

THE MANAGEMENT OF OFFENDERS - A FIVE YEAR PLAN

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According to this recently published report, on the 15/4/94 there were 2,153 inmates in the Irish prison system, distributed through our 12 custodial institutions. The daily average number population incarcerated within our prison complex has risen from 1,594 in 1984 to the current figure of 2,153.

The objective of this document, a first in Irish penal policy, is to outline the objectives of the Irish Penal system, to describe the accommodation available within the system, and to outline the services available for those incarcerated. However, we should avoid the temptation to welcome this document simply because for the first time ever a policy document on the penal system has been produced by the Department of Justice. We should instead judge it on the merits of its proposals and question why there has been a blanket of silence with regard to the operation of the Penal system to date and why a plethora of reports, both independent and statutory, have been virtually ignored.

For example, it was only in December 1993, that the annual reports on Prisons and Places of Detention for the years 1989, 1990 and 1991 were published. We are now entering into the second half of 1994 and no annual report has appeared for 1992 or 1993. The latest information on the Probation and welfare service is the annual report for 1989/90 which was only published in January 1994. For a public body vested with the control of a highly sensitive and contested area of public concern, the failure of the Department of Justice to provide basic information

on the operation of the penal system is inexcusable. And as Paul O'Mahony has pointed out in a recent article in the "Irish Law Times" much of the data produced in these annual reports is of dubious quality and accuracy.

So what does this document tell us about the penal system and its operation in the future? The answer is frankly very little. No discussion is held on the need for the new prison in Castlerea or why we need a 60 bed women's prison. A host of minor improvements in the system are outlined in the document, yet nowhere is there a sustained critique of the objectives, rationale and outcomes of our prison system. As David Garland has highlighted "The structures of modern punishment have created a sense of their own inevitability and of the necessary rightness of the status quo. Our taken-for-granted ways of punishing have relieved us of the need for thinking deeply about punishment and what little thinking we are left to do is guided along certain narrowly formulated channels. Thus we are led to discuss penal policy in ways which assume the current institutional framework, rather than question it - as when we consider how best to run prisons, organise probation, or enforce fines rather than question why these measures are used in the first place. The institutions of punishment conveniently provide us with ready made answers for the questions which crime in society otherwise evoke."

(Punishment and Modern Society - A Study in Social Theory. - Oxford University Press 1990.)

It is thus vitally important that in examining the penal system that we move beyond the narrow focus of the prison itself and question the role of punishment in Irish society. Rather than attempting to make an ineffective system more potent, as the Management of Offenders document does, we need to question the basis for the prison in the first place, rather than starting our critique from the basis of the inevitability of the existence of a penal realm. The Management of Offenders document is a cosmetic public relations exercise to plaster over the substantial cracks in our penal system (and as a public relations document it is to be commended).

One searches in vain for any semblance of a coherent policy that can realistically reduce the rate of recidivism in our prisons and the creation of a 'delinquent class'. More importantly, the title of the document is significant, suggesting as it does that those our laws deem to be offenders are created out of fresh air, as if there is no social basis to becoming an offender. Irish society in one sense gets the prisons it deserves, in that those who enter our penal system re-enter society more likely to engage in criminal activities. If society wishes to address the genuine fears of many people who feel threatened in their homes, on the streets etc., the incarceration of people in our prisons will not alleviate their fears. What was needed from this document was a radical, fresh way of organising our criminal justice system and the recognition of the social basis of much crime committed in Ireland. Instead we received a bland, innocuous document that will not advance penal reform in Ireland.