

Request for information from the Office of the UN Commissioner for Human Rights (OHCHR) on the implications of over incarceration and overcrowding for the human-rights of persons deprived of their liberty

Response of Ireland

April 2015

What are the causes and human rights implications of over- incarceration and overcrowding, and ways to remedy such situation, including alternatives to detention and other relevant good practises or experiences?

2013 saw the first significant decrease in prison numbers in Ireland since 2007. There were 15,735 committals to prison in 2013 which was a decrease of 7.6% on the 2012 figure.

Huge improvements have been made in prison conditions in recent years. Overcrowding has been eliminated in Mountjoy Prison and priority has been given to reducing overcrowding in Cork, Limerick and the Dóchas Centre.

Furthermore, it is intended to reduce the capacity of our prisons to align with the Inspector of Prisons recommended bed capacity of 3,982 in so far as this is compatible with public safety and the integrity of the criminal justice system. An examination of the figure of the total number of prisoners in custody dated 30 March 2015 shows that 3,748 prisoners were in custody, 94% of the Inspector's recommended bed capacity (3,982).

Alternatives to custody continue to be pursued and legislation has already been passed in this regard.

Criminal Justice (Community Service) (Amendment) Act 2011

The Criminal Justice (Community Service) (Amendment) Act 2011 requires the sentencing judge to consider the imposition of community service where a custodial sentence of 12 months or less is being considered.

The Fines (Payment and Recovery) Act 2014

The Fines (Payment and Recovery) Act 2014 provides that the Court imposing a fine shall take into account a person's financial circumstances. It further provides, inter alia, that where a person fails to pay a fine by the due date the Court may make an attachment order to earnings as a means of recovering an unpaid fine. As a result of this legislation it is expected that we will see a reduction in the number of committals to prison on short sentences.

Probation Service-Community Return Programme

In conjunction with the Probation Service, the Irish Prison Service has continued the national roll out of the Community Return Programme, an incentivised scheme for earned temporary release under which carefully selected offenders can be granted structured temporary release in return for supervised community service. Currently the participants must be serving sentences of between 1 and 8 years and must have served at least half of their sentence. The Programme forms a core element of the Joint Irish Prison Service & Probation Service Strategic Plan 2013 - 2015 and has been a very positive development. As well as allowing prisoners to complete their sentence by way of performing a service to the community it has helped these prisoners to successfully reintegrate back into their communities. The Programme, managed by a co-located Irish Prison Service - Probation Service Unit, is delivering tangible benefits for the State in that suitable persons are being identified for early release with consequent savings in prison spaces and a move away from releasing prisoners in an unstructured manner.

The target of 450 participants for 2014 was exceeded. The compliance rate is approximately 90% with the remainder being returned to custody to serve out their sentence in full. 1,216 prisoners have taken part in the Community Return Programme since October 2011, 909 having completed the programme.

Community Service

Community Service is a sanction used by the courts, in lieu of a prison sentence, whereby, convicted offenders over 16 years of age may be given the opportunity by the court to perform between 40 and 240 hours of unpaid work for the community. The Probation Service has responsibility for the supervision and management of Community Service orders and in 2014, there were 2,190 such Orders made.

Community Service is a visible and effective form of direct recompense by offenders to communities and indirectly to victims for the harm and damage caused by their offending. Participants complete a wide variety of work activities and many of these activities offer opportunities to learn new skills.

Community Support Schemes

In addition to Community Return, Community Support Schemes have been set up in Cork Prison, Mountjoy Campus, West Dublin Campus and Limerick Prisons, the aim of which is to reduce recidivism rates by arranging for additional support structures and provide a more structured form of temporary release. In support of the Probation Service Joint Strategy with the Irish Prison Service, a number of Community Based NGOs - Cork Alliance, Care After Prison and PALLS - provide support programmes for short term prisoners. The Schemes provide support and advocacy services in response to primary needs such as housing, Social Welfare and health for offenders serving between three and

twelve months. At present there are 70 persons on temporary release with over 220 prisoners released under this Scheme, having successfully completed their sentences.

Conclusion

The above legislative changes along with the various schemes and programmes outlined is indicative of the progress being made by Ireland in reducing overcrowding and over-incarceration and in pursuing alternatives to custody.