

Mr. Charlie Flanagan T.D.,  
Minister for Justice and Equality,  
51 St. Stephen's Green,  
Dublin 2

**Sixth Progress Report of the Implementation Oversight Group to oversee implementation of the recommendations of the Penal Policy Review Group**

Dear Minister Flanagan,

On behalf of the Implementation and Oversight Group which oversees implementation of the recommendations of the Penal Policy Review Group, I am pleased to submit the Group's sixth progress report.

In the preparation of this report, the core group met on 9th of May, 2018 and I have also met with all members of the group separately as part of this process.

As with our previous report, the group has carried out a further analysis of (1) the timelines expected for the implementation of each recommendation made by the Penal Policy Review Group, and (2) the implementation status of each of those recommendations. The group has also reviewed the milestones attached to each recommendation and, where relevant, created new ones to reflect developments since our first and second reports.

As you know, the Penal Policy Review Group made 43 recommendations. Some of these contain multiple elements, and we have identified a total of 55 areas for assessment arising from the report. Again, the Group has made a qualitative and overall assessment concerning the implementation of each of those recommendations.

The following scale is used by the Group as a mechanism for reporting on progress on the implementation of recommendations.

<b>Rating</b>	<b>Description of range</b>
E	No Progress
D	Discussion/Consultation/Planning Phase
C	Implementation Phase Commenced
B	Implementation Phase Progressing
A	Fully Implemented

3 recommendations are in the 'A' category, 18 are in the 'B' category, 16 are in the 'C' category, 16 are in the 'D' category and 2 is in the 'E' category.

In our first report, 70 milestones were deemed complete, while in this report, 236 milestones have been deemed complete.

There has been considerable and sustained work in implementing individual milestones since the commencement of the Group's work. In the last period, we have noted the commencement of the new processes introduced in the Fines (Payment and Recovery) Act 2014 and as part of the Criminal Justice (Victims of Crime) Act 2017.

The Group has now been working for three years and it is four years since the Penal Policy Review Group published its report. It is therefore an opportune moment to reflect on the progress of the implementation of that report overall.

The Penal Policy Review Group's report had four central and overarching sets of recommendations. One was the need to ensure prison numbers are kept at the lowest possible level consistent with public safety. The second was to ensure that non-custodial options become the default punishment, where appropriate, and that we break with the idea that prison is the only real form of punishment. The third was to ensure proper and meaningful recognition of the rights of those who have been victims of crime and to work to ensure that there are fewer victims of crime. The fourth was to ensure that our penal policy is based on the best available evidence and the policymaking process is as strong as it can be.

There have been major strides in all of these areas, including, until the recent past, reductions in committals and improvements to prison accommodation, increased activity in supporting non-custodial sanctions on the part of the Probation Service, the development of a data and research strategy within your Department, and the transposition of the Victims' Directive into Irish law. We have also seen the development of an increased understanding, evident in the establishment of the Interagency Group for a Safer and Fairer Ireland, chaired by Dr. Ruth Barrington, of the need to take a whole of government approach to preventing crime. In this respect, I must note the ongoing severe challenges faced by the criminal justice agencies in seeking to support those leaving the criminal justice system to obtain stable accommodation, a matter which is vital to the prevention of re-offending.

While much has been done, there is an increasing concern that the 'big picture' which the Penal Policy Review Group sought to promote is being somewhat lost in more recent times. I might note that prison numbers are creeping up, with particular concerns evident about the use of remand detention, especially for women. It is also not clear to the Group that there is a widespread and embedded consensus across the criminal justice process that non-custodial options are to be the preferred sanction, where they are appropriate. We have also not seen much progress on putting measures in place to understand our sentencing processes, the effect of proposed reforms, or the impact of policy changes. I might note that no requests have been made of your Department to examine the impact of changes in policy on the numbers of people subject to prison sentences or other kinds of sanction to date. We have also yet to see the first meeting of the Consultative Council, a key body in the Penal Policy Review Group's view, needed to support a more considered and informed approach to penal policymaking. In the absence of those supports for policymaking, we risk losing the momentum produced by the Penal Policy Review Group's report and associated activities over the last seven years. Of greater concern, we risk allowing the positive developments of the last few years to become vulnerable to erosion and reversal.

If I may be indulged to provide an example from our history; we have seen times of great promise and progress in penal policy before, perhaps notably in the 1960s and early and mid 1990s. Because the progress of those times was not embedded in structural improvements to how policy is made, penal policy was allowed to drift and, eventually when crisis came, those improvements were either stalled or undone. I have seen the commitment of all members of the Group to the Penal Policy Review Group's report directly and been impressed by it, and know that none of them wishes such a scenario to be a feature of our times.

The Group will continue its examination of the implementation of the Report of the Penal Policy Review Group and looks forward to the continued achievement of its milestones. This period, coming four years from the publication of the report itself, provides a useful time to reflect on the broader direction of travel since that report was published. There is much to be commended in what has been done during that time, and we need to ensure that the energy and momentum generated by that report is maintained.

The work of the Implementation and Oversight Group will continue in preparation for a seventh report.

Finally, if it would be of assistance to you, I would be delighted to meet at a date convenient to you to discuss our report in greater detail.

I look forward to continuing to work with you on the implementation of this report.

Yours sincerely,

A handwritten signature in black ink, appearing to read "Mary Rogan", is centered on a light gray rectangular background.

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Mary Rogan  
Chairperson of the Implementation Oversight Group  
24 July, 2018