



**IPRT Submission to Consultation on
Department of Justice Strategy Statement**

20th November 2020

*Please note that while the exact content of the submission is reflected in this document,
the submission was originally made via online survey through www.justice.ie.*

Priority 1 - Tackle crime, preserve national security and transform policing

1. Please provide detail on any relevant actions for this priority area (Max 250 words)

(i.) *Renew the commitment to data and research to tackle crime*

Data and research are essential to understanding, addressing, and tackling the root causes of crime. Evidence-based research can also counteract unhelpful and detrimental 'knee-jerk' reactions to events, a phenomenon often seen in the criminal justice and penal sphere.

The Penal Policy Review Group recommended an increased focus on effective criminal justice data management, led by the Department, as far back as 2014. The Department has since published its Data & Research Strategy 2018-2020, which supports the delivery of *A safe, fair and inclusive Ireland* and includes a commitment to developing a 'culture of research.' The Department should renew this commitment in the new Strategy Statement.

(ii.) *Introduce legislation to strengthen inter-agency co-operation to reduce harm*

The Policing and Community Safety Bill should be progressed. This legislation would strengthen inter-agency co-operation between stakeholders by placing a reciprocal obligation on other public service bodies, such as local authorities, to work with An Garda Síochána to support people at risk and reduce harms in communities. It would also underpin the Minister's recent commitment to community safety and preventing crime.

(iii.) *Extend Garda Youth Diversion Programmes to 18-24s*

Scientific evidence demonstrates that the human brain and maturity continues to develop beyond adolescence (IPRT, 2015). The right interventions at the right points of time can lead to a successful reduction in re-offending. Extending the Garda Youth Diversion Programmes for this age cohort as outlined in the Draft Youth Justice Strategy should be implemented.

2. Please provide detail on any relevant indicators of success for this priority area (Max 250 words)

(i.) *Renew the commitment to data and research to tackle crime*

- Collation and publication of data and research informing evidence-based criminal justice policy.
- Continued implementation of relevant recommendations made by the Penal Policy Review Group (2014), Joint Committee on Justice, Defence and Equality (2013), and Joint Committee on Justice and Equality (2018)
- Government commitment to establishing a Penal Policy Consultative Council is fulfilled, and the Council is fully operational and used to inform effective responses to crime.

(ii.) *Introduce legislation to strengthen inter-agency co-operation to reduce harm*

- The Policing and Community Safety Bill is enacted and implemented.
- The legislation's impact is tracked to see whether it has resulted in improved inter-agency co-operation when responding to persons at risk and/or has reduced harms in the community.

(iii.) *Extend Garda Youth Diversion Programmes to 18-24s*

- Reduction in the number of young adults in the prison system.
- Reduced recidivism levels and improved outcomes for young adults engaging in Garda Youth Diversion Programmes.

Priority 2 - Improve access to justice and modernise the courts system

3. Please provide detail on any **relevant actions** for this priority area (Max 250 words)

(i.) *Finalise internal prisoner complaints system to facilitate prisoners' access to the Ombudsman*

Prisoners currently lack access to an independent complaint mechanism. In 2016, the Minister for Justice accepted the Inspector of Prisons' recommendation that the Ombudsman be given a role in prisoner complaints. The revised internal prisoner complaints system should be implemented to move forward with this recommendation.

(ii.) *Create a modern, flexible and transparent sentencing system*

Irish sentencing practice should be reviewed to create a modern, flexible, and transparent sentencing system (see IPRT, Sentencing). The Department should support the new Sentencing Guidelines and Information Committee (SGIC) in its work by providing relevant data (e.g., on sentencing disparities across the country) and sufficient resources to allow the Committee to fulfill their statutory functions. Prison as a last resort must further be embedded as a guiding sentencing principle.

The average number of people remanded into custody has increased by 21% from 2017 to 2019 (Irish Prison Service, Annual Reports). The Department should review the number of people being held on remand in custody and consider introducing adequate bail supports to avoid excessive use of pre-trial detention.

(iii.) *Ensure the rights of victims, and parole candidates are met*

The Parole Act 2019 has been signed into law but is not yet operational. Progress is required to meet the rights of both parole candidates and victims, and the Minister should commence the Act without further delay. The Department should provide accessible information to the general public on the Parole Board.

4. Please provide detail on any **relevant indicators of success** for this priority area (Max 250 words)

(i.) *Finalise internal prisoner complaints system to facilitate prisoners' access to the Ombudsman*

- An internal complaints policy is published, and the new prisoner complaints system is operational.
- The number of complaints and outcomes are tracked and published on an annual basis.
- Prisoners have faith in the new complaints system.
- Where a prisoner is unhappy with the outcome of their internal complaint, they can have the complaint independently investigated through access to an independent body such as the Office of the Ombudsman.

(ii.) *Create a modern, flexible and transparent sentencing system*

- The SGIC is supported in implementing a modern, flexible, and transparent sentencing system, which supports the principle of imprisonment as a last resort and penal moderation.
- More bail supports are available, and there are visible reductions in the number of people held on remand in custody.

(iii.) *Ensure the rights of both victims and parole candidates are met*

- Victims, parole candidates, and the general public understand the new parole system.
- Delays in hearings for parole candidates are tracked to eliminate backlogs and support procedural fairness.

Priority 3 - Strengthen community safety, reduce re-offending, support victims and combat domestic, sexual, and gender-based violence

5. Please provide detail on any relevant actions for this priority area (Max 250 words)

(i.) *Support the mental health and addiction needs of persons in the criminal justice system*

A commitment to addressing the prison population's mental health and addiction needs, and primary care support on release, through a high-level taskforce, is outlined in the Programme for Government. This commitment must form part of the Department's Strategy Statement. State actors must work together to support those with mental health and addiction needs to access timely health interventions, which will, in turn, strengthen community safety and reduce harm.

(ii.) *Reduce Harms and Invest in Communities*

The Department of Justice should commit to a 'decarceration' strategy. Short prison sentences must be replaced with Community Service Orders as provided under the Criminal Justice (Community Service) Amendment Act 2011. The Department should also increase the number of people on early release programmes such as Community Return.

A gender-specific, trauma-informed approach is required for women in the criminal justice system who generally pose a low risk to society but have complex needs, including as victims of domestic violence.

(iii.) *Support people to move on from offending behaviour*

To strengthen community safety and reduce re-offending, barriers to community integration also need to be addressed. The ongoing review of current spent convictions legislation is essential to extend its remit to many people with convictions. The Department must act on the 800+ submissions received in the recent public consultation. The Public Service, including the Department of Justice, should champion and employ persons with conviction(s) histories.

6. Please provide detail on any relevant indicators of success for this priority area (Max 250 words)

(i.) *Support the mental health and addiction needs of persons in the criminal justice system*

- A high-level taskforce to consider the mental health and addiction challenges of prisoners is established.
- Cross-agency strategies are developed to divert people with mental health, and addiction needs away from the criminal justice system and towards relevant health interventions.
- Such strategies are monitored and evaluated on a continuous basis to track progress.

(ii.) *Reduce Harms and Invest in Communities*

- A stated commitment by the Department to a policy of 'decarceration.'
- Decrease in short-term prison sentences replaced with a commensurate increase in Community Service Orders.
- Commitment to a new strategy to address the specific needs of women in the criminal justice system.
- Increase in the use of early release programmes such as Community Return/Community Support Schemes.

(iii.) *Support people to move on from offending behaviour*

- Spent convictions legislation applies to a broader number of people with conviction(s) histories.
- The Department of Justice champions this issue and paves the way by employing people with conviction(s) histories.

Priority 4 - Deliver a fair immigration system for a digital age

7. Please provide detail on any relevant actions for this priority area (Max 250 words)

Ensure no immigration detainees are held in the Irish prison system (more on [Immigration Detention](#)).

8. Please provide detail on any relevant indicators of success for this priority area (Max 250 words)

There are zero immigration detainees held in the Irish prison system.

Priority 5 - Accelerate innovation, digital transformation, and climate action across the justice sector

9. Please provide detail on any relevant actions for this priority area (Max 250 words)

Digital transformation is inclusive of marginalised groups

Innovation and digital transformation should be inclusive of marginalised groups, such as prisoners. The Covid-19 pandemic has demonstrated the importance of digital systems in fostering prisoners' contact with the outside world, including family members and lawyers. For example, the Irish Prison Service has successfully introduced the use of video calls for the purpose of family contact. This positive development should be maintained and used as an additional form of communication beyond the Covid-19 pandemic. In addition to participation in schools, interactive e-learning technologies should also be available to prisoners in the system both during the current pandemic and beyond. This would support the Council of Europe's '[normalisation](#)' principle that would support prisoners' rehabilitation.

The Civil Law and Criminal Law (Miscellaneous Provisions) Act 2020, commenced in August 2020, includes provision for video links for remote hearings. This is a pragmatic response to the current emergency and offers potential benefits to prisoners, but also raises concerns about access to justice for vulnerable individuals in particular. Continued use of such remote measures, beyond the pandemic, will accordingly require close consideration ([IPRT, 2020](#)).

Innovation and digital transformation across the justice sector should be progressed to increase efficiency and improve the system's ability to act flexibly and in a way that better meets individuals' needs.

10. Please provide detail on any relevant indicators of success for this priority area (Max 250 words)

Digital transformation is inclusive of marginalised groups

- Prisoners have regular access to digital technologies (access to video-calls, in-cell phone provision) to maintain contact with their families and the outside world.
- In addition to access to education in school, prisoners have access to e-learning in-cell for supporting rehabilitation.
- Innovations and technological advancements are used to create a more efficient, flexible, and modern justice sector responsive to individual needs and rights.

11. Please provide any additional relevant information (Max 250 words)

(i.) Ensure Robust Oversight and Monitoring of Key Criminal Justice Agencies

As per the government's commitment, the Department of Justice should prioritise the ratification of OPCAT to increase oversight of all places of detention.

Inspections and monitoring bodies such as the Office of the Inspector of Prisons and Prison Visiting Committees should publish reports independently. All criminal justice agencies should be subject to oversight, including the Probation Service and the Parole Board.

(ii.) Eliminate Solitary Confinement in Prisons

To reduce harm, the Department of Justice should eliminate solitary confinement in prisons in Ireland. The lengths of time people are placed in solitary confinement should be recorded and published. A maximum time limit that people are held in solitary confinement should be set in law as provided for in the Council of Europe (2020), Revised Prison Rules.

(iii.) Fully Implement Section 42 of the Irish Human Rights and Equality Commission Act 2014 (Public Sector Duty)

Fully implement the Public Sector Duty across all areas of the criminal justice system.

(iv.) Fully meet obligations under the United Nations Convention on the Rights of Persons with Disabilities and implement the Assisted Decision-Making (Capacity) Act 2015

The Department should fully meet its obligation under the UNCRPD. It should also fully implement the *Assisted Decision Making (Capacity) Act 2015*.

(v.) Fully Implement the LGBTI+ Strategy

Fully implement the LGBTI+ Strategy, including developing a placement and accommodation policy to reflect and build upon existing good practice in the accommodation of vulnerable prisoners, including LGBTI+ people.

12. If you are responding on behalf of a group or organisation, please provide the name of the group or organisation below:

Irish Penal Reform Trust

