

Submission to the White Paper on Crime:

Introduction

We welcome the opportunity to contribute to the consultation process on the White Paper on Crime. The consultative process has so far included two parts: Discussion Document No. 1: 'Crime Prevention and Community Safety' and Discussion Document No. 2: 'Criminal Sanctions'. We also recognise the White Paper as a significant and much welcomed undertaking for Irish Criminal Justice and for Irish society. In particular WE welcome the opportunity to reflect the role of the Community and Voluntary Sector (C&VS) within the Irish Criminal Justice System (CJS) and offer observations and recommendations based on that perspective. We do not speak on behalf of the C&VS, but rather from its own operational experience as a national service provider with 10 years in the criminal justice field.

The submission is made primarily in response to the questions raised under the heading of 'Reducing Re-offending' in Discussion Document No. 1, but recognises an overlap that exists between this section and others in the Discussion series. For example, measures that aim to reduce re-offending should extend beyond the CJS and into the community, and in doing so such measures should recognise the role of community based individuals, groups and partnerships in, for instance, the desistance process. Where this process is successful, as in an offender maintains their desistance over a period of time, and under certain conditions, we believe that consideration should be given to the expungement of the conviction so as to further the opportunities for social integration and stability, which would be of mutual benefit to the offender, his or her immediate family and the community. In other words to speak about measures aimed at reducing re-offending is to address the nature of offending, the role and application of statutory services as they interact with C&VS organisations and the role or effect of the conviction in that process. While recognising the implications of these considerations for other sections in the Discussion series, the submission limits its scope to where we have direct experience and insight – on measures aimed at reducing re-offending.

The submission recognises crime as multifaceted and mostly with multiple overlapping causes and as such, as a dynamic set of behaviours through which each individual offender develops. This is an important point in attempting to reduce re-offending, for it implies that different categories of offender, e.g. by gender, addiction, education, socio-economic background or offence and offence history, may respond differently to the same intervention and even, with respect to age, the same offender may respond differently to an intervention as they age. The submission recognises offenders as a complex group that require an integrated response in terms of the range of measures necessary to reduce re-offending. This draws attention to two interconnected areas – 1) the question

of what informs an intervention and 2) the range of interventions available and how they are organised. The submission is hence thematically organised around service provision in the community, or moving from the prison to the community.

The recommendations are made in the belief that the proper provision of effective services, which implies the range and integration of services, would help reduce re-offending and that these services, although directed at the offender, would enhance the safety and welfare of the wider community. Furthermore, the submission is made in the belief that integrating and coordinating what is currently a disparate sector would deliver efficiencies and economies of scale that could improve intervention effectiveness, raise standards and potentially cut costs. A major recommendation of the submission is for an enhanced C&VS, which the submission refers to as a Criminal Justice Third Sector (CJTS).

Context:

We operate three criminal justice programmes: the Linkage Service, the Prison GATE Service and the Mentoring Service. We have extensive experience in working with offenders, criminal justice service providers and community actors, and overall can be thought of as having extensive experience in bridging the gap between the community and the criminal justice system at local and national level. It is within this context that we make this submission and suggests that many of the questions raised in Discussion Document No. 1 and the subsequent overview of submissions received (February 2010) (see Appendix i) can be addressed, either directly or partly, **through the development of a Criminal Justice Third Sector (CJTS) organisation**. The following recommendations primarily relate to this possibility but also refer to current State service provision and criminal sanctions.

It is important to note that unlike other jurisdictions there is no one organization that coordinates the numerous discrete and sometimes overlapping non-state services to offenders in Ireland. Instead, there is what is often a local response to an identified need which may or may not have a criminal justice remit, as in it may not specifically address crime. For example non criminal justice organisations may provide counselling, training, employment, or housing related services to people in need, while organisations with a specific criminal justice objective may be limited by geographic area, for example by providing resettlement services to people returning to a specific area only. This is not said by way of criticism of any single agency but rather to highlight the nature of the non-statutory criminal justice sector in Ireland. Two basic points are worth noting: firstly, that there is an uneven geographical spread of services that help reduce re-offending; and secondly that these services often operate under different organisational and funding arrangements and to different objectives, and hence potentially to different standards. The implications of such a disparate C&VS are as follows:

- In that there is an uneven geographic spread of individually funded organisations delivering services to offenders, there is no mechanism to centrally collect important information related to performance
- In that there is no central information relating to Community and Voluntary Sector activity and performance, policy making is fragmented across the departmental lines of funding for these organisations, and hence is counter to any integrated approach to service delivery that addresses re-offending
- In that a large number of funded organisations make up the sector, yet remain disconnected from each other, there is a missed opportunity to achieve economies of scale, for instance in staff training and development
- In that the sector is disparate there must be differing standards of performance and hence an effect from this on the capacity of services to help reduce re-offending. Another way of stating this is to say there is no forum for discussing best practice, leaving as outstanding the question – what is best practice in this sector?

There is no doubt that other points could be made but *the* most important by way of context is that the efficiency and effectiveness of the sector as a whole, and its potential, does not seem to be in question. Instead there is an emphasis, a necessary and correct one, on applying value for money (VFM) principles to individual organisations, i.e. ensuring they are economical, efficient and effective in the achievement of results. The problem is these organisations remain somewhat atomised from each other, which increases the opportunity for gaps in service provision and for offenders falling through those gaps. One way of addressing the question of priorities in reducing re-offending, as asked directly in Discussion Document No.1, is to integrate the services by means of a Criminal Justice Third Sector and close the gaps that currently exist. The point must be made that many of these disparate services are excellent – the problem is they are disconnected from each other.

In addition to a lack of integration between existing Community and Voluntary services, there is also a disjunct between some State Agencies and the provision of services to offenders, especially at the point of release from prison. For instance, there seems to be confusion around the procedure for accessing accommodation on release, which given the importance of accommodation to an ex-prisoner's stability could help reduce re-offending if it were improved. The same could be said of other services, such as addiction, mental and general health services – waiting lists and/or application procedures can conspire to make access difficult at the exact time it is most needed. Access to State services is fundamental to stability and therefore linked to re-offending. Yet access to State services during the transition from prison to community is highly problematic for ex-prisoners, especially outside of the large cities.

The last point to be made in terms of context concerns the range of services. The point has already been made that some services are limited to one or two areas, e.g. restorative justice projects, but even where a service is national it may be limited in scope by not having offenders specifically mentioned as a target group. An example is family mediation, which could support, where appropriate, families remaining together during imprisonment and the prisoner's re-entry to the family on release, as well as any issues that may arise around family conflict. The problem is many services are already overstretched and hence find it difficult to extend into the prison to specifically address the needs of prisoners. Also, in addition to services limited by area or services being overstretched, there are gaps in service provision when compared to other jurisdictions. One example is the absence of an Irish Bail Supervision and Support Programme which has been found to be very successful elsewhere; another is the Circles of Support and Accountability (COSA) programme, also found to be highly effective in other jurisdictions.

To summarise, current services that help reduce re-offending can be characterised as follows: with respect to the C&VS, services are organisationally disparate and disconnected; with respect to State services, access can be problematic because of demand and application procedures; and with respect to overall service provision, there is an unequal provision of services across the country and a significant gap in certain services that have been found to be effective elsewhere.

Delivering Joined up Services:

We believe there are substantial benefits to be gained from integrating criminal justice services across the C&VS. An integrated C&VS, or Criminal Justice Third Sector, through a dedicated agency or organisation set up in partnership with statutory and voluntary service providers (see for example the Homeless Agency) could coordinate all service provision for offenders, could centrally compile important information that would inform criminal justice policy, identify gaps in service provision, develop programme cost comparisons and measures of effectiveness, develop management and reporting capacity, set standards and evaluation mechanisms, design and deliver essential training, offer support and advice to communities and achieve economies of scale across each of these areas. One of the reasons why services are not integrated in this way is that all C&VS organisations operate under separate funding arrangements and follow objectives that are set by the funder's concerns. There seems to be no examination of the flow of offenders across the agencies making up the criminal justice process to ensure constancy in services that help reduce re-offending. That is to say State agencies, and perhaps understandably so because of resource constraints, look to their own responsibilities in the process and less so to what happens outside of those immediate responsibilities. The result is gaps between the State services for many offenders that could be addressed by a Criminal Justice Third Sector if it existed. This would involve the mapping out of current State and C&VS services by county and linking these to offender needs. What seems imperative is that the strategic capacity of the C&VS be recognised beyond the individual contribution of its constituent organisations. To realise this, it would be necessary to have a central

Third Sector organisation that consolidates the sector through its coordinating functions and associated activities and act as the link between State and C&VS services, as well as between government and community.

We recommend that all Community and Voluntary Sector activity related to criminal justice should be mapped as the first step in creating a Third Sector strategy that helps reduce re-offending.

We recommend that a Criminal Justice Third Sector Organisation be established to integrate and coordinate the activities of the C&VS.

Delivering Effective Services:

We recognise offenders as a complex client group and recognise also a disparate delivery of services to that group, as already outlined. The delivery of services to offenders and ex-offenders must be informed by evidence based research, in particular by studies of offending over the life-course and its desistance. Objectives must be realistic and achievable, but also based on principles that are shared, or at least debated, by the criminal justice community. To that end, we believe in the close cooperation between criminal justice practitioners and academic researchers. In particular there is an outstanding practical question arising from academic research – how do we operationalise the insights from desistance studies? We also believe that this cannot be answered by the academic community alone but rather needs to be studied in collaboration with the practitioner community. In particular it is necessary to look at service provision as a variable in desistance and ask in the Irish context *what works* and how the collection of practices that work fit together? The question also affects training, which currently, for the most part, involves within agency programmes that train an agency's own staff. This should be broadened to include multi-agency training forums that seek not only to develop shared understandings of whatever subject, but also to develop an understanding of each agency's relation to a subject, e.g. criminal justice agencies possibly think differently about prisoner resettlement than the Local Authorities and Health Service Executive (HSE), yet there is no forum for practitioners to study and discuss resettlement together.

We recommend closer collaboration with academia and between all services, in order to develop best practice in service provision for offenders.

Delivering Clarity and Consistency in Services:

Certain criminal justice processes such as resettlement are highly challenging to prisoners and the agencies charged with supporting them. This is particularly evident in housing and accommodation, but also for access to general and mental health services. There is an inconsistency in the access to these services which makes resettlement somewhat unpredictable. For instance, in relation to housing support, entitlement to rent supplement depends on the length of time in prison. If it is equal to or greater than 183 days the prisoner is entitled to rent supplement. But it is less clear for prisoners serving sentences of under 183 days, which can also disrupt a person's living arrangements. There are many prisoners serving such short sentences and not having access to proper support could initiate a spiral of homelessness that is strongly conducive to re-offending. Whether they get support is at the discretion of a HSE Community Welfare Officer (CWO), hence the system of resettlement support in the case of rent supplement for many prisoners is discretionary. It must be stressed that WE staff have had very positive experiences of working with CWOs who are held in high regard. The problem is support that is discretionary is obviously inadequate to any overall initiative to reduce reoffending and needs to be addressed. Prison is a very particular sort of institution and should be recognised as such, with welfare entitlements balanced against the greater cost of further offending. A proper accommodation and housing policy aimed at reducing the likelihood of re-offending would look at the needs of the prisoners rather than the length of imprisonment. In addition, a proper accommodation policy would allow the prisoner to register for housing before release so as to maximise the chance of effective and stable resettlement, which would have obvious benefits to reducing re-offending.

Yet it is not just the entitlement to support that is problematic, it is also access to support even for those serving sentences of greater than 183 days (6 months). There seems to be uncertainty as to the procedure, which by our interpretation is that the prisoner presents to the housing authority with a statement of release from the prison, at which point he or she can be housed, or if not housed at that point, have another letter written that is submitted to the CWO for discretionary or statutory support. The problem is the procedure is not clear enough among Housing Officers and needs to be explained before action is taken. A clear procedure must be set out for released prisoners, with the steps and responsibility clearly assigned. This needs to be communicated to the relevant agencies and their staff. Also, currently the Housing Officer must carry out a housing needs analysis which, requiring for instance a Garda check and other criteria, is not suitable to immediate need. The policy directly hinders stable prisoner resettlement.

In relation to health services, e.g. medical card applicants and access to continued medication on release, similar problems exist. The ex-prisoner must find a doctor who has the capacity to take on the ex-prisoner as a medical card patient. This is not always straight forward and often results in a loss of necessary medication which, like the accommodation issues just mentioned, can exasperate stable resettlement.

We recommend that all prisoners whose living arrangements have been disturbed should have access to all necessary supports on release from prison.

We recommend that clear procedures are written and communicated to the relevant agencies so that access and entitlements to these supports is expedient and consistent across the country.

We recommend that prisoners should be allowed to register for housing before release from prison in order to maximise the possibility of a stable resettlement.

We recommend that policy on carrying out a housing needs analysis be examined in order to more adequately reflect the reality of prisoners on release.

We recommend that procedures for medical support be examined in order to improve access on release from prison.

Delivering Comprehensive Services:

Discussion Document No.1 asks specifically about measures that might help ex-offenders reintegrate, get a job, and assist in desisting from further offending. We believe there are such measures available. However the point needs to be made that this does not simply involve introducing new services but also changing the emphasis of existing services. For instance, much of the desistance research points to the role of strengths based approaches to client work, which in emphasis is different to the more prevalent risk-needs approach. Therefore a major step that would provide greater support for offender desistance is for practitioners to examine their specific approach which leads back to the recommendation for Delivering Effective Services. In fact as has been illustrated, each of the recommendations put forward in this document support offender desistance.

However there is still the question of whether or not Ireland has the comprehensive services required to help reduce re-offending and in taking Ireland as a whole, the answer would have to be no. The point has already been made that there is an uneven spread of services, in addition to which there are some measures that have yet to be introduced. We believe measures such as Bail Supervision and Support are being examined, and also believe others such as family mediation should be extended further into the criminal justice field. In addition access to training, education and employment, and assistance in maintaining these placements, through for instance the Linkage Service, The Prison GATE Service and the Mentoring Service, should be extended throughout the country and into all Prisons, which would directly address the Discussion Document No 1 question of how to increase access to the jobs market for offenders. The point should also be made that career guidance for offenders is broader than that available from non-specialist services and must be grounded in knowledge of the needs and circumstances of offenders if realistic job plans are to be drawn up and realised.

Services for offenders should be more comprehensive, which is to say there should be more of them in some cases and better access to them in other cases. Thought should also be given to *how* new services are introduced and existing services expanded. This should be done as part of a coherent strategy as outlined under the section Delivering Joined Up Services.

We recommend the introduction of new measures proven to be successful in other jurisdictions as part of an integrated Third Sector in criminal justice, and the extension of existing services similarly shown to be effective under this same structure.

Ending Criminal Justice Intervention:

The last point to be made is that many offenders do actually turn their lives around and desist from crime. Yet having a criminal record is an impediment to, for instance, employment and some forms of education and training. Discussion Document No. 2 draws attention to the purpose of criminal sanctions, one of which is rehabilitation, specifically the possibility that the offender might be assisted in their reintegration into society. Yet there is no system of expungement of any criminal record in this country which runs counter to that particular purpose.

WE recommend that expungement is introduced for all offences after certain time periods and through an application-based scheme as a means to leave behind criminal justice interventions, and criminal records that may no longer accurately describe the person (see Spent Convictions Group *Proposals on a Rehabilitation of Offenders Bill*, pending).

Further Discussion:

we welcome the opportunity to submit these recommendations and are available to discuss the points raised further as the opportunity arises. For further information please contact:

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