do "grow out" of offending or whether programmes/interventions do in fact create change.
- We are planning an action research methodology to inform our practice as we develop our services.

Organisational Development and Change

The organisation itself requires change. The systems, the governance, the overall organisational efficiency at delivering its services requires consideration, development, improvement, good management, good supervision, good financial management and administration will all contribute to the desired outcomes.

Development of a Common Overall Goal – A Systemic Approach

It is worth looking for a moment at what happens to an offender when they enter the criminal justice system.

Each agency has a different primary focus, though overall, they should lead to the one end.

- The Garda Síochána investigates and prosecutes crime subject to the directions of the DPP.
- The DPP considers whether there is sufficient evidence to bring prosecution in serious cases and whether it is the public interest to do so.
- The Court determines innocence or guilt and imposes appropriate penalties.
- The Prison Service manages offenders who have been committed to custody and helps them prepare for release at the end of their sentence.

- The Parole Board considers the release from custody of long-term prisoners and proposes the particular conditions that any such release would be subject to, including Probation Service intervention.
- The Probation Service provides assessments to the courts, supervises community penalties and assists in the re-integration of prisoners back into the community following their release from prison.
- The Probation Service and voluntary bodies work in partnership providing programmes within the community.
- Victim support provides vital services to those affected by crime.

As we can see the Probation Service is involved with a significant number of the agencies particularly from the Court onwards.

Other agencies support offenders i.e. mental health services, drug treatment services, accommodation services and their expertise needs to be hooked into contributing to a multi-faceted programme.

A key skill for probation officers is to make appropriate referrals of offenders to specialised programmes. Once accepted, supervising Probation Officers will follow up and co-ordinate progress with the programme providers.

Probation Service staff are also heavily involved in inter-agency collaboration at a local, regional and national level.

EACH AGENCY HAS A DIFFERENT PRIMARY FOCUS ... HOWEVER IT SHOULD LEAD TO ONE END.



2. EXAMINE THE CHANCE THAT WE THE PROBATION SERVICE GIVE OUR CLIENTS TO CHANGE

Selection of 2005 statistics

Supervision Type	
Number of Probation Orders made	1,274
Number of Community Service Orders made	1,167
Number of Orders for Supervision During Deferment of Penalty	5,230
Total number of Community Service Hours	122,365
Number of Lifers supervised in the Community	57
Number of Sex Offenders supervised on Post Release Supervision in the Community	81
Number of Sex Offenders supervised in the Community who did not receive a custodial order	124
Number of Offenders on Temporary Release in the Community	51

2005 Statistics Assessment as an intervention

Assessment Report Type	
Total Number of Pre-Sanction Reports	6,385
Total Number of Community Service Reports	2,040

Victim Reports	
Total Number of Reports Completed	46

Assessment has to be seen as an intervention since in many cases it is the beginning of a change process. Currently the Service uses LSI-R, the Level of Service Inventory Revised, which assesses the risk of re-offending. The Service is also currently considering the Harris Risk Assessment Model from Canada which would help in assessing the risk that offenders would engage in further dangerous behaviour, particularly with reference to sex offenders.

- Work in prisons, communities and courts. We work with particular categories of offenders who have specific needs and issues to be addressed e.g. young offenders, sex offenders, drink driving offenders, those who have problems in managing anger or violence and who for example are on the Intensive Probation Supervision Programme.

- Building on the strengths of our clients – a resilience model helps increase the ability of offenders to cope with crises, and not simply revert to their learned pattern of problem solving, i.e. alcohol or drug abuse, dangerous driving, interpersonal violence.

The unique contribution of the probation service as part of a continuum

Work as part of a continuum

- We link it to child development and specialist social services active before the court case, we deliver assessments and supervised community sanctions on behalf of courts while liaising with the Gardai, we work alongside prison administration and other services in places of custody as part of preparing offenders for release, and we supervise serious offenders (including lifers) who are granted temporary release to reside in the community.

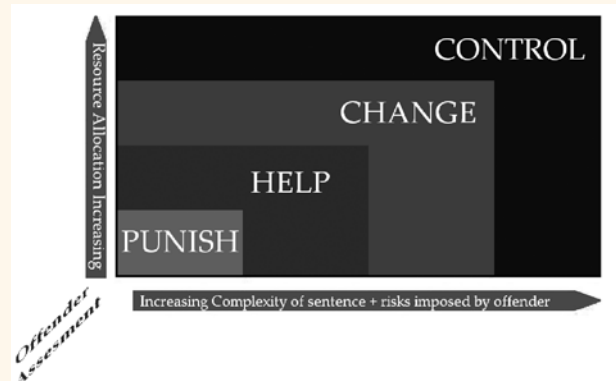
3. EXAMINE WHY WE SHOULD NOT LEAVE CHANGE TO CHANCE

We believe that people should take responsibility for the choices they make and that people should be held accountable for those choices and for their actions. We also believe that when a person becomes involved in the Criminal Justice System, by contact with the Gardai and the courts that we should grasp the opportunity to organise and implement programmes that bring about change in the person's attitudes and behaviour, particularly those lifestyle patterns that have led to crime in the past and may do so again if no intervention is made. This must be undertaken in a co-ordinated way.

A Model of Offending Management/Integration

- Punish
- Help
- Change
- Control

Four Purposes of Offender Management



This diagram shows the level of resources needed for each key objective in offender management. Starting from the left:

- Punish is to contain in custody, to restrict contact in the community and enforce compliance. Punish is to require offenders to undertake or refrain from specific behaviours and ensure that those requirements are met, whether economic, social or personal. Freedom is cut back by having to pay fines, liberty is restricted through behavioural controls in the community or is taken away by being removed from the community. There is therefore always an element of punishment.
- Help means assistance with accommodation, employment and addiction, education, training, appropriate leisure activities, relationships, peers family and friends. To address seriously the roots of offending, there should always be an element of help.
- Change is the business of the Probation Service, building relationships with offenders and using restorative justice programmes so that the victim can be brought centre stage, have their needs assessed and their attitudes or behaviour altered to the better. Again, to take seriously the need to inhibit re-offending, there must be an element of change.

- Control particularly applies to high risk dangerous offenders who pose a continuing threat to the safety and well-being of the community. The Probation Service in conjunction with the partner agencies within Justice need to develop robust mechanisms to manage high risk and dangerous offenders within the community. These cases by their very nature should acquire additional resources as they are more complex. There is a need for all agencies to work together and for a co-ordinated multi-agency approach to be developed.

The level of service should vary with the risk, so clearly the resource that need to be allocated increase in direct proportion to the complexity and risks presented by the offender in question. Here we are talking not just about the risk of re-offending, but also to the risk of further dangerous behaviour. Acknowledging this and measuring the degree of risk is the “sine qua non” for building focussed management of the offender and of their risks.

We are all working to the same objective; to tackle crime and bring about safer communities. We all bring our own distinct and unique contribution to effective offender integration. In the Probation Service we recognise that this is our ‘chance to change’ to bring about revitalised service, working closely with our colleagues in the Criminal Justice System to drive out a co-ordinated response that tackles crime and increases public safety.

LIFE AFTER PRISON – THE REALITY OF REINTEGRATION

Ms. Lisa Cuthbert, Director PACE

In my paper today I hope to demonstrate the struggles that ex-prisoners and ex-offenders deal with upon their return to the community. I will also provide specific information about PACE and the services we provide. Finally, I will suggest a number of recommendations which I feel would improve the current situation.

PACE is a voluntary organisation that was founded in 1969. Its aims are to provide safe supported accommodation, training and education and personal and social development programmes for ex-prisoners and ex-offenders. We also seek to prevent recidivism and enable the individual to move forward.

PACE is the largest voluntary agency in Ireland working with people leaving prison and we work in partnership with the Probation Service, FÁS, the VEC, Dublin City Council and other agencies. Although initially established to work with ex-prisoners PACE has increasingly found itself working with ex-offenders who have not been in prison but need assistance.

PACE are involved with a number of difference projects; the Training for Employment project, and Priorswood House which provides transitional accommodation for men. We adopt a holistic approach to our work with a focus on the needs of the individual. PACE offer packages of accommodation, training, education and personal and social development programmes.

We support the development of relationships, which has come to be defined as 'social capital'. Employment and familial support networks represent two of the most frequently cited sources of social capital. A person's past does not have to be a life sentence.

As a voluntary agency working in the community PACE can offer a unique perspective on the challenges that people face as they attempt to move from prison and/or an offending background into the wider community. We see on a daily basis the struggles that people face as they do this and the barriers and obstacles that are in their way as they take the necessary steps to move on.

Reintegration vs. Integration

For the majority of people that PACE works with the issue is one of integration rather than reintegration. The difference is that reintegration implies that they had been integrated into the community prior to their imprisonment or offence and this is often not the case. Therefore the presentation must look at this issue as the first steps of integration and the different settings that people will do this within.

Profile of ex-prisoners

Prisoners are predominantly male, young, under-educated and from the two lowest socio-economic classes. A large number of prisoners (66%) have alcohol or opiate drug addiction, though PACE's experience shows this figure to be as high as 95% for our client group. In addition 88% were unemployed prior to current imprisonment. Many have psychiatric problems and disturbed family backgrounds. Most prisoners did not live with both parents while growing up, 59% of men had at least one child (60% of whom were not with their children and not actively involved as fathers) and 74% of the women in prison have children under the age of 15 (O'Mahony, 1997, Centre for Health Promotion Studies, 2000).

The consequences of imprisonment can be severe and wide-ranging. There are two categories, direct and indirect. Direct consequences involve the deprivation of liberty, material comfort, heterosexual relationships, autonomy and security. They include the loss of the intimacy of family and friends, their homes, possessions and often even their spouses and children. The Indirect consequences of imprisonment may not be evident until they are released from prison. These include difficulty accessing employment, opening bank accounts, obtaining insurance, accessing courses, accessing accommodation, moving, travelling abroad, having a permanent criminal record etc.

Research Statistics

The PACE Priorswood House statistics for 2005 are outlined below:

- The average length of stay in the project was 8 months;
- average age 32 years (residents between 19 –51);
- 97% of men experiencing addiction - primary addiction: heroin = 40%; alcohol = 40%; cannabis = 25%; no addiction = 3%; polydrug use including cocaine = 15%.
- 50% of those surveyed were experiencing mental health problems.

Living Situation at Time of Offence

In addition to the above statistics, it was clear that homelessness was a major issue for a large number of the men as 34% were homeless at the time that they offended. An additional 13% lived in severely chaotic family environments where drug use and violence were common place. These living situations were similar to living on the streets. In addition to the numbers who were homeless at the time of the offence another 14% lost their homes due to convictions or drug use.

Statistics from 2005 tell us that 77% of PACE training clients presented with a history of substance abuse of some kind. Also in 2005 we saw another increase in the number of women accessing the Training for Employment Project. 54% of trainees being male and 23% were female.

Based on the information provided we compiled the below list of primary past addictions.

- Alcohol 71%;
- Cannabis 62%;
- Heroin 61%;
- Polydrug/cocaine 91%.

PACE's experience shows that most long-term recidivists experience chronic addictions of some sort. We believe relapse management is a major issue in terms of reintegration and we must acknowledge that it is part of the process of coping with addiction. We must work consistently to help ex-offenders and ex-prisoners overcome their addiction.

Presenting Needs of Offenders

- Unemployment – linked to absence of work training and early school leaving;
- Educational deficits – literacy, numeracy skills;
- Substance Misuse – limited options in terms of treatment;
- Poverty – poor money management skills;
- Recidivism;
- Homelessness and accommodation;
- Family issues – dependent children, relationship breakdown;
- Mental health issues;
- Help Adjusting to Life Outside;
- Self-esteem and lack of positive role models.

Mental Health

There are very limited resources available for treating mental health problems in this context. An increase in mental health issues amongst ex-prisoners is exacerbating the problem. In 2004, 30% of PACE clients had mental health issues. In 2005, the number was 43%. To date in 2006 this number is over 50%.

Case study

Tom is 24 years old. He spent time on remand in Cloverhill for trespass. He is the eldest of 6 children however all his siblings are in care. Tom has 60% hearing loss. He left school at 15 and is now homeless. He has both serious mental health issues and addiction issues.

Within 3 days of his arrival at Priorswood he was admitted to St. Brendan's after being brought to Accident & Emergency regarding concerns for his mental health by staff. At the hospital his anxiety level became very high and he ran to the roof of the hospital where he tried to start a fire. He was eventually taken to St. Brendan's. There was difficulty in diagnosing Tom but it was eventually found that his primary issue was a mental health one and that he had only started using drugs to dull the voices in his head and that addiction wasn't the primary source of his problems. He is now doing very well in Priorswood House and has stabilised on his medication and is being taught sign language by a

member of staff and he has made significant progress. He is now studying for his Leaving Certificate.

PACE model of practice addresses the following factors that help prevent reoffending:

- Employment;
- Stable relationships;
- Accommodation;
- Tackling drug misuse;
- Personal development.

Creating a Climate for Change

In order to create a positive climate for change it is necessary to have a belief that people can change and that we are not always defined by the worst acts that we commit. Experience has shown us that people can change and with support and encouragement they do change. Motivation is an essential factor in this regard as is readiness. However we must allow for failure and relapse and remain persistent and creative when working with ex-offenders.

Acknowledging their crimes and the impact of their crimes is vital for the reintegration of ex-prisoners and ex-offenders. We must look at what needs to happen to prevent that crime occurring again and do everything within our power to provide all the assistance required.

Barriers to Reintegration

- Institutional – those who have been institutionalised have had their decision-making powers removed.
- Community – a materialistic “not in my back yard” attitude is prevalent in Irish society today. It is important to realise that we cannot pick and choose our communities. Offenders are part of them also.
- Poverty and disadvantage.
- Histories of abuse.
- Social exclusion.
- Educational disadvantage.
- Addiction and mental health problems.
- Criminal histories.
- Labelling as an ex-offender.

- Legislative.
- Police attitudes.

Integration of ex-prisoners into the Community

The issue of desistance from crime is linked with the recognition that integration has become an established process for sustaining change. Making the decision to change is only half the battle, ex-prisoners are also faced with the onus of managing the chaos of their lives post release.

For PACE the diversity of different communities and the complex needs of the people we work with mean that the connections that we make with both other agencies and our clients are vital.

Inclusion of the individual in the process of integration is essential. Inclusion in the community is also essential. We must assist ex-prisoners and ex-offenders in starting from scratch, often in communities where they have no connections and no support and this can be very isolating for anyone.

Role of Families

The role of the family in the process of reintegration is vital. It is important to identify the family members with whom the ex-offender will be in contact and assess whether they form part of the problem or the solution.

A new issue has arisen in recent years in PACE where we have seen the father's becoming the sole guardians of their children post release as their partner/former partner breaks down and this creates new challenges for those involved in the reintegration of the ex-prisoner. In this context of looking at the men as family members, PACE carried out a study of 52 men who have or are living in Priorswood since 1st January 06. Seventeen of the 52 men have forty-eight children between them. Five of the forty-eight children live with their grandparents and the remaining forty-three live with their mother. Fifteen of the men's relationships have broken down completely with their wife/partner with some having contact with children on an ad-hoc basis. The reasons for the relationship breakdown are varied from both being teenagers when they met, to continued drug misuse by the men and ongoing periods of imprisonment.

The Legislative Situation

When addressing the issue of reintegration it is important to be aware of the legislative situation that we are currently working in and the impact this has on the lives of ex-prisoners. It is **not** prohibited to discriminate against someone regarding employment, housing or the provision of any goods or services, because they have a criminal record. There is a bar on anyone with a criminal record working in the civil or public service. There is no means by which anyone with a record – a caution, an arrest record, or a criminal record can be “expunged”: it’s a life long tattoo. The Children’s Act 2001 S. 258 allows a juvenile’s record to lapse after 3 years if there are no other offences committed within that period but there are no moves to extend this to adult offenders.

What is needed to improve integration at a legislative level?

- Remove the ban on persons with a criminal record obtaining employment in the civil or public services;
- Extend the EEA and ESA to include criminal record as a ground of discrimination;
- Create narrow, public safety targeted exemptions (eg persons who have committed crimes involving minors, can be discriminated against in relation to working with children);
- Any distinction in treatment of a person with a criminal record can only be justified on strict objective criteria;
- Create a system which allows records after a reasonable period to be expunged;
- All persons with a criminal record should be covered.

These measures would protect employers by offering a clear structure to work within as well as providing a clear mechanism for people with a criminal record to work with.

What else is needed to improve integration?

- Integrated sentence management – this has been on the agenda for a long time and a constructive move to implement this would be welcomed by all;
- Proactive interagency working;
- Family focused policies with a preventative component;
- Reintegration policies;
- Consistent drug treatment policies;
- Continuity of care between in-prison psychiatric services and community based services;
- Provision of appropriate long-term accommodation and support for those who require it.

There must be a partnership approach – offending is not just a criminal justice issue.

Barriers to Progression

The lack of legislative framework to address the issue of disclosure and expunging of criminal records is placing ex-offenders at a distinct disadvantage. Lack of resources in the community in terms of mental health and drug treatment are also contributing. The reality is that people are released from prison every day and often released back into homelessness or unstable accommodation and are therefore much more likely to reoffend.

Management of Offenders 5 year plan

This plan states – “the community can reinforce its support for prison aims and objectives by acknowledging that offenders are valued members of society entitled on release to take a constructive place in society”.

Our Vision

It is our vision that every individual leaving prison in Ireland will have a plan to meet their training, education and employment needs. PACE also wish to work in partnership with other agencies to help secure a safer Ireland.

“ SAYING SORRY ” OR “ MAKING THINGS RIGHT ” : FROM PASSIVE TO ACTIVE RESPONSIBILITY IN WORK WITH YOUNG OFFENDERS

Dr. Shadd Maruna, Institute of Criminology & Criminal Justice, Queen’s University Belfast

A few years ago, I volunteered to act as an “expert” witness¹ at an Immigration and Naturalization Service (INS) trial, providing testimony on behalf of a Jamaican woman facing deportation. The defendant, whom I will ridiculously call Ms. Kingston, was in court as a result of one of the more draconian laws to be passed in the US in the last decade – which is of course, saying quite a lot. The Illegal Immigration Reform and Immigrant Responsibility Act of 1996 subjects long-term, legal immigrants to the threat of deportation for criminal convictions that might have been committed ten, twenty or even thirty years ago (and that at the time of the conviction were not considered deportable crimes). The New York Times aptly describes the impact of this law:

Like phantoms barrelling down from a hazy, distant past, ancient crimes and misdemeanours, sometimes decades old, have been dredged up by investigators at the immigration service to condemn tens of thousands of immigrants to swift and usually irrevocable removal proceedings. The magnitude of the crime is irrelevant. If it is considered an aggravated felony -- shoplifting can be an aggravated felony -- the immigrant must go (Hedges, 2000, A1).

In Ms. Kingston’s case, in the late eighties, when she was just under 30 years old, she was paid 50 dollars to carry a small package on a plane from Jamaica to New

York. She accepted this incredibly stupid offer and ended up serving over a year in prison for her troubles. Since then, she has married, started a family, and avoided any subsequent run-ins with the law. That is, until the year 2000 when she found herself about to be separated from her family and sent back to Jamaica because of this decade-old offence.

I went to court presuming my role as academic expert was to provide statistical evidence demonstrating how unlikely it was that a 40 year-old mother of two would suddenly revert back to drug smuggling after a decade of crime-free behaviour. Instead, the case turned out far more interesting from my point of view. Like a lot of so-called “drug mules,” Ms. Kingston insists to this day that she did not know what was in that package. She maintains her essential innocence, says she is a good person, a bit naïve maybe, but insists that she never had anything to do with the drug business. She made a mistake. From the perspective of the judge in the case, however, this means that Ms. Kingston is still in denial. She has not admitted responsibility for her crime nor accepted any blame. As such, the judge was not interested in hearing any risk prediction statistics from me that morning. What the judge wanted to know from the visiting academic expert was whether it was possible for a person like Ms. Kingston to really be rehabilitated – to have experienced “genuine rehabilitation” in the term of art for the case – without expressing “sufficient remorse” or taking responsibility for her act².

¹ As someone who has done research on ex-convict success stories, I am occasionally asked to provide assessments regarding how “rehabilitated” an individual may or may not appear for parole hearings and the like. It is not a role with which I am at all comfortable. I agreed to provide testimony in this particular case because the case was being handled on a pro bono basis by an advocacy organization I admire and because the details of the case seemed so extraordinary.

² Off the record, the defense attorney asked the judge if the court would prefer her client perjure herself by “admitting” full responsibility rather than state what she believes to be true -- that there were mitigating circumstances involved in the smuggling episode.

I was taken back, mainly because this is precisely the question I'd been looking at for the last 5 years in my research on the phenomenology of desistance from crime (see Maruna, 2001), and I had never imagined the work had any great relevance in the arena of jurisprudence. As it was, I was thrilled to tell the judge that we in criminology and forensic psychology have almost zero evidence to suggest that the internalisation of responsibility and remorse for one's past crimes is correlated with desistance from crime -- basically because we have so little reliable data on how reformed ex-convicts really think. [The happy ending was that, utilizing a loophole in the otherwise iron clad law, the INS judge did what appeared to be an amazing turnaround and decided not to deport Ms. Kingston, mentioning my testimony in so doing. This appears to be one case in which the less criminological research we have the better.]

'Responsibilisation' and Corrections

This is far from an isolated example of the criminal justice system's long-standing fixation on what might be deemed personal "responsibilization" (Garland, 1997) -- or the construction of blame through a process of coerced confession³. In fact, most courts "accept without question" the long-standing assumption that acknowledgment of personal responsibility is a necessary precursor to change (Kaden, 1999). As in Ms. Kingston's case, this presumption can have serious consequences.

The admission of one's guilt is very commonly a prerequisite for admission into treatment programs and correctional alternatives, in particular for sex offenders. Moreover, treatment clients who refuse to accept personal responsibility and display remorse for their behaviours are almost assured to suffer consequences in the form of negative reports to the courts and parole authorities. Individuals like Ms. Kingston who are unwilling to accept full responsibility for an offence can even find themselves legally terminated from treatment and punished with probation revocation or extended stays of imprisonment. These consequences can be

³ Garland (1997) and others use this term more broadly, referring to the general pattern of enlisting individuals in the process of their own control.

especially severe in the case of sex offenders⁴ mandated to treatment (see Kaden, 1999). Because it is understood to be a necessary part of the recovery process, self-incrimination is thought to be in the individual's best interest. Nelson (1996) compares this coercion of therapeutic confessions to the practice of the old English ecclesiastical courts, in which compulsory confessions were justified for an equally charitable reason -- to save the accused's soul from eternal damnation.

Indeed, the primary aim of much of cognitive programming in corrections is simple: Offenders need to "accept responsibility" for their actions and stop "making excuses." For instance, in *Changing Criminal Thinking: A Treatment Program*, Sharp (2000: 2) writes:

Criminals do not think like law-abiding prosocial people. ...Criminal behaviour is the result of erroneous thinking. Criminals' thinking leads to their feelings, their feelings lead to their behaviour, and their behaviour reaffirms their thinking. To use the words of Alcoholics Anonymous, the criminal is afflicted with 'stinking thinking,' which includes rationalizing, justifying, excuse-making, blaming, accusing, and being a victim.

The solution offered in Sharp's treatment program and others like it is to convince convicts to internalise responsibility for their actions: "We believe that optimum opportunity for success in a treatment program requires that clients be held accountable for all their actions, past, present and future" (3).

Similarly, White and Walters (1989) argue that a mindset of "disresponsibility," along with self-indulgence and interpersonal intrusiveness, characterises almost all offenders. They describe the "psychology of disresponsibility" as a "generalized unwillingness...to be accountable for (one's) behaviour" (p. 258) or "the intellectual process by which a person's actions are attributed to factors other than the person himself" (p. 259). Further, as in many other formulations, White

⁴ Interestingly, there are precedents for this special focus on sexual confessions in history. In his discussion of the role of confession in 17th and 18th Century social controls, Foucault (1988: 16) notes that "The confession played an important part in penal and religious institutions of all offenses, not only in sex. But the task of analyzing one's sexual desire is always more important than analyzing any other kind of sin."

and Walters lay much of the blame for this sense of “disresponsibility” on the shoulders of social science⁵. “As a result of these early sociological theories, which held that environment, society or some other external factor was the cause of crime, we have unknowingly provided the lifestyle criminal with ready made socially sanctioned excuses for his undesirable behaviour” (White & Walters, 1989, p. 259). Walters (1998, p. 67) advocates interventions based on “confronting rationalizations with facts and self-deception with feedback”.

So, everyone agrees that the first step toward rehabilitation is to take responsibility for one’s crimes, yet what does this mean in practice? In his book, *The Quest for Responsibility*, Mark Bovens (1998) differentiates between passive and active responsibility. Whereas passive responsibility means holding someone responsible for something they have done in the past, he says, active responsibility means the virtue of taking responsibility for putting things right for the future. Active responsibility is future-oriented and forward thinking, focusing on what needs to be done in order to “make good” or “make amends” or “make it right” (see Maruna and LeBel, 2003). With passive responsibility: “One is called to account after the event and either held responsible or not. It is a question of who bears the responsibility for a given state of affairs. The central question is ‘Why did you do it?’” Whereas with active Responsibility: “The emphasis lies much more on action in the present, on the prevention of unwanted situations and events. ...The central question here is ‘What is to be done?’”

The Liverpool Desistance Study

This contrast between types of responsibility-taking was one of the things that interested me in analysing the findings from my own study of desistance from crime (or how ex-offenders “go straight” and avoid criminal behaviour). In the Liverpool Desistance Study (which is

⁵ Parallel arguments have been made by symbolic interactionists (e.g., Maruna, 2001; Matza, 1964). In fact, the denial of responsibility is the master account in Sykes and Matza’s (1957) “techniques of neutralization” as well. In this literature, it is more typically argued that the determinism inherent in positivist social science provides little hope for individuals caught in the cycle of offending and may contribute to the public stigmatisation of ex-convicts and former deviants (see Maruna, 2001, pp. 83-84).

reviewed in detail in the book *Making Good: How-Ex-Convicts Reform and Rebuild Their Lives* – Maruna, 2001) I profile the historical coping strategies and autobiographical reconstructions of two different groups: A sample of 20 active offenders and a sample of 30 former offenders who are ‘going straight’ or desisting from crime. Here, the active sample really is active – they are free persons living in the community who spent an average of 3 years in prison and are perfectly willing to admit that they are actively involved in illegal activities. Many of these are involved in drug dealing, burglary, armed robbery, and other forms of professional or semi-professional crime.

The other group was matched on a case-by-case basis with this group, so these are ex-prisoners living in the community an equally bad criminal records, equally criminogenic backgrounds and parallel demographic characteristics (race, gender, age, etc.), yet they were not committing crimes. On average, members of this sample hadn’t committed a crime for an average of three years, and said they didn’t plan to in the future. Participants took part in a life story interview in their own homes, lasting 2 to 3 hours. All of the interviews were tape recorded and transcribed, and then quantitatively coded by two independent graduate student raters trained in a variety of coding schemes. Two of the themes we coded for, for example, were “passive” and “active” forms of responsibility taking.

Passive Responsibility and Desistance from Crime

One of the most surprising findings was that there was no measurable difference between the two groups on the issue of “passive responsibility”. In fact, one of the most striking themes common to the reformed or desisting sample’s self-narratives (and not the active offenders) was a theme that we labelled “not the real me”. With this theme, the criminal past is essentially denied. That is, the person admits “I did it,” but the person who did those things, wasn’t the “real me”. This phrase was repeated so often in the interviews that we named a chapter after it – the “real me” – in *Making Good*. The argument here is that the offending came from “out there” not from inside the person:

“Then me mum found out what I was doing (heroin use and burglary). She come to the flat and got me, um, brought me home. She knew I had a bad problem. I was a different person, psychologically. I just – *it weren’t me*” (Male, 25 yrs)

Interestingly, reformed ex-convicts frequently use some remarkable linguistic devices to establish this externality. Instead of speaking in the first person about things they have done over the years, the desisting offender’s narrative frequently blames offending on an external source – we refer to this as the “I, the me, and the ‘It’” where the ‘it’ assumes the responsibility for the individual’s actions rather than the “I” (see also Petrunik and Shearing, 1988).

“The drink was killing me by the age of 21” (male, 32 yrs).

“Heroin made me sneaky” (male, 25 yrs).

Sometimes, this passive sense of agency was given explicit shape as in the quote below:

“You see, believe it or not, but I had this fetish. I could just be walking ‘round town, and something would just say to me, “Go in that car and take it.” And, zoom, I’d be gone” (male, 31 yrs).

In most cases, however, the implication was made using more subtle linguistic devices as in the following uses of the “it”:

“It just went on and on. It went on like that for about 2 or 3 years” (male, 33 yrs).

“It started off with little things and then it got bigger you know” (male, 40 yrs).

The “it” appears even when talking about desistance:

“It just like fizzled out. It’s just been years. It just stopped” (male, 29).

“It just stopped for some reason. I don’t know why” (male, 31 yrs)

Other cultures provide explicit language for describing the “It”. According to Braithwaite (1989), in Japan, they use a word called ‘Muishi’ which roughly translates into a kind of worm that crawls inside of a person to make them do stupid things. So when criminals reform it is about getting rid of the Muishi worm and not about

chucking out their entire person or admitting they are a rotten person who did those things. They can just say, ‘Look, sorry, I let the devil get the best of me, or the worm or the bottle or the Mushi, but the real me is back now, so nothing to worry about’. These Liverpool interviewees had access to no such language but still made do as best as they could with the words available to them. One particularly articulate interviewee explained it like this:

“It was just that, um, I realized that the entire thing had all been an act, my entire life, all me criminal offences, all me drug taking, it was all a sham. ... It was just like what it was, was right at the core of me, I am who I am now, who I’ve always been inside. I’ve always been intelligent, right, inside. I’ve always been intelligent, honest, hard working, truthful, erm, nice, you know, loving. I’ve always like. But it was always wrapped up in so much shit it couldn’t get out. Um and it’s only now that ... I’ve realized that. That that wasn’t who I was, I did it all to try and, to try and find out who I was. ... I was just adapting” (Male, 30 yrs)

Although this finding violates one of our most precious assumptions about rehabilitation (involving taking responsibility for what one has done in the past), it actually is very much in line with a large body of previous research on rehabilitation and desistance (see Maruna & Copes, 2005; Maruna & Mann, 2006). Meta-analytic research reviewing dozens of careful empirical studies (e.g., Hanson and Bussiere, 1998; Hanson and Morton-Bourgon, 2005) consistently finds that clinical assessments or official measures of “denial” or “responsibility-taking” have no consistent relationship to criminal recidivism. In other words, from our best scientific evidence, it appears that denial does not relate to recidivism in any systematic way. Indeed, there are some good empirical and theoretical reasons for suspecting that, in some cases, the relationship between denial and recidivism may be in the opposite direction of what is implied by common sense.

In a recent study, Roger Hood and colleagues (2002) found that offenders deemed to be “in denial” by a parole board were statistically much less likely to re-offend than those who took responsibility for their

crimes. Hood and colleagues explain this finding by arguing:

Some 'deniers,' when faced with the stigma of conviction and punishment may not accept their deviant sexual acts as a reflection of their 'real self.' Nor may they wish to associate with those they regard, unlike themselves, as 'real' sex offenders. It is possible that such persons may be less likely to become 'secondary deviants,' that is, persons who accept and seek to justify their sexual deviance (Hood et al. 2002, p. 387).

Indeed, Lemert was clear on this point in his formulation of primary and secondary deviation: "The deviations remain primary deviations or symptomatic and situational as long as they are rationalized" (Lemert 1951, p. 75, emphasis added). According to Lemert, an individual does not move into secondary deviation until she or he undergoes "a process of identification" through which the deviant acts are "incorporated as part of the 'me' of the individual" (p. 75). As Meisenhelder (1982, p. 140) later argued, "The plan to exit from crime is in large part founded on the sense of the self as noncriminal".

Hanson and Wallace-Capretta (2000) found some support for this hypothesis in their study of the offending outcomes of 320 male batterers in a community treatment programme. In the study, treatment clients responded to the 40 items that make up Version 3 of the Balanced Inventory of Desirable Responding measure (Paulhus, 1984) comprising two subscales: Self Deception and Impression Management. Contrary to expectations, those treatment clients who scored highly on these social desirability scales (and so, denied things like "I have taken things that didn't belong to me" or "I have sometimes felt like I wanted to kill someone") were the least likely to re-offend as reported by their partners. Individuals who were the most "open" about admitting to minor infractions like traffic violations and violent thoughts were the most likely to recidivate in the study. Likewise, in their recent, longitudinal study of clients in a domestic violence treatment programme, Henning and Holdford (2006) found that: "Participants who intentionally denied minor character flaws in a possible attempt to appear socially conforming were less likely to recidivate than offenders

who were more forthcoming on standardized self-report measures" (p. 123-124). Perhaps a little "creative self-deception" (Taylor, 1989) is not always a bad thing if this helps to create a non-deviant "real self" for stigmatised individuals.

Active Responsibility and Desistance from Crime

On the other hand, the theme of active responsibility appeared to be strongly related to desistance from crime in our research. The desisting ex-offenders in the Liverpool sample had far higher measured rates of "active responsibility" in their profiles than did the active offenders. In particular, desisting offenders sought to transform a shameful past into something of direct and explicit value for others:

"I just woke up one morning and said, 'I've got to put this to use now.' You know, I can actually tell youngsters where I'm coming from and basically what jail's about. And that's what I want to do" (male, 30 yrs).

Interviewees frequently mentioned wanting to help "just one person" from having to go through the experiences they went through in a "one wasted life" for "one saved life" calculus of redemption:

"Like, the way I see it, if I could stop even one person taking drugs again, it would be enough. I don't want to be a drug counsellor or nothing like that, but if you can learn off what I'm telling you and *stop one person going through the life that I've gone through*, that's an achievement, isn't it? A big achievement" (Male, 33 yrs)

Often, this desire to turn one's past failings into a thing of value (even if just a cautionary tale) was explicitly framed in terms of generativity – or the idea of nurturing the next generation.

"I was saying to (my brother's) kids the other day. I'd sat both of them down the other day, and I said, 'Listen, me and your dad have wasted our lives. I don't want you to do what we've done. For 15 or 16 years, me and your dad wasted our lives, and now we want you to take a leaf out of our book.'" (Male, 33 yrs).

Admittedly, confirmatory evidence of this finding is a bit less robust, but there is a growing literature on what I have called “strengths-based” corrections demonstrating the rehabilitative utility of things like community service work, volunteer work inside prisons, efforts by groups like the Inside Out Trust or the Community Service Volunteers where offenders repair bicycles or wheelchairs, donate their time reading books on tape for the blind, or raising money for charities (see Burnett & Maruna, 2006; Maruna & LeBel, 2003). Probably the most systematic evidence of the reformatory power of such activities is a study by Uggen and Janikula (1999), who investigated the question of whether involvement in volunteer work can induce a change in a person’s likelihood of antisocial conduct. They found a robust negative relationship between volunteer work and arrest even after statistically controlling for the effects of antisocial propensities, prosocial attitudes, and commitments to conventional behaviour. Uggen and Janikula (1999:355) conclude:

What is it about the volunteer experience that inhibits antisocial behaviour? We suggest that the informal social controls emphasized in social bond, social learning, and reintegrative theories are the mechanism linking volunteer work and antisocial behaviour. Informal social controls are consonant with Tocquevillian conceptions of ‘self-interest, rightly understood,’ in which volunteers are gradually socialized or ‘disciplined by habit rather than will.

Rather than coercing obedience, volunteering and community service are thought to develop intrinsic motivations toward helping behaviours. Volunteers are supposedly ‘turned on’ to prosocial behaviour through involvement with activities that utilise their strengths and promote their individual dignity. In the words of de Tocqueville (1835/1956:197), ‘By dint of working for one’s fellow-citizens, the habit and the taste for serving them is at length acquired.’ In addition, as part of a helping collective, the ‘wounded healer’ or community volunteer is thought to obtain ‘a sense of belonging and an esprit de corps’ (Pearl and Riessman, 1965:83). In short, prisoners and ex-prisoners who are given opportunities to demonstrate active responsibility find this work enjoyable and rewarding, and sometimes they

learn something new about themselves – find out that they’ve got something to offer the world, outside of criminal pursuits.

Last Words

What they don’t find rewarding, on the other hand, is being made to endlessly go back over “why they did it”, in the manner of “responsibilization” and cognitive corrections. They don’t enjoy therapeutic engagement that seeks to reduce them to their past crimes and reify these past selves. And, they don’t enjoy the question “why did you do it?” Yet, surely, rehabilitation is a future-oriented process, not backward-looking. There is nothing an ex-offender can do to go back in time and change the past. The key question is not, therefore, “why did you do it?” but “how can it be made right?”

Perhaps, then, the old wisdom is right after all: maybe the first step toward rehabilitation is taking responsibility for one’s actions. Yet, perhaps what is most important here is active responsibility – “making amends” “making good” – rather than the passive responsibility of accepting blame.

Bibliography

- Bovens, M. (1998). *The quest for responsibility*. Cambridge: Cambridge University Press.
- Braithwaite, J. (1989). *Crime, shame and reintegration*. Cambridge, UK: Cambridge University Press.
- Burnett, R. and Maruna, S. (2006). The Kindness of Prisoners: Strength-based Resettlement in Theory and in Action. *Criminology and Criminal Justice*, 6, 83–106.
- Garland, D. (1997). Governmentality and the problem of crime: Foucault, criminology, sociology. *Theoretical Criminology*, 1, 173–214.
- Hanson, R. K., and Bussiere, M. T. (1998). Predicting relapse: A meta-analysis of sexual offender recidivism studies. *Journal of Consulting and Clinical Psychology*, 66, 348–62.
- Hanson, R.K. & Morton-Bourgon, K.E. (2005). The characteristics of persistent sexual offenders: A meta-analysis of recidivism studies. *Journal of Consulting and Clinical Psychology*, 73, 1154-1163.

- Hanson, R. K. and Wallace-Capretta, S. (2000). *Predicting recidivism among male batterers*. Ottawa: Department of the Solicitor General.
- Hedges, C. (2000, August 30). Condemned again for old crimes. *New York Times*, p. A1.
- Henning, K. & Holdford, R. (2006). Minimization, denial, and victim blaming by batterers: How much does the truth matter? *Criminal Justice and Behaviour*, 33, 110-130.
- Hood, R., Shute, S., Feilzer, M., & Wilcox, A. (2002). Sex offenders emerging from long-term imprisonment: A study of their long-term reconviction rates and of parole board members' judgements of their risk. *British Journal of Criminology*, 42, 371-394.
- Kaden, J. (1999). Therapy for convicted sex offenders: Pursuing rehabilitation without incrimination. *Journal of Criminal Law & Criminology*, 89, 347-391.
- Lemert, E. M. (1951). *Social Pathology*. New York: McGraw-Hill.
- Maruna, S. (2001). *Making good: How ex-convicts reform and rebuild their lives*. Washington, DC: American Psychological Association Books.
- Maruna, S. & Copes, H. (2005). What Have We Learned in Five Decades of Neutralization Research? *Crime and Justice: A Review of Research*, 32, 221-320.
- Maruna, S. & LeBel, T. (2003). Welcome Home?: Examining the Reentry Court Concept from a Strengths-based Perspective. *Western Criminology Review*, 4(2) 91-107.
- Maruna, S. & Mann, R. (2006). Fundamental Attribution Errors? Re-thinking Cognitive Distortions. *Legal and Criminological Psychology*, 11, 155-177.
- Meisenhelder, T. (1982). Becoming normal: Certification as a stage in exiting from crime. *Deviant Behaviour: An Interdisciplinary Journal*, 3, 137-153.
- Nelson, W.A. (1996). The new inquisition: State compulsion of therapeutic confessions. *Vermont Law Review*, 20, 951-980.
- Paulhus, D.L. (1984). Two component models of socially desirable responding. *Journal of Personality and Social Psychology*, 46, 598-609.
- Petrunik, M., & Shearing, C. D. (1988). The "I," the "me," and the "it": Moving beyond the Meadian conception of self. *Canadian Journal of Sociology*, 13, 435-448.
- Sharp, B. D. (2000). *Changing criminal thinking: A treatment program*. Lanham, MD: American Correctional Association.
- Taylor, S. E. (1989). *Positive illusions: Creative self-deception and the healthy mind*. New York: Basic Books.
- Tocqueville, A. (1835/1956) *Democracy in America*. New York: Knopf. (Original work published in 1835).
- Uggen, C. and Janikula, J. (1999) 'Volunteerism and arrest in the transition to adulthood', *Social Forces*, 78: 331-362.
- Walters, G. D. (1998). *Changing lives of crime and drugs: Intervening with substance-abusing offenders*. New York: Wiley.
- White, T. W. & Walters, G. D. (1989). Lifestyle criminality and the psychology of irresponsibility. *International Journal of Offender Therapy and Comparative Criminology*, 33, 257-263.

PLENARY SESSION

Chairperson: Nora Gibbons

Panel: *Martin Tansey, Paddy McGrath, Anthony Cotter, Angela Devlin, Shadd Maruna*

During the plenary session, a number of issues were raised on the themes of the rehabilitation and reintegration of offenders:

1. What is biggest challenge facing the Probation Service?

In order to respond to the many challenges facing the Probation Service, they need to change their focus and develop a positive and proactive role in collaboration with the other criminal justice agencies. The Probation Service must convince the powers that be that more resources should be devoted to this approach, not just for resources sake, but because it is genuinely better and more effective.

There are still a lot of challenges around resources but critically, with cases becoming more complex, time is becoming as scarce as money and this must be addressed if probation services are to be sufficient.

2. Is this model for change unique or has it been shown to work anywhere else?

The model discussed is a fairly standard, simplistic offender management programme. The critical issue it demonstrates is that the less complex the case and the offender, the less resources and risk are incurred. For the development of the Probation Service, the focus should be on the control and change elements as the most important elements of the model for change and that the differences between help and change must be understood. Offenders need practical help – a bed, a hot meal, social welfare but these will not address the need for change. They need help with sorting out some of their structures and welfare systems, to feel secure before the Probation Service can start engaging the other issues and trying to change people. Employment and economic power can often be the greatest therapy you can give someone.

3. Have you come across evidence of discrimination in employment directed at ex-offenders?

The question of discrimination in the workplace and in access to employment is a serious obstacle to the reintegration of offenders into society. The issue of the disclosure of a criminal record to an employer or prospective employer is a very important issue. The reality is that it is down to the individual's choice whether to inform prospective employers about their criminal record or not. A lot of ex-offenders don't disclose their status to employers. This can be very stressful for the ex-offender. However, it should be noted that many ex-offenders go into jobs that don't tend to ask that question - it will differ from employer to employer.

The position of ex-offenders in relation to equality in access to employment is not protected by legislation and this may be an issue for debate with the government.

4. If 14% of sex offenders re-offend and the highest proportion of that is within the first 6 months, what can be done about this?

There is an enormous increase in the number of sex offenders going through the criminal justice system at present. In time these offenders will be released and will need to be supervised and managed by the Probation Service.

This will be a growing area for the Probation Service and they will have to target resources for the supervision of sex offenders. They are not seeking specialist sex-offender teams but there certainly will be a need for greater supervisory resources if sentences are to be managed on a half and half basis.

5. What is the relationship between rehabilitative and restorative approaches and how does it relate to the approach in Ireland?

- There is much discussion and debate today about developing more of a restorative justice approach with offenders. It is essential to encourage an offender to make things right with the victim in the process of reintegration with their community.
- The question about how to empower individuals to take control of their lives and help people cope in the future is very important. Sometimes when discussing prisons and prisoners, there is too much emphasis on the negative. There must be forward looking policies from all agencies engaged in dealing with offenders and ex-offenders.
- Rehabilitation has a negative connotation focusing on why you did it, whereas the restorative approach can be more positive and focusing on where you go from here. It is suggested that perhaps 'restorative' was too big a term, it implies a restorative conference and all that goes with that. The restitution aspect for the offender can sometimes be lost to the concerns of the victims. The emphasis is simply different between the two processes.
- One of the ex-offenders present at the conference is of the view that focusing on the negative past had to be a part of the process but really it isn't helpful in trying to move on with life and develop a new structure to live and work free from criminal behaviour. The restorative approach offers more supports for someone trying to break the link with a criminal past.

6. Does this possible victimisation of prisoners, where they see themselves as victims, somehow undermined and defeat the purpose?

- There is some concern that a victim culture has seeped into Irish prisons. This can be at the expense of those who were victims of crime. In response a question is posed how, in dealing with offenders, do we make sure there are no more victims?

- Victimisation is not helpful because it means being stuck in the past. The Offender Model is relevant – they offend because they were offended against and Jessie Jackson quoted, "You are not responsible for being down, but you are responsible for getting up."
- Individuals should be encouraged to take active responsibility combined with a re-focus of interventions dealing with offenders. This should place greater emphasis on looking towards the future rather than concentrating on the past.
- There is much concern about the extent of victimisation rhetoric developing in the literature and popular discourse. It should be highlighted that criminal behaviour, despite being born in many cases from backgrounds of cruel disadvantage, is totally unacceptable and needs to be tackled head on. Restorative justice is useful but not if it perpetuates a culture of disengagement with responsibility for one's criminal acts.

WORKSHOP DISCUSSIONS

Workshop A: Challenges in the Resettlement Imprisoned of Sex Offenders

Co-ordinator: *Dr. Esther Lonergan and Paul Linnane,*
Chair: *Maura Butler. Rapporteurs:* *Laura Flynn and
Christina Sauer-Dechant*

This workshop was divided into two parts; sex offender programmes inside prison and resettlement after prison.

PART I – Sex Offenders In Prison

Dr. Lonergan spoke about the fact that the sex offenders actually incarcerated in prison represent only the tip of the iceberg as only a portion of such crimes are reported and of those a smaller portion are actually convicted. Sex offenders make up approximately 13% of the prison population as a whole.

- Sex Offenders can be divided into two broad groups, those who commit sexual acts against non-consenting persons (i.e. Rapists) and those who commit sexual acts against persons who lack the capacity to consent (i.e. Child molesters). There are great differences in these two broad groups psychologically and in personality and in how they deal with their victims. Different therapeutic approaches are required to get to the underlying issues and prevent re-offending.
- There is evidence to show that these programmes do assist in preventing re-offending, and although there are no published Irish statistics, other jurisdictions have statistical evidence regarding this.

Basic issue addressed by our discussion group was:

What needs to happen in order to encourage more sex offenders to participate in the sex offender programmes in the prisons?

Issues that came up around this question were:

- What were the incentives? There are no early release programmes for successful completion of a sex offender programme.

- Besides the possibility for early release, other personal incentives are needed to undertake these programmes such as:
 - i) The incentive to change, grow, and work on themselves;
 - ii) Single cell accommodation;
 - iii) More family visits.
- These programmes demand difficult work of the offenders, who may be in denial about their offences. A holistic approach is needed. It is important that a programme is framed correctly and it must be noted that the compulsory approach does not always work best.
- Families of offenders are often not supportive or encouraging of participation in these programmes. Although there may be many factors for this, there is a fear of a negative risk assessment of the offender that comes at the end of the programme.

Current limited resources.

- At present prisoners often have to leave the prison where they may be incarcerated to attend therapy programmes at another prison. This is disruptive and counterproductive – we need regional centres with in-house services instead of just national centres.
- Community fears about the safety of the community where there is an early release programme is a very important issue. Early release is contingent upon successful completion of an offender programme. However re-offending can collapse credibility in the community for the programme.
- Communities would support programmes if they work. Brainstorming needs to take place with many different groups, such as victim groups, community groups, and resettlement groups, to come up with the best solutions. Good programmes would enhance child and community protection.

- Politicians and the Minister for Justice are unlikely to implement an early release programme if public opinion is against it – this also ties in to the after care aspect of control and monitoring post release, and the gap between release of dangerous men into society and community support.
- Finally, without programmes that continue after release from prison there is a risk of a washout of any benefits incurred from attending a programme in prison. A 2-step approach of both treatment inside and ongoing programs outside is crucial.

Recommendations

From these issues our group summed up as follows:

Data Collection and Research is crucial in order to both support and inform programmes and treatment of sexual offenders. At present there are no published statistics regarding Irish data. This information is also needed to support and inform in the following main areas.

- Incentives - both internal and external - for sex offenders to enter these programmes.
- Regional therapy centres in prisons and the need to stratify various sexual offender groups.
- Education of the public.
- Post release supervision.

PART II- Resettlement of Sex Offenders

The issue of the resettlement of sex offenders concerns public protection as well as community protection, both of which are interlinked. In Ireland the law governing this area is the Sex Offenders Act 2001.

Under current legislation the following provisions apply:

- Part 2 states that a sex offender must give notification to an Garda Síochána that he/she is a sex offender and he/she has 7 days in which to do so.
- Part 3 provides a member of an Garda Síochána, no lower than Chief Superintendent can go to the Circuit Court to obtain a sex offenders order.

- Part 4 ensures employers must be informed of the conviction of the sex offender.

- Part 5 deals with Post Release Supervision orders.

An example was given of how systems are set up in other jurisdictions such as Northern Ireland which has a multi-agency sex offender risk management programme (MASRAM) which was reviewed in 2004 and was considered to be working well.

- The structure of MASRAM includes a strategic committee to give protection to the public from the threat posed by sex offenders and there is also an area committee to assess and manage risk.
- Procedures involve risk assessment of all sex offenders registered in Northern Ireland and those coming into Northern Ireland.
- There are many challenges which are faced by MASRAM such as:
 - i) Public attitudes
 - ii) Political developments
 - iii) Information sharing
 - iv) Assessment and Staffing
 - v) Re-offending.

Taking into account the difficult existing challenges we then addressed the following issue:

What are the first steps to be taken to initiate a multi-agency approach to managing resettlement of imprisoned sex offenders in the community?

The following points were raised:

- Greater Education of the Public
- Support for families
- Change of the Policy for Remission concerning offenders who do participate in the programmes available to them,
- Introduction of supervised temporary release.

Recommendations

To address this, a series of steps were drawn up to aid multi-agency relationships as follows:

- Establish a high ranking diverse advisory committee to advise the Minister and the committee would then go on to monitor work in progress.
- Identify relevant agencies to manage offenders and to protect the community.
- Establish a working party from these agencies.
- Identify protocols for sharing information among the established agencies and parties.
- Establish a multi-agency protection programme panel, that is a panel managing dangerous offenders, or similar.
- Form a sub-committee to deal with media, its function would be to achieve more positive intervention.

Workshop B: A Step Beyond Prison

Co-ordinator: *Angela Devlin*, **Chair:** *Emer Meehan*,
Rapporteur: *Caroline Brennan*

Aim: *to discuss the issues which arise regarding the integration and resettlement of offenders into the community.*

Structure of workshop:

1. What support systems are already in place?
2. What works?
3. Where are the gaps?
4. Recommendations.

What support systems are already in place?

- Accommodation facilities: eg. Padua House in Dublin, HOST, Cork Probation Hostel.
- Education, work training and placement projects: eg. Moyross Probation Plan, the Linkage Programme in Dublin, BOND project in Blanchardstown.
- Addiction services: eg. Ballymun Youth Action Project, Belgooly in Co. Cork.

- Counselling and offenders re-integration projects: eg. Cork Alliance Aftercare Centre, Southhill Outreach in Limerick.

What works?

The workshop felt that best practices include:

- Local initiatives in local communities
- An interagency approach with co-operation and co-ordination between all organisations.
- Youth work which aims to intervene before children break the law and thus prevent entrance into the criminal justice system. A systematic approach which aims to reduce identified risk factors would be of much benefit. Reference was made to a programme in Northern Ireland which concentrates on working with the children of prisoners. The utility of Community Courts in other jurisdictions was also discussed.

Where are the gaps?

- It was felt that there is no real government commitment to the provision of a clear aftercare policy. Participants are worried that there is a lack of political leadership and accountability.
- The need for systematic communication and co-operation between all agencies, offices, courts, prisons, probation officers, the Gardaí and hostels was stressed. There must be a clear identification of roles and distinct allocations of responsibility.
- Funding causes much consternation and frustration. Notably, the situation of organisations competing amongst each other for limited funding discourages co-operation amongst them. Also, there is a problem of securing sustained funding and support for existing projects.
- Aftercare must be supported and backed up by rehabilitation and treatment programmes during detention. Prisoners must be given the opportunity to engage in support programmes as early as possible on entry into the prison system. There is also a need for incentives for prisoners to engage in such programmes.

- The value of short-term sentences was questioned with participants emphasising the importance of alternatives to detention.
- There is a lack of special services such as psychologists and child and adolescent psychiatrists available for aftercare purposes.

Recommendations

- The generation of political will to ensure integration of offenders back into society.
- Enhanced communication between different agencies and organisations.
- Integrated planning between these organisations which must incorporate the input of the local communities to where prisoners will return.
- Sustained support and funding for existing projects along with the allocation of increased funding for new services.
- The workshop looks forward to the introduction of Integrated Sentence Management.

Workshop C: An Ex-Offender's Perspective

Co-ordinator: *Paddy McGrath and Trevor Keating,*

Chair: *Geraldine Comerford,*

Rapporteur: *Cormac Behan.*

A number of issues were raised at this workshop concerning the re-integration of offenders.

- There is a lack of information for those committed to prison about the prison system and services for rehabilitation and reintegration available while in prison. It was suggested that there should be an induction programme on arrival in prison for those sentenced for the first time.
- There is a perception that there is a lack of partnership between the various agencies working with offenders and one speaker suggested that this meant an offender could "fall through the cracks". There is a need for greater connections between the agencies dealing with offenders both inside and outside prison. This would also help in building links for offenders when they are released.

- Opportunities for ex-offenders to engage with education and training on release were raised at the workshop. There is no automatic entitlement to either VTOS or Back to Education Allowance for ex-offenders. If an individual is making a concerted effort to engage in further education or training, there should be financial and social supports in place for them on release.
- There was a discussion about a lack of family-friendly policies in prison for those convicted and their partners and children. There should be day centres for visitors and family-friendly visiting spaces. International evidence suggests that maintaining links with families is one of the key factors that encourage offenders to desist from offending on release. This would also encourage the process of normalisation within the prison regime.
- There is a need for greater protection and safety in prison, especially for those committed for the first time. Offenders can sometimes be exposed to drugs. First-time prisoners can also feel vulnerable and there is a need for more emotional and physical supports while in prison.

Recommendations

- There should be more effort to put the theory of Integrated Sentence Management into practice.
- Aftercare teams should meet offenders on arrival in prison to begin preparation for release.
- There should be greater access for probation and link workers to prisoners. There should be more resources for link workers to connect the various agencies working with offenders and ex-offenders.
- There should be more research into the Irish criminal justice system. It should be a system-wide review including the prisoners' narrative. Many times this can be overlooked by those developing policies for offenders and ex-offenders.
- There should be an organisation and voice for ex-offenders. This might challenge and inform Irish society about attitudes to offenders and ex-offenders. There is a role for such an organisation at various conferences, think-tanks and in public discourse about the role of prison and prisoners in Irish society.

LIST OF DELEGATES

Seán Aylward	Department of Justice, Equality & Law Reform
Paul Bailey	BOND Project
Fíachra Barrett	Trinity House School
Cormac Behan	University College Dublin
Serena Bennett	Parole Board
Caroline Brennan	Law Society of Ireland
Veronica Brooks	Probation Service
Maura Butler	Law Society of Ireland
Brendan Callaghan	National Crime Council
Jennifer Carroll	ACJRD Ltd (formerly IASD)
Helen Casey	Department of Justice, Equality & Law Reform
Geraldine Comerford	ACJRD Ltd (formerly IASD)
Anthony Cotter	Probation Service
Peter Culleton	National Juvenile Office
Frank Curley	Tuam Community Workshop
Lisa Cuthbert	PACE
Sinead de Róiste	Linkage Programme
Angela Devlin	EXTERN Northern Ireland
Michael Donnellan	Probation Service
Úna Doyle	Bridge Project
Jane Farrell	Office of the Director of Public Prosecutions
Cathal Flynn	Special Residential Services Board
Laura Flynn	Waterford Institute of Technology
Patricia Flynn	Oberstown Girls School
Nora Gibbons	Barnardos
David Gilbride	Irish Prison Service
Lisa Glassette	Tallaght Outreach Project
Sylvia Hoare	Dublin Institute of Technology
Brian Hogan	Oberstown Boys School
Gordon Holmes	Parole Board
Grainne Jennings	Matt Talbot Community Trust
Helen Keane	Trinity House School
Trevor Keating	Tallaght Outreach Project
Helen Kelly	Dóchas don Óige

Ursula Kilkelly	University College Cork
Stephanie Leahy	Youthreach
Paul Linnane	Probation Service
Esther Lonergan	Irish Prison Service
Niamh Maguire	Dublin Institute of Technology
Jack Marrinan	National Crime Council
Shadd Maruna	Queen's University Belfast
Frank McCarthy	Parole Board
Jarleth McDonagh	Co. Galway V.E.C
Paddy McGrath	Tallaght Outreach Project
Joe McLoughlin	Courts Service
Emer Meehan	ACJRD Ltd (formerly IASD)
John Molloy	Courts Service
Niall Muldoon	Granada Institute
Andrew Murphy	Probation Service
Paul Murphy	Irish Prison Service
Christopher Nolan	Parole Board
Margaret O'Doherty	National Crime Council
Tim O'Donoghue	Parole Board
David O'Donovan	Probation Service
Anne O'Gorman	National Crime Council
Finbarr O'Leary	Special Residential Services Board
Brian O'Meara	Irish Prison Service
Brian Purcell	Irish Prison Service
Gerry Raftery	Bridge Project
John Roche	National Juvenile Office
Christina Sauer-Dechant	Law Society of Ireland
Ken Sauvage	TREO Project
Deirdre Stapleton	Department of Justice, Equality and Law Reform
Martin Tansey	ACJRD Ltd (formerly IASD)
Edward Whelan	Wheatfield Prison
Michael Woodlock	Oberstown Boys School



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