



Department of Justice, Equality and Law Reform
An Roinn Dlí agus Cirt, Comhionannais agus Athchóirithe Dlí

WHITE PAPER ON CRIME CONSULTATION PROCESS

Discussion Document No. 1

Crime Prevention and Community Safety

Overview of Submissions Received

February 2010

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INTRODUCTION

Background

In January 2009, the Minister for Justice, Equality and Law Reform, Mr. Dermot Ahern T.D. announced the commencement of work on a process designed to lead to a White Paper on Crime. The White Paper, due to be completed in 2011, will set out the overall policy framework for strategies to combat and prevent crime.

A key element in the consultation process is a series of discussion documents which will give structure to the range of subjects to be examined as part of the project. In July 2009, the Minister launched the first such discussion document, entitled '**Crime Prevention and Community Safety**'. Aimed at the general reader, it addressed a wide range of approaches designed to prevent crime, including:

- **Reducing opportunities for crime** – making it harder for crimes to be committed in the first place
- Using **locally based partnerships** to tackle conditions that give rise to crime
- Intervening to **prevent first-time criminality** among those most at risk of becoming involved in crime
- Acting to **reduce the likelihood of re-offending** among those found guilty of offences.

The discussion document invited views on how well existing crime prevention measures are working and asked what scope there is for their further development.

An information notice inviting written submissions was placed in a range of newspapers and the discussion document was posted on the Department's website and widely circulated electronically. In addition, hard copies of the document along with the press notice were sent to public libraries throughout the country.

Responses to the Consultation

By January 2010 the Department had received 70 submissions in total from organisations and private individuals.

The organisations which made submissions included regional and national organisations, community groups, Joint Policing Committees, university faculties, youth groups, groups representing older citizens, and business associations. The private individuals who made submissions appeared to come from a wide section of society both in geographic and demographic terms. A very small number of anonymous submissions were also received.

The organisations and individuals who made submissions are listed in Appendix A unless they indicated that they wished their contribution to be treated in confidence.

While in general the submissions addressed the questions raised in the Discussion Document, some submissions also addressed other crime-related issues, many of which will be dealt with in later stages of the White Paper on Crime process.

The summary of submissions which follows is intended to reflect as many of the contributions and suggestions as possible but does not purport to be an exhaustive catalogue of all the points made. Its structure is based on the structure of the Discussion Document.

Finally, it should be noted that the contents of this document do not necessarily reflect the views of the Department.

OVERVIEW OF SUBMISSIONS RECEIVED

General Remarks Made in Submissions

Overall, submissions responded positively to the launch of a public consultation process on crime policy and many cited examples of existing projects or initiatives in both the statutory and voluntary sectors which are working well and can be learned from.

A dominant theme in many of the submissions was the examination of possible underlying causes of crime, with poverty, social exclusion, poor education, inadequate parenting skills, long-term unemployment and substance abuse all addressed. It was considered that any **response to crime cannot ignore underlying causes** and needs to bring together a range of policy areas using a multi-agency, multi-disciplinary approach.

A number of submissions dealt with **national crime prevention policies and strategies** and suggested that:

- while a range of government departments, agencies and voluntary organisations are involved in different aspects of crime prevention there appears to be **no single organisation with overall responsibility for developing crime prevention policies** and overseeing their implementation
- there should be **closer inter-agency co-operation** and co-ordination and information sharing
- the **experience gained by inter-agency community partnerships** in areas such as Ballymun, Limerick and elsewhere be built on to develop a national framework to deliver crime prevention policies
- there is **potential for greater integration in planning and policy development in connected areas** such as policing, imprisonment, probation and the design of community social services
- crime prevention strategies **must be fair and be seen to be fair**, especially by those most affected

Many submissions also referred to **resources for crime prevention** in the context of current budgetary constraints and highlighted the need to ensure that adequate resources are allocated to the Gardaí, prisons, local drugs task forces, community-based organisations and other bodies contributing to crime prevention. It was suggested that resources invested effectively in crime prevention can reduce the need for the allocation of resources to expensive and punitive remedies within the penal system. One group argued that reducing services to those most marginalised and most at risk in a time when unemployment is on the rise and when there are increasing opportunities to become involved in crime is short-sighted. One submission said that it was important that **funding mechanisms** for crime prevention services, while responding to identified local needs, must be centralised in order to avoid duplication and to develop long-term measures. It was argued that the White Paper must deliver a commitment to provide adequate and sustained resources for all aspects of a crime prevention strategy, particularly the social development dimension.

A large number of submissions underlined the need for **more research and statistics** on crime rates and patterns, drug use, etc to inform an understanding of the nature of crime in Ireland and to develop appropriate responses. It was also pointed out that criminal justice data produced by various bodies, including the CSO, An Garda Síochána, the Department of Justice, Equality and

Law Reform, the Prison Service, the Probation Service and the Courts Service are not always comprehensive or compatible. One submission proposed that the publication of **local crime statistics** would increase public confidence in policing, improve public perceptions of safety and help to reduce the fear of crime.

It was also suggested that independent, **evidence-based research** is required to properly inform the development of a White Paper on Crime and that there is potential for far greater use of available research work in informing policy formulation in Ireland. Another challenge identified was the need to **translate policy review into action**, with the criticism made that recommendations from previous policy reviews have not in all cases been implemented.

A small number of submissions were concerned that the focus of the Discussion Document appeared to be on crimes associated with the marginalised and underprivileged in our society to the **exclusion of crimes of the privileged** (examples given were corporate crime, environmental crime, corruption and tax evasion). The omission of references to organised crime, gangland crime and drug dealing was also pointed out and a number of submissions suggested that in addition to looking at crimes such as burglary, theft, and public order offences, the White Paper process might also address other high volume crimes such as road traffic offences.

One submission was critical of the interpretation given to the UN Guidelines for the Prevention of Crime (2002) in the Discussion Document. It asserted that the Discussion Document **over-emphasised the importance of coercive interventions** in people's lives while understating the importance of measures to create and sustain a social environment conducive to less crime. It also argued that the approach in the Discussion Document is at odds with the emphasis the UN Guidelines place on respecting the rule of law and human rights in crime prevention and promoting a culture of lawfulness in crime prevention.

1. Reducing the Opportunities for Crime

Role of An Garda Síochána

A large number of submissions referred to the role of An Garda Síochána in reducing opportunities for crime. Issues raised included:

- **community policing** - a means of **building relations with the community**, engendering **community spirit** and **reducing fear of crime**
- **community policing** not the sole responsibility of Community Gardaí but all members of An Garda Síochána
- the need for high **Garda visibility** and the findings in a 2007 opinion poll conducted by the Irish Penal Reform Trust which found that, from a choice of eight crime reduction initiatives, including CCTV, more prison spaces, greater use of community service, the **preferred option was a higher Garda presence**
- community policing should be given **priority in rural as well as urban areas**
- **involve the community** in the decision-making processes associated with community policing
- members of the community should **not just encounter a Garda when they are reporting a crime**
- **increase the number** of Community Gardaí
- **important that the Community Garda be known and recognised** by the community and become part of the community
- the **turnover of Community Gardaí** can create a loss of continuity in community relationships with An Garda Síochána
- the **closure of smaller Garda stations**
- the **moratorium on Garda recruitment** could undermine the implementation of the new national Model of Community Policing for An Garda Síochána

Some submissions suggested that Gardaí be **armed** while others suggested that an armed Garda force is unnecessary and that pepper spray and retractable batons are sufficient for operational patrol.

Communications

Communication between An Garda Síochána and the community was the subject of a number of submissions. It was suggested that:

- the Gardaí should **publish local crime statistics** and their achievements in dealing with crime in order to involve the community in crime prevention
- local crime prevention strategies should be informed by an analysis of local **crime patterns**
- the **community should be kept informed** of what is happening in their area, for instance through the **Garda website** or **social networking sites** like Twitter
- **Gardaí could meet with the community** and give an overview of the work they are doing in order to keep the community involved
- the community should be able to be in contact with Gardaí on a **more informal** level

Protecting the Elderly

There was particular concern for protection of the elderly, and the fear of crime felt by the elderly. Recommendations made with regard to the safety of the elderly included:

- **mandatory Garda presence in rural communities**
- **Garda community liaison** in community centres
- Garda liaison with victim support at a **local level**
- introduction of **legislation** to protect the elderly and include provision for **Senior Protection officers** in each Garda district and social workers tasked with elder abuse cases.

Alcohol and Crime

Alcohol-related crime was dealt with in a number of submissions which proposed, *inter alia*:

- the **prohibition of temporary price reductions/promotions of alcohol**
- a focus on the **responsibility of licensed premises**
- **licensed premises should be made liable for property damage or other damage caused by anti-social behaviour** if the licensed premises were found to have sold alcohol to a minor
- the **prohibition** of all association between alcohol products and all athletic, entertainment and cultural events
- that **alcohol promotion stands** inside a licensed premises should not be visible from outside the premises
- **policies** relating to the sale and consumption of alcohol and prevention of alcohol related harm/ health promotion policies should complement each other
- **legislation** relating to alcohol use should be visibly and consistently **enforced**

Anti-Social Behaviour

Anti-social behaviour was addressed in a number of submissions. It was noted that the presence of serious crime in an area may also increase young persons' involvement in anti-social behaviour. Some submissions questioned the effectiveness of **Anti-Social Behaviour Orders**.

Suggestions to address anti-social behaviour included:

- **a range of responses required** to reflect the type of anti-social behaviour
- the **type and location of this behaviour to be mapped** and a joint response between agencies determined
- **have stolen cars moved** and **rubbish removed** in a timely manner to prevent burning
- strategy needed to address anti-social behaviour associated with **empty buildings** (commercial and residential) to include local consultations when buildings become empty, and faster processing for reallocating empty accommodation units

Petty Crime

Petty crime was specifically mentioned in a number of submissions:

- **petty crime in rural towns and villages** should not be overlooked
- **Community Service** should be handed down for petty crime as prison sentences are unsuitable
- **alcohol** is a major factor in petty crime

Crime Prevention through Environmental Design

Some submissions considered crime prevention through environmental design and suggested:

- the introduction of **regulations requiring minimum crime prevention standards** in the design of new buildings, in order to increase the security of the building, the surrounding area, and the community in general
- a **child-centred approach to planning** so that families can live in accessible, safe, well-designed structures and landscapes, including supervised play areas
- **liaison** between the Gardaí and the planners at the **planning stage** to consider the impact of new developments on crime and disorder levels in an area and to enhance crime prevention options
- **planners to be trained in theories of crime prevention** through design
- the need to explore the **obligation of private developers and local authorities** to design and deliver residential developments that enable and encourage a sense of community
- Crime Prevention through Environmental Design theories to be applied to **regeneration projects**
- regard to be given to the **privacy of the individual** when using CCTV

Neighbourhood Watch/Community Alert Schemes

These schemes were considered in a number of submissions and it was noted that they:

- vary from place to place
- are more successful in mature long-established communities and **may not exist in newer developments** with a younger or transient population
- **need to be strengthened**
- can only succeed with **widespread support from all parts of the community** but need to have the **Gardaí as lead partners** with adequate resources allocated for such role

Other Views

Other suggestions to reduce opportunities for crime include:

- continuation of support for **CCTV** schemes and increased use of **CCTV**
- compulsory registration for **pre-paid mobile phone** users
- A number of submissions proposed that homeowners should be able to **protect their property** by any means necessary
- **'mug shots'** should be made available to the press in order to identify criminals
- **prompt removal of graffiti** to reduce the chance of graffiti reappearing and help maintain a safe, secure and attractive environment
- **guard dogs**
- replacing cash with **electronic money**
- door locks
- street **lighting**

2. Local Partnerships to Co-ordinate Crime Prevention

The prevailing view of submissions dealing with this issue was that local partnerships to co-ordinate crime prevention are the most efficient and effective means of dealing with crime and its impact on the community.

Community Engagement

A large number of submissions referred to a need for greater community engagement in order to prevent crime. Views expressed included:

- **poor neighbourhood and living conditions have a negative impact** on children's health, well-being and their sense of attachment to their community
- the need for strong **community partnerships** between the Gardaí and communities, and for interagency partnerships
- **neighbourhoods could work together** as a team of which the Gardaí are members
- **improved community identity** and working in **partnership with agencies** will aid crime prevention and improve relations
- community safety and quality of life could be increased by **engaging in the community** through residents' associations, estate management, Tidy Towns competitions and Neighbourhood Watch schemes.
- the need for communities to **develop and respond to their own needs** for community development ensuring that they take ownership of initiatives
- the **need for a sense of safety** for community members who engage with agencies and results-driven policies in relation to crime
- a perception that **some members of the Gardaí have a negative attitude towards certain communities** or see a community as difficult rather than comprising difficult individuals.

Co-ordination

A range of views relating to co-ordination measures for crime prevention were presented:

- there is a need for **co-ordination of the various agencies** involved in a community (criminal justice, health service, and voluntary community groups)
- a **local co-ordinated interagency community partnership approach** is needed rather than different agencies working towards different goals or national agendas
- there should be a **partnership process** to enable all relevant local agencies to come together to share concerns or information relating to individuals or issues in the community
- in order for interagency community work to be successful, **long-term commitment and support** to the local community is needed and promises must be delivered on
- each **Government policy** developed must take note of possible crossovers in service and the **impact one response can have on more than one policy area**
- statutory agencies need to be **committed to working in partnership** with the community and the **community should take the lead in identifying priorities**
- **support for the voluntary sector** which works in partnership with the Gardaí and the Probation Service is vital

- there is a need for **regular interagency and community meetings** to provide a focal point for discussion of issues arising in the community such as drug awareness, family supports
- **information relating to an individual** cannot be shared between organisations without the individual's consent
- partnerships should take **the views of young people** in the community on board, support, and listen to them
- * there does not seem to be effective coordination between national alcohol and drug strategies and crime strategies

Funding

This issue was raised in a number of submissions. Points made included:

- perceived **overlaps in funding** to some agencies and **gaps in funding** to others
- **greater coordination on funding** could be facilitated by a centralised funding mechanism
- a **directory of services** could help identify duplication or gaps in services
- the need to **evaluate** project operations and outcomes
- **funding allocations should be based on local needs** identified through crime patterns rather than policy-led and should result in agencies working together instead of competing against each other
- **interagency work** should be a requirement for funding

Inequality

A number of submissions were concerned with the relationship between inequality, social exclusion and poverty and crime levels. In this regard it was suggested that:

- awareness of these issues should be highlighted in **Garda training**
- efforts be made to **recruit Gardaí from disadvantaged communities**

Garda Reserve

It was submitted that the Garda Reserve has been a success and enables members of the community to work with An Garda Síochána.

Joint Policing Committees

A number of submission referred to Joint Policing Committees commenting, *inter alia*, that they:

- cannot be **evaluated** at this early stage of their existence
- should be more **accountable** to local communities in order to give communities a greater input into policing policies
- should include **representation** from community organisations, businesses and the health and education sectors
- have the **potential to deliver a more effective and sustainable approach to crime prevention**, if properly resourced and co-ordinated

Anti-Social Behaviour by Local Authority Tenants

A number of submissions addressed responses to local authority tenants engaged in anti-social behaviour stating that:

- there should be **stronger deterrents** for local authority tenants engaged in anti-social behaviour
- agencies should be mindful that **evicting** certain individuals from **housing** due to anti-social behaviour and **making them homeless may lead them to crime**
- **tenancy support initiatives** can effectively challenge anti-social behaviour
- **moving tenants/evicting them just moves the problem elsewhere**
- **individuals involved in anti-social behaviour** should be identified, then challenged and supported in steps to change behaviour
- tenants should be supported through **pre-tenancy courses**, the formation of **residents' groups** that reflect the community living in the area, and strong relationships between the local authority and community, as there can be reluctance by some members of the community to be seen to engage with agencies

Feelings of Safety

In terms of the impact of crime prevention measures on feelings of safety, it was noted that crime levels and feelings of safety are not always linked and that other issues influencing feelings of safety include prior **victimisation** or **social** or **economic vulnerability**.

Successful Measures

Some submissions included approaches which were successful in their area, for instance:

- **Community Safety Fora** and **Local Policing Fora**, which give local people an opportunity to highlight problems relating to crime and anti-social behaviour and work in partnership to address the issues with Gardaí and other agencies.
- Local **coordinated interagency community partnership approaches** in Ballymun, Limerick, and North Inner City Dublin
- **Community Drug Teams** working to target drug users to stabilise drug use and reduce criminal activity
- The **Tallaght West Childhood Development Initiative**, a "Prevention and Early Intervention" group, which has commissioned a Community Safety Initiative in Tallaght and has carried out research, consultation and seminars, supporting residents' participation in local decision-making
- **Community Mediation Works**, a community mediation and restorative justice service operating in Dun Laoghaire Rathdown and Bray areas, which provides a free and confidential conflict resolution service to disadvantaged and marginalised communities throughout the area
- **South West Clondalkin Community Safety Forum**, an initiative of the Dolcain Project which is a partnership between community, Gardaí and South Dublin County Council, working together on issues of community safety
- **Community Platform**, a membership organisation representing organisations working in the areas of poverty and social exclusion across South Co. Dublin

3. Preventing Involvement in Crime

Parental Responsibility

A large number of submissions were concerned with the area of parental responsibility and made a range of suggestions:

- **penalise parents** for the behaviour of their children, for example, by fining parents at their source of income
- the community should be able to **sue young people or their parents for damage** caused by **anti-social behaviour**

Supports for Families

Some submissions dealt with **support for at-risk families**, the need for **parenting classes** and other means of strengthening family bonds as a method of early intervention. It was suggested that **parents need to be supported to be accountable** and develop the skills required to bring about change.

Diversion

Diverting young people away from crime was the concern of a number of submissions which referred to:

- the **lack of facilities for young people**, in particular, facilities that will not give access to alcohol
- the value of **mentoring of young people** through sport or education enabling them to develop and increase resilience, by creating self-esteem and competencies, giving an understanding of the importance of teamwork and allowing them to make personal choices about their own or team actions to prevent alienation and exclusion
- the need for **safe areas for young people** which could be developed to include CCTV and strategic lighting and provide development activities for teenagers as alternatives to anti-social behaviour
- the **involvement of volunteer parents at youth clubs** giving time to their children's activities
- the **development of services and projects** to give young people the opportunity to **develop a sense of self-worth** which diverts them from anti-social behaviour and crime
- the need to engage young people in **outreach activities in a community setting** (e.g. summer programmes, home visits, networking, group work) to embrace all sectors of the community

Garda Youth Diversion Projects (GYDPs) were the subject of a number of submissions and considered to be a successful means of early intervention, diverting young people from involvement in the criminal justice system. Suggestions on the GYDPs included:

- **increase their number** and allocate more resources to them
- extend nationwide the **Garda case management of young offenders** operating in Dublin
- **extend them to younger children** to divert them away from anti-social behaviour and redirect them to positive activities

Juvenile Justice

A number of submissions made on Juvenile Justice stated that:

- the **youth justice system is complicated and does not link up**, making it difficult for the agencies involved to support young people and that integrated policies among the various agencies could address this issue
- the **length of time between an offence occurring and the court case concluding can lead to further offending** and contribute to the young person's belief that there is no consequence for their actions. It can also lead to association with more serious offenders.
- **detention** should always be a **last resort in youth justice**
- **detention** can expose young people to criminality, violence, and drugs
- many youths detained in the justice system have **mental health and substance dependence problems**
- **substance abuse and offending behaviour** need to be addressed together and not viewed as separate issues addressed by different agencies
- adequate **mental health services for children** in detention are needed along with a national assessment standard with follow-up support and treatment, children with mental health difficulties should be diverted from detention into specialised services
- **community service** could be extended to juvenile justice system
- there is no point in trying to steer young people away from a life of crime if you do not have an **alternative** to offer them
- **engagement of young people in the community** may facilitate prevention from involvement in crime
- encouraging **pro-social behaviour** and a **shared sense of responsibility** in young people may help to prevent involvement in crime - one submission suggested after-school programmes to achieve this
- **encouraging young people to give something back to their community** may assist in preventing re-offending
- **programmes focusing on cognitive ability** to encourage empathy are needed for young people at risk

Restorative Justice

Restorative Justice was mentioned as an appropriate intervention for young people. In this regard it was submitted that:

- locally based partnerships in the form of community **restorative boards/networks** represent a cost-effective and empowering way for a community to address behaviour that can lead to criminality and for offenders to take responsibility for harm done to the community
- **restorative justice supports a young person's learning** that their actions have consequences and encourage them to stop re-offending
- it is important that the **punishment fits the crime** in restorative justice

Causes of Involvement in Crime

The links between education, employment and the likelihood of involvement in crime was the subject of a number of submissions:

- young people who **drop out of school early** have limited employment options thus making the world of crime more attractive to them
- **allocating resources to education** through home-school liaison, homework clubs, psychological services could effectively address education needs and reduce the likelihood of engaging in crime or anti-social behaviour
- **drug awareness** should be addressed in schools as an early intervention measure
- **pre-school with parental support** can mean less difficulties in subsequent education and a greater likelihood of staying in school and away from offending behaviour
- in the so-called '**second chance**' **education sector for young people** it is important that the sector does not over-emphasise qualifications as this can further marginalise young people

Garda Relations with Young People

A number of submissions referred to Garda relations with young people. Most of those felt that some Gardaí can be too strict with young people while a very small number said that some Gardaí may seem to be too friendly with young people. The question of lack of discipline and respect for authority in certain age groups was raised in some submissions.

Successful measures

Examples of projects seen as successful included:

- **Deansrath Family Centre** and **Swift**, a model of parent support working in conjunction with the Garda Diversion project
- **Nenagh Reparation Project**
- **Restorative Justice Services Tallaght**
- **Co. Cork Comhairle na nÓg** organised annually by the County Cork Youth Council through Co. Cork VEC and Cork County Development Board which gives young people an opportunity to address local issues
- various education and employment interventions programmes by the **Athlone Community Taskforce**, including Homework Clubs, "Going to Secondary", "Summer Connect" which aim to support disadvantaged young people to continue their education and enhance their capacity to join the working world
- **Knocknaheeny/Holyhill Special Justice Project** aims to prevent/divert young people from crime and enable them to develop their full potential through modules of self development, self esteem, civic pride and personal health in conjunction with parental support. The Project also aims to improve Garda/community relations.

Other Views

Other suggestions to assist in preventing young people from being involved in crime included:

- not cutting **funding to projects and groups** involved in youth justice work, as the negative impact this will have in contributing to involving young people in crime will outweigh the short-term benefits
- more **community-based childcare initiatives** like the Early Start Programme, family support, and treatment for families affected by addiction (parents and children)
- the inclusion of a course on the **law and its consequences** in the Civic, Social and Political Education curriculum
- **youth councils** in every locality
- **the installation of high-pitched electronic sound deterrents**, so-called 'mosquito devices', at places of business where young people congregate, although two submissions considered that **such measures can directly interfere with children's rights** and constitute an affront to their dignity
- **consultation with young people** on addressing the issue of reducing alcohol- related harm among young people
- **mandatory national service** for all young people, which could include physical and language training along with learning to follow routine and simple tasks
- it was submitted that Ireland, as a society, is **desensitised to violence** through television and film. Tighter classification of film and video games was suggested as a means of tackling this issue.

4. Reducing Re-offending

Prison Policy and Structures

A number of respondents considered Irish prison policy and structures. Some referred to the conclusions and recommendations of the 1985 Whitaker report (Report of the Committee of Inquiry into the Penal System). It was submitted that imprisonment:

- should only be employed as a **last resort** and that resources should be directed towards **community sanctions, rehabilitation, crime prevention and reducing re-offending**
- is an **inadequate crime prevention strategy**
- is overly **costly**
- causes de-socialisation and other **lasting negative effects** for the person incarcerated, their families and communities

One submission asserted that the **statutory duty to exhaust all alternatives before imposing a sentence of imprisonment within the youth justice system**, contained in the Children Act 2001, provides a valuable precedent which **should be extended to the adult criminal justice system**.

One submission referred to the "**absence of any long term policy on prevention, rehabilitation or incarceration**" in Irish criminal justice policy. A number referred to the prison population demographic which reflects the link between **poverty and social exclusion** and crime. It was submitted that child abuse and neglect need to be addressed as they can lead to anti-social behaviour, violence and crime.

A number of contributors referred to the proposed **Thornton Hall** project and contended that:

- the delay in building Thornton Hall could provide **an opportunity to rethink** the proposed expansion, to increase the use of restorative justice and to explore the option of providing rehabilitative centres for those suffering from addictions
- its completion will **improve accommodation standards** for those prisoners housed in Mountjoy prison
- the **availability of more prison spaces will not reduce crime** or reduce re-offending
- while addressing the problem of overcrowding the proposed new prison may also lead to a **reduced willingness to seek alternatives to custody**
- the **Prison Service should operate more smaller, localised prisons rather than a few large ones** as the likelihood of institutionalisation, bullying and the need for segregation diminishes in smaller locations

One submission asked that priority be given to relocating detention facilities currently accommodated in the St Patrick's complex with its subsequent closure.

Prison Regimes and Systems

Some submissions considered prison regimes, systems and their outcomes. It was proposed that:

- **positive/integrated sentence management** is best practice in other jurisdictions and should be the prevailing practice in Ireland
- the **Integrated Sentence Management** system currently at the pilot stage in the Irish prison system **be extended throughout the system** at the earliest opportunity

- the prison **population should be reduced** and more prisoners assigned to **open prisons** which would be less costly than closed prisons and produce better prospects for the resettlement of offenders into society
- both society and the offender benefit from a **benign prison regime** that aspires to educate the best values to inmates so that when they leave they are more suited in every way to a life outside prison and do not hold an added grudge against society. They might leave and feel that they have been fairly dealt with and make positive adjustments to their own life style
- **women offenders** have specific needs and rights which need to be addressed by the criminal justice system
- there is a need to develop and implement **structured pre-release programmes**
- **recidivism** can be reduced by addressing the social deficits and needs of offenders
- offenders who successfully **complete prison programmes**, for example Junior or Leaving Certificate, should qualify for early release
- **privileges** such as TV and radio should be earned by prisoners working
- prisoners could work in prison to **compensate their victims**
- **programmes that encourage prisoner responsibility and initiative** are needed because on release many offenders lack the confidence to deal with issues such as money matters, crowds and have a general lack of confidence
- prisoners should have **more out of cell time**, at least 12 hours per day, and should be in single cell accommodation with access to toilet facilities

Mental Health and Addiction Services

It was submitted that there is a lack of appropriate mental health and addiction services within prisons and that this deficit and the over-reliance on pharmacological interventions should be addressed as a matter of urgency. It was also submitted that, if possible, offenders with **serious mental health problems** should be diverted to mental health services rather than prison.

Employment and Re-Integrating Offenders

Employment as a means of re-integrating offenders into society and reducing levels of recidivism was a concern of some submissions. Opinions offered in this regard included:

- **members of the public may not be comfortable** with engaging ex-offenders in employment
- **ex-offenders are made to feel worthless and inconsequential** in the community due to their offending history
- **a prisoner's best chance to reintegrate** into society is by education, up-skilling and immediate job placement on leaving prison
- **post-release evaluation** and **prisoner support** is critical for long-term success in reducing re-offending
- the most important issues for prisoners on release are: **access to housing, social welfare and healthcare**, particularly drug treatment services and mental health services
- the **process of desistance** can be strengthened and accelerated by the support of a supervising Probation Officer and a programme addressing some of the fundamental needs of the offender.
- ex-prisoners should be **prioritised for job programmes** and education
- **tax incentives** should be available to employers for employing ex-offenders
- enactment of the **Spent Convictions Bill** could increase employability of ex-offenders

- there is a potential **role for local authorities and local community organisations to build links with offenders**, particularly on release from imprisonment
- evaluating existing intensive reintegration initiatives will demonstrate the **economic and social benefits of greater investment** in such initiatives with prisoners

The Probation Service's work to **improve the lives of ex-offenders** through training schemes and work programmes was noted in a number of submissions.

Restorative Justice

Restorative Justice was the subject of a number of submissions. Points made in relation to restorative justice included:

- a means of reaching a **positive outcome for victims, offenders, and society**
- a means of **addressing the cause and consequence of an offence** and involving all those affected
- a means of **restoring the dignity of the victim** and **making the offender take responsibility** for his/her actions and make amends
- the need for a **multi-agency approach**
- education needs to be provided to **increase public understanding** of restorative justice
- the establishment of community restorative justice will necessitate considerable **investment** in training and ongoing monitoring to ensure that the highest standards of best practice are developed and maintained
- **restorative justice conferences** should not take place in Garda stations.

Prolific Offending

It was suggested that the **Prolific and Priority Offender** approach be used to address re-offending using a multi-agency approach, i.e., supporting the individual in addressing offending or substance abuse needs and warning and/or convicting if they re-offend. This was seen as a more streamlined approach and a better use of scarce resources as those offenders who want to work with agencies can be identified and appropriately treated and increase personal responsibility.

Successful Measures

Projects for offenders which were mentioned included Treble R Industries which works with prisoners on day release and the Bridge project, an intensive probation supervision scheme in which adult male persistent offenders are engaged in a community-based programme.

Other Views

Other suggestions to reduce re-offending were:

- **Electronic tagging.**
- **Curfews.**
- **Violent Offenders Register.**
- **Community service** - offenders should wear pink jumpsuits while litter picking, helping the homeless, painting over graffiti.

- **Alternatives to incarceration** are needed for those unable to pay fines or settle debts. In that regard, measures proposed in the **Fines Bill** and other measures to **end the use of imprisonment for civil debt** were welcomed.
- **Rehab centres** for addiction treatment rather than imprisonment.
- **Drug courts** extended nationwide

5. Other Issues Raised

Legislation/ Sentencing

While a large number of submissions focused on the issues raised in the Discussion Document there was also reference to legislation and sentencing in a large number of the submissions, in particular the type of **sanctions** imposed by the courts. It should be noted that criminal sanctions will be the subject of the second White Paper on Crime Discussion Document, to be published early in 2010.

Opinions submitted included that:

- **courts have become too liberal** in their approach towards re-offending
- **greater transparency and consistency of sentencing** can be achieved while retaining the proper independence of the judiciary
- **prison sentences are generally too short** and are not respected by the community
- the **value of short sentences is questionable** and greater use should be made of the broad range of **community sanctions** introduced in the Children Act 2001
- one change in judicial practice which might contribute to reducing the use of short sentences would be the **introduction of an obligation on sentencing judges at the District Court level to provide written explanations of sentence lengths**
- the criminal justice system is a **revolving door** and the same people are in the system and re-offending
- **offenders with previous offences** are allowed back on the streets when they **re-offend**.
- shoplifters can often be arrested and sentenced in one day, and return to shoplifting that same day
- that sentences for serious crimes should not be reduced for any reason
- * mandatory sentencing regimes will have a corrosive effect on the criminal justice system, increasing the number of people imprisoned by removing necessary judicial discretion and frustrating the need for proportionate sentencing
- **Community Courts** and **Night Courts** should be available to deal with issues such as drunk and disorderly conduct, anti-social behaviour, the handling of stolen goods and assaults
- **bail laws** should be tightened and bail should be refused in cases such as:
 - importing drugs
 - crimes using a weapon
 - armed robbery
 - repeat offenders
- offenders on bail or remand should be required to **surrender their passports**
- **free legal aid** should not be guaranteed and should be denied in certain crimes
- **legal aid could be provided on a loan basis** with a transfer of ownership as a recoupment option or deducted as a percentage from social welfare payments

One submission suggested direct deductions (instalments) from income/social welfare to ensure fines handed down are paid, to free up garda resources.

In a very small number of submissions extreme forms of punishment were suggested to address serious crimes and alleviate fear of crime.

Some submissions raised the issue of **zero tolerance** policies, suggestions included:

- zero tolerance to **drug possession**

- **zero tolerance to petty crime** such as in New York (referring to the drop in crime there since the introduction of, for instance, painting over graffiti daily, arresting members of the public not buying subway tickets and cuffing them in a row on the platforms)
- zero tolerance for **drink driving**

Victims and Witnesses

The issue of **victim and witness protection** was raised in a number of submissions. Points made included that :

- victims should **not be pressured** into pressing charges
- victims should be kept **updated** on the progress of the case
- more **resources** should be allocated to Victim Support groups
- consideration needs to be given to the growing **fear of reporting crimes** and **intimidation of witnesses** and those reporting crime in their area.

Other Views

A number of submissions raised the issue of **gun licensing**, suggesting that legal gun owners are treated as criminals, and that legal handgun ownership has no impact on crime. It was proposed that possession of an **illegal weapon** should incur a mandatory sentence. Likewise concern was raised over ownership of **decorative swords and knives**, that this ownership differs from, and has no relation to, knife crime.

Some submissions suggested the **decriminalisation of drugs** to address the high levels of drug use and crime.

A further submission suggested that the legislation relating to **street begging** should be updated to address issues like women and children being brought to certain areas to beg, begging moving into shops or places of business and aggressive begging.

Some submissions raised the reporting of crime in the **media**, for instance how some media outlets treat certain criminals - giving nicknames and publicity to gangs. It was suggested that the media be prohibited from giving criminals nicknames as it can be viewed as a badge of honour. A perceived lack of balance in the reporting of crimes was also referred to.

It was noted that **illicit tobacco trade** is causing a huge loss of revenue to the Exchequer. Suggestions to address this included:

- allocation of **further resources to detect and prevent this activity**
- introduction of **sanctions** such as on the spot fines for those found purchasing cigarettes to which no Irish tax stamp is affixed.
- **new criminal offences** relating to purchasing or allowing sale of cigarettes where no tax stamp has been affixed or product is counterfeit.
- **monitoring of street markets** where distribution of smuggled cigarettes is occurring

APPENDIX A - SUBMISSIONS RECEIVED

70 submissions were received from 66 sources, of which 27 were from organisations and 39 from private individuals. A number of submissions were also received anonymously or from individuals who wished for their submissions to remain confidential.

Organisations

ADVIC	Irish Security Industry Association
Amnesty International	Irish Tobacco Manufacturers Advisory Committee
Athlone Community Taskforce	Knocknaheeny/ Hollyhill Special Justice Project
Catholic Youth Care & Copping On	Muintir Na Tire
Central Area Joint Policing Committee	National Prison Chaplains
Centre for Criminal Justice (University of Limerick)	Older Women's Network
Community Mediation Works	Safer Blanchardstown
Community Platform/ Dolcain Project	South Dublin Joint Policing Committee
Cork Business Association	South West Clondalkin Community Safety Forum
Cork County Youth Council	St Senan's and District Community Alert Group
County Mayo Joint Policing Committee	Tallaght West Childhood Development Initiative
Cúram	- Community Safety Initiative
Dublin City Business Association	Youth Work Ireland
Dublin City Council Joint Policing Committee	
Irish Penal Reform Trust	

Individuals

▪Mr. N. Barrett	▪Mr. A. Gallagher	▪Mr. G. Murphy
▪Mr. J. Bielenberg & Mr. C. May	▪Ms A. Jocelyn	▪Mr. K. Murray
▪Dr. M. Butler	▪Mr. T. Horrigan	▪Mr. E. O'Donovan
▪Mr. M. Carroll	▪Mr. G. Hutch	▪Mr. G. O'Neill
▪Mr. C. Doherty	▪Abp M. D. Hynes	▪Mr. J. Pyle
▪Mr. D. Donovan	▪Ms. A. Keogh	▪Mr. G. Raftery
▪Mr. A. Fagan	▪Ms. A. Lally	▪Ms. B. Salako
▪Mr. J. Farrell	▪Dr. L. Leonard & Ms. P. Kenny MSocSc	▪Mr. P. Tighe
▪Mr. M. Fitzgerald	▪Ms. P. McCafferty	▪Mr. H. Traynor
▪Mr. G. Fleming	▪Mr. K. McCormick	▪Mr. K. Warner
		▪Ms. S. Woods