

Prisoners were sentenced to have their liberty removed. They were not sentenced to live in conditions that, of themselves, amount to a severe punishment, writes **Mick Clifford**



Debate on overuse of prison is warranted

CYNTHIA NÍ MHURCHÚ was outraged at the news emerging from Irish prisons. Earlier this month she professed herself to be in a state of shock. Figures provided to the Ireland South MEP by the authorities were “truly shocking”.

Was she referring to the figures that highlight chronic overcrowding in prisons right now, including at a rate of 155% for women prisoners in Limerick? Maybe she was getting stuck into the figures that showed at one point recently 496 prisoners were sleeping on mattresses in cells. That scenario means at least three individuals, one or all of whom may well be mentally unstable or prone to violence, locked up for hours on end in a small cell with hardly room to move around.

Maybe instead, Ms Ni Mhurchú was moved to outrage by the extraordinary high number of prisoners in the system whose primary issue is mental health difficulties. The MEP may well have been attempting to reflect a basic strain of humanity in her constituency — or more accurately her electorate — at the thought of human beings being herded and penned in a manner that might be described as cruel if used for animals.

None of the above. Instead, Ms Ni Mhurchú was outraged because a small cohort of prisoners on temporary release were classed as violent offenders. As reported in this newspaper recently, the Fianna Fáil MEP obtained the figures under freedom of information showing that as of June 23 last some 558 men and women were on temporary release.

These included 45 who were listed as having been convicted of attempts or threats to murder, assault, harassment, and other offences. The largest category of those on temporary release were for drug offences, of which there were 144 and then theft which included 125 offenders.

Ms Ni Mhurchú told the *Irish Examiner* that “attempted murderers, burglars, violent criminals, and fraudsters are being routinely afforded temporary release when they should be behind bars”.

How exactly she knows that such a practice is routine is unclear. Equally,

while fraud is a horrible crime, it does not involve violence. Still, her anger was not sated with just one condemnation.

“Temporary release should only be considered in limited circumstances for non-violent offenders and not in the widespread way it is being implemented today,” she said.

To be fair to the first-time MEP her thoughts and strident condemnations in this respect are not an outlier. Maybe she feels she has a little catching up to do with more seasoned politicians in the anger department when it comes to anything to do with crime.

For instance, did she bother to inquire why exactly it was felt necessary in the prison system to allow so many out on temporary release? It’s not as if the prison authorities have a soft spot for violent offenders.

The reality is prisons are overcrowded to a point that temporary releases act as a valve to let some pressure out of the system. For instance, if a prisoner gets assaulted in an environment where chronic overcrowding is a factor, there will be no outrage. Yet if the same prisoner is released and it is discovered that his crime was not at the relatively benign end of offending, there could be hell to pay.

It has to be noted that victims of violent crime are perfectly entitled to express anger or opposition to the temporary release of serious offenders. The pain of such victims is visceral. They did nothing wrong yet were subjected to assault, some associated crime or even the death of a loved one. Their rights must be respected as much as is possible.

But right now the prison system is bursting at the seams, and that means behind those high walls there is the potential for violence and stress and further alienation for the large number of prisoners suffering from some mental health affliction.

The recent Inspector of Prisons annual report highlighted the extent of the crisis. Chief inspector Mark Kelly said that “very many prisoners are being held in conditions that can be described

as inhuman and degrading”.

The report noted that overcrowding and poor healthcare had contributed to a 50% increase in prison deaths in 2024. There were 31 deaths in prisons that year, the highest number since the

inspectorate began reporting in 2012.

These are the kind of features that you might find in a detention system in underdeveloped, impoverished states. It is also a feature of totalitarian regimes in which prison is used as a weapon of degradation and to warn anybody who may think of opposing dictatorial rule.

But we’re allegedly living in a relatively wealthy, liberal democracy. What’s our excuse?

Here is what Saoirse Brady, director of the Irish Penal Reform Trust made of the inspector’s report:

“In 2025, we should not be talking about people in prison having to share with up to three other people in a small, restricted space, in many cases taken up by bunk beds, a mattress on the floor as well as an unpartitioned toilet, some without lids,” she said.

“Even for one person these living spaces would be cramped and uncomfortable but the report points to some people having to eat their meals standing up or sitting on the floor, sometimes with no access to basic amenities like pillows or clothes-washing facilities.”

Last week, there was one lone voice in the political firmament about this degradation that dare not speak its name.

Labour TD Conor Sheehan pointed out that “we are witnessing a system overwhelmed by overcrowding, drug abuse and escalating violence against officers”.

He noted that Limerick women’s prison is at 155% capacity, but the overcrowding is across the whole system.

“Prisons are overcrowded and underfunded and there seems to be no plan from Government to address this,” he said.

“People from the most deprived areas of Ireland are disproportionately impacted by this. There were 92 overdoses in our prison system last year, nearly 100 people in our prison system died

last year due to problematic drug use, it's simply shocking."

What kind of society is willing to put up with this? There is an inevitability that at some point the pressure cooker that builds through degrading living conditions will blow. Somebody will get seriously injured or worse. Or it could manifest in a dangerous riot. At that point, once scandal rears its head, the Government will, at least temporarily, sit up and take notice.

There can and should be a debate about whether prison is overused. But one way or the other, everybody incarcerated was sentenced to have their liberty removed. They were not sentenced to live in conditions that of themselves amount to a severe and unwarranted punishment.

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