



## **PRESS RELEASE**

### **Report calls for community alternatives to prison in Ireland**

Ireland is a country with a strong orientation towards custody, a largely underdeveloped scheme of community alternatives and there is great potential for the use of non-custodial sanctions as a means of reducing the prison population, according to a Report launched in Dublin today (June 15<sup>th</sup>).

The Report says that greater use can be made of community sentences without seriously jeopardising public safety. This would also make fiscal sense, given that the average cost of keeping an individual in custody for one year is €87,950, which makes the Irish penal system one of the most costly in Europe.

The Report, *Alternatives to Custody* is written by Mairead Seymour PhD and was launched in Dublin today (June 15<sup>th</sup>). It was commissioned by the boards of Business in the Community Ireland and the Community Foundation for Ireland and supported by the Cyril Forbes Fund

The Report examines the use and effectiveness of community sentencing as an alternative to imprisonment in the Republic of Ireland. It says that Ireland is mid-league in an international context in terms of its “stock” of prisoners or average daily population (85 per 100,000 population). But the “flow” of people into prison, or rate of prison entry, places Ireland considerably further up the international league. The disparity between these two figures is due to a reliance on short terms of imprisonment, the Report says.

The Report examines alternatives to custody that have proved successful in other jurisdictions and evaluates their applicability to a contemporary Irish context. It says that



three fifths of all those sentenced to imprisonment in Ireland are sent to prison for periods of less than six months. The vast majority are committed to prison for non-violent offences against property or road traffic offences. A significant proportion of committals are for fine default.

Speaking at the launch Judge Peter Smithwick said, “I am most impressed that Business in the Community has taken the trouble to commission the report on *Alternatives to Custody*. Judges are aware that a prison sentence may sometimes consign a young offender to a life of recidivism and actively consider alternatives such as payment of compensation, community service, supervised probation, and treatment for drug addiction under the supervision of a drugs court.

“These alternatives to prison do not always work but they do work in a substantial majority of cases. The cost of such alternative punishments is infinitesimal compared with the high and rising cost of imprisoning an offender.”

The Report examines penal reforms in countries such as Canada, Finland and Germany with a view to their adoption or adaptation in Ireland. All three jurisdictions have significantly reduced their reliance on imprisonment as a sanction or have maintained their penal population at a steady rate, despite increases in the crime rate.

Experience in all of these countries suggests that short terms of imprisonment (of up to two years) can be successfully replaced with community sanctions such as suspended sentences without endangering public safety.

Applying this to Ireland, the Report suggests that all offenders should be sentenced to a community sanction for one year or less, a measure that would drastically reduce the number of prison committals. For medium risk offenders, this could be achieved through

greater use of suspended sentences for those sentenced to prison for one year or less. These offenders would be under supervision from the Probation Service and would be required to adhere to certain conditions such as attendance at a treatment programme or compensation of the victim.

Another of the Report's recommendations is greater use of community service orders which have assisted in the reduction of the prison population in Finland but which are declining in use in Ireland. Care should be taken, however, to ensure that they are used only for offenders who would have received a term of imprisonment to avoid a phenomenon known as "up-tariffing", where offenders who would have received a lesser penalty such as a fine are given a more punitive sentence.

For low risk offenders the Report proposes consideration of a scheme of prosecutorial dismissal as a means of diverting individuals away from the court system. This scheme has worked well in Germany and Scotland and basically involves the dismissal of the case by a prosecutor if the defendant is willing to pay a fine. The incentive to enter a plea of guilty should not be so great as to place pressure on an innocent defendant to plead guilty.

Other initiatives advocated by the Report include: increasing the use of fines while decreasing the numbers imprisoned for fine default; promoting the use of targeted probation orders; and the adoption of the Law Reform Commission's recommendation that District Court judges give written reasons before sentencing someone to a custodial sentence. In Germany the Penal Code discourages the use of short sentences and requires written justification from a judge for not suspending a sentence of less than a year.

The Report calls for a new legislative framework for community sanctions, increased investment in the probation and welfare service, a greater commitment by the



government to sentencing research and judicial training in tandem with the development of a sentencing database.

Ends.

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