

**Annual Report of the Interagency Group for a Fairer and Safer Ireland**

**2021**

**November 2022**

Dear Minister McEntee,

I am pleased to submit to you the annual report of the Interagency Group for a Fairer and Safer Ireland for 2021.

The main purpose of the Group is to implement two key recommendations of the Penal Policy Review Group Report (*July 2014 Report of the Strategic Review of Penal Policy* ([www.justice.ie/penalpolicy](http://www.justice.ie/penalpolicy)), which call for much greater cross-government cooperation in the management and rehabilitation of offenders and crime prevention in general.

This report outlines the work the Interagency Group undertook during 2021.

Progress continued during 2021 to improve access by offenders to the public services they need on release to increase the likelihood of desistance. The Covid-19 pandemic presented particular challenges for the Irish Prison Service (IPS), both in protecting prisoners from infection and in safely releasing offenders to the community. Progress was also made by the Department of Justice in terms of providing a legislative basis for interagency co-operation in the context of Sex Offender Risk Assessment and Management (SORAM). The Group also heard presentations from the Department of Justice, Department of Health, Central Statistics Office (CSO), and others in relation to various important initiatives which have required interagency co-ordination throughout the year.

Also, in accordance with Goal 3, Action 156 of the Justice Plan 2021 the Department of Justice, with significant input from the Group, began to commission research on an offender's experience and interaction with state services in the areas of health, education, employment and housing to provide an insight into quality of life and integration into the community.

Finally, I would like to thank my predecessor as Chair, Dr Ruth Barrington, for her service. It is clear that some excellent work has been done to promote and develop inter-agency co-operation in order to provide consistent and meaningful outcomes for offenders, their families and for the safety of our wider society.



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John O'Callaghan, Deputy Secretary, Department of Justice  
Chair  
November 2022

## **Contents**

1. Context	
1.1. Background	4
1.2. Rationale for Group	5
2. Working Methods	
2.1. Representation on the Group	11
2.2. Meetings	11
2.3. Terms of Reference	11
3. Work Programme 2021	13
4. Report for 2021	
4.1 Issues dealt with by the Group	15
4.2 Research Proposals	18
4.3 Improving Interagency Co-ordination	22

## **Appendices**

Appendix A - Membership of Interagency Group for a Fairer & Safer Ireland.	24
Appendix B - Attendance at meetings of Interagency Group for a Fairer & Safer Ireland.	25

## **1 Context**

### **1.1 Background to the Establishment of the Interagency Group**

The Penal Policy Review Group (PPRG) conducted a wide ranging strategic review of penal policy, taking into account relevant work already carried out in this jurisdiction and elsewhere, the rights of those convicted of crimes, the perspective of those who are victims of crime, and the interests of society in general.

The PPRG advocated an approach to crime and the penal system which emphasised rehabilitation and advocated for an improved penal system, the reduction of reliance on imprisonment as a sanction, and an increased focus on alternatives to prison. A strong thread running through all of its recommendations is the need to see the wider social context of offending, and to ensure that the work of the criminal justice agencies is integrated with social services, broadly conceived.

The Government endorsed the Penal Policy Review Group recommendations in 2014.

The two key recommendations of the Review Group Report relevant to the work of the Interagency Group are recommendations 3 and 41 below. These recommendations promote inter agency and inter departmental cooperation, on the basis that crime is a matter of social as well as penal policy.

#### ***Recommendation 3***

*The Review Group recommends that there must be greater emphasis, if necessary through legislation, on promoting inter-agency cooperation in the management and rehabilitation of offenders. In addition to the criminal justice agencies, there is a need to recognise that a whole-of Government approach is required in collaboration with relevant agencies and local authorities in addressing offending behaviour and assisting offenders in maintaining crime free lives.*

#### ***Recommendation 41***

*The Review Group recognises that crime is a question of social as well as penal policy and recommends that all Government departments and agencies consider the question of crime prevention when formulating policy. In this regard, the Review Group recommends that the Department of Justice and Equality join with all Government Departments and agencies to facilitate and support research in order to assist in the formulation of penal policy.*

## **1.2 Rationale for the establishment of the Interagency Group**

The rationale for the Interagency Group is that crime is a challenge for all of society and requires a whole-of-society response. Crime is associated with many social problems such as economic deprivation, unemployment, low levels of educational achievement and substance misuse. Society suffers as a result of crime and everyone has an interest in preventing crime; it is not just the responsibility of criminal justice agencies.

The socio-economic factors which may be involved when someone goes to jail are the same factors which need to be addressed when he or she comes out of prison. That is to say, many people convicted of criminal offences have similar characteristics and challenges, which have contributed to their offending, and issues that are likely to inhibit them from leading lives free of crime and increase the risk of re-offending.

For example, a significant percentage of those in prison or on probation are low income, unemployed, with low levels of educational attainment, and many are relatively young men, with histories of substance misuse. Marginalised groups including homeless people, those with mental illness and also members of the Traveller community are also considerably over-represented in the prison and probation populations.

The number of committals to prison, of both prisoners on remand and those who have been sentenced, demonstrates the scale of the challenge to public bodies of facilitating successful reintegration of prisoners into society and reducing recidivism. The table below provided by the Irish Prison Service shows the size of the prison population and the through-put of the prison system in recent years. The figures for 2021 show a continuation of dramatic reduction of more than 2,500 in the number of offenders committed to prison compared with 2019. This reduction may be related to the Covid-19 pandemic and associated delays in prosecutions and in the courts. It remains to be seen if the figures for the last two years are an aberration or the acceleration of an earlier trend.

The trend demonstrated in the table below since 2011 is of a significant fall in the number of people committed to prison, it is notable that in recent years, the total number of prisoners released was less than those committed. If the number of committals to prison returns to a more normal pattern, the trend of more committals than releases raises concerns about a possible return to overcrowding in prisons and the possibility of prisoners being released at short notice without the agreed protocols being followed.

## TOTAL COMMITTALS INTO AND RELEASES FROM PRISONS

Year	Total Committals	Total Releases
<b>2021</b>	<b>6,133</b>	<b>6,075</b>
2020	6,340	6,682
2019	8,939	8,656
2018	8,071	7,811
2017	9,287	9,313
2016	15,099	15,205
2015	17,206	17,403
2014	16,155	16,662
2013	15,735	15,905
2012	17,026	17,052
2011	17,318	17,358

Source: Irish Prison Service

## DAILY AVERAGE NUMBER OF PRISONERS IN CUSTODY

The table below provides figures in relation to the daily average number of prisoners in custody over recent years. It is to be noted that the 2020 and 2021 figures represent a significant decrease on the 2019 figures due to the impact of the Covid-19 pandemic. The overall daily average number of prisoners in custody in 2021 was 3,794, compared to 3,824 in 2020, a decrease of 0.78%. The average number of female offenders in custody was 145, a 2% decrease on the 2020 average of 148.

Year	Average Daily Population
<b>2021</b>	<b>3,794</b>
2020	3,824

2019	3,971
2018	3,893
2017	3,680
2016	3,718
2015	3,722
2014	3,915
2013	4,158
2012	4,318
2011	4,390

#### **OFFENDERS SUPERVISED BY THE PROBATION SERVICE**

The figures for offenders supervised by the Probation Service show a trend of increasing numbers in recent years, with a significant reduction in the number of people referred from courts in 2020/2021 associated with the restrictions of the Covid-19 pandemic.

Year	Total offenders dealt with in year*	Total offenders referred from courts
<b>2021</b>	<b>15,465</b>	<b>7,277</b>
<b>2020</b>	<b>15,537</b>	<b>6,661</b>
<b>2019</b>	<b>16,607</b>	<b>9,009</b>
<b>2018</b>	<b>15,777</b>	<b>8,105</b>
<b>2017</b>	<b>15,269</b>	<b>7,799</b>

\* This includes offenders being dealt with at the beginning of the year in addition to new referrals made during the year.

#### **REOFFENDING DATA**

An Evidence Review of Recidivism and Policy Responses (Ian O'Donnell, 2020) published by the Department of Justice in 2020 provided a valuable exploration of the strength and weaknesses as well as the benefits that reoffending studies can provide in evidence-based policy making. Valuable information about the population of offenders is provided by the CSO's studies of recidivism or reoffending. The latest data in relation to recidivism rates for offenders who were given a custodial sentence or community sanction is contained in the

sixth set of recidivism studies published by the Central Statistics Office (CSO) in June 2021 and November 2021.

The studies report on:

- Prison Re-offending Statistics which provides information on recorded reoffending by people who were released from a custodial prison sentence from 2015 to 2018. A summary of the findings are set out below.
- Probation Re-offending Statistics, which provides information on the level of recorded re-offending by individuals placed under the management of the Probation Service. The latest study primarily relates to individuals who were referred to the Probation Service in 2017. The findings of this are set out below.
- It should be noted that the CSO Probation and Prison reoffending publications were developed separately. While they are broadly similar there are differences. For example, convictions must be secured within 24 months of the date that the crime incident was reported to be included in the calculation of the Probation Re-offending rate; no such requirement exists with respect to the calculation of the Prison Re-offending rate. Also, the exact list of exclusions can differ between the publications. Due to the differences it is not possible to make direct comparisons.

### **Prisoner Reoffending Statistics**

Prison re-offending estimates are calculated using data provided by the Irish Prison Service and An Garda Síochána's PULSE reporting system. This latest publication introduced greater coverage in analysis of prisoner re-offending in Ireland by including additional reoffending incidents related to court convicted Road and Traffic incidents (RTIs) that have previously been excluded from the methodology.

Of prisoners released from custody in 2015, 62% were linked to a re-offending incident within three years of their release. The data also indicate that younger age groups of released prisoners are much more likely to re-offend, with over four out of five (84 %) of individuals released from custodial sentences and aged less than 21 at the time of entering prison re-offending within three years of release. In contrast, just over one quarter (27%) of individuals who were over 50 years old re-offended within three years of release.

Re-offending continues to decrease over time whether one looks at three year or one year windows for re-offending following release from custody. A little under half (47.5%) of individuals released in 2017 re-offended within one year of release, compared to 54% of individuals released in 2011 who re-offended within one year of release.

There is a small difference in re-offending rates between males and females. Although the vast majority of released prisoners in 2015 were male (93%), slightly more females re-offended within three years (66%) than males (61%).

### **Probation Re-offending Statistics**

The CSO Reoffending Statistics report includes all persons subject to an order supervised in the community. It tracks their offending behaviour over one, two and three years following



their sentencing or release. In order to include all possible convictions, a further two years is allowed to complete any Court proceedings.

The Probation Re-offending study reported that over 70% of persons supervised by the Probation Service did not reoffend within one year of their order being made. Probation re-offending rates are remaining relatively static over time.

In the most recent cohort for which a three-year re-offending rate is available (2015), almost half (49%) of individuals committed at least one re-offence for which they received a conviction. Males (28%) remain marginally more likely to re-offend than females (27%) within one year of entering probation in 2017. The report shows variations depending on whether the individual was sentenced to a Community Service Order, a Probation Order or Post Custody Supervision. Overall, those sentenced to a Community Service Order were less likely to reoffend within one year than those sentenced to a Probation Order. Persons subject to post release supervision had the lowest level of reoffending.

There is an inverse relationship between age and re-offending rates. Individuals who are subject to probation supervision tend to re-offend less when they are older, with just 8% of over 65's re-offending within a year of receiving probation. In contrast, 42% of under 18's who were subject to probation supervision in 2017 re-offended within a year.

In 2017, the highest number of probation orders were issued to individuals who committed offences related to Theft and related offences (971 persons). This category contained the 3rd highest one year re-offending rate with 35% of individuals (344) re-offending. Offences related to Public Order and other social code offences had the highest level of 1-year re-offending with 38% of individuals (203 in total) re-offending within a year.

The report on the 2016 cohort included a classification of whether a Probation re-offender received a custodial or non-custodial sanction for their re-offending offence. This classification provides a useful indication of the degree of escalation and de-escalation of the re-offending Court sanctions that the Probation re-offenders receive. Of those persons who did reoffend within one year in 2016 (31.1%), over 49% received a non-custodial penalty.

The improvements in reoffending rates over time appear to reflect developments in Probation Service supervision. Reoffending by persons subject to post custody supervision is encouragingly low and does suggest that supervision in the community after release does support positive resettlement and reduces harmful behaviour.

### **Limitations of recidivism reports**

In presentations to the Interagency Group, CSO representatives have drawn attention to the limitations of their reports on recidivism. The absence of a shared identification system in the criminal justice system makes it time consuming and resource intensive to track individuals from the Pulse system used by An Garda Síochána, through the Courts Service and on conviction, to the Irish Prison Service and the Probation Service. It is not possible to track an estimated 5 per cent of offenders.

Limited information is collected about the profile of those who reoffend or those who do not reoffend. As part of its data holdings, the CSO has access to and use of other administrative datasets such as those of the Department of Social Protection, Revenue, Education and other agencies and departments. It also has access to mortality data from the General Registry Office, the Geo-directory and Census data. Other information which would be useful in predicting the risk of recidivism before or at the time of incarceration include: age at first offence, prior arrests, family status, health status and education level. The addition of these variables could be used to enrich the existing prison and probation datasets to provide a better understanding of the factors that predispose offenders to reoffend or conversely, to lead a crime free life. They would also draw attention to the cross Government nature of the responses needed to reduce recidivism and crime.

#### ACCESS TO SERVICES

People who have offended can experience resistance, delays and even rejection in trying to access mainstream services. As a result, from a very practical point of view, their level of risk of reoffending can be unwittingly increased. Clearly, criminal justice services - prison and probation - have a responsibility to do what they can to facilitate reintegration, by virtue of their specific roles, responsibilities, experience, and expertise. However, they can only go so far: to address some of the issues that have a significant impact on the risk of reoffending - e.g. homelessness, unemployment, addiction, and mental illness - the cooperation of the relevant Government departments and agencies is required.

Therefore, there is a clear need to have joined-up services, including improved information sharing and operational co-operation to achieve optimal impact on reducing offending and victimisation in our communities. It is also important to recognise that prisoners retain rights and entitlements to public services despite being in prison custody, that they have only lost the right to liberty. We need to ask what is being done to ensure that prisoners, like all other citizens, have access to public services and what can be done to reduce the barriers that exist.

A key role played by the Interagency Group is to raise awareness among its members from Government departments and agencies of the implications of policy and services on the reintegration and rehabilitation of offenders and the prevention of crime and of the need to adapt or coordinate those policies/services to facilitate reintegration and reduce recidivism.

## **2 Working Methods**

### **2.1 Representation on the Interagency Group**

The Interagency Group consists of representatives of the main Departments and agencies with responsibilities for the management and rehabilitation of offenders. The membership of the Interagency Group in 2021 is included at Appendix A.

### **2.2 Meetings**

In 2021, the Group met four times on the following dates: 10 March, 9 June, 15 September and 8 December. All meetings were held via Zoom due to restrictions on in-person meetings necessitated by the outbreak of Covid-19. In total, to the end of 2021, the Group has held 22 meetings. A table of those Departments/agencies attendance at the 2021 meetings is attached at Appendix B.

The Research subgroup met twice in 2021 on the following dates: 2 March and 26 October via Zoom. In total, to the end of 2021, this subgroup had held three meetings.

### **2.3 Terms of Reference**

The following are the terms of reference of the Group:

The mission of the Interagency Group on Cooperation for a Fairer and Safer Ireland is to improve interdepartmental and interagency coordination in the integration and rehabilitation of offenders and the prevention of crime as recommended by the Report of the Penal Policy Strategic Review Group.

To this end, the Interagency Group will:

1. Review existing pathways that involve interagency coordination and cooperation to improve the integration and rehabilitation of offenders;
2. Based on this review, propose improved interagency coordination arrangements for the integration and rehabilitation of offenders;
- 3 Promote pro-social behaviour by offenders, to those most at risk of offending and anti-social behaviour, which results in positive participation in society.
4. Recommend how the consideration of crime prevention could be incorporated in the formulation and implementation of public sector penal and social policies.
5. Consider how fairness and greater equality could be achieved in the areas of penal and social policy in relation to crime prevention issues.
6. Identify where research and data collation could assist in greater integration across the

Public Service in terms of the rehabilitation of offenders and the formulation and impact of penal policy.

### **3. Work Programme 2021**

The work programme for 2021 agreed by the Interagency Group is set out below, linked to the Group's terms of reference.

*1. Review existing pathways that involve interagency coordination and cooperation to improve the integration and rehabilitation of offenders.*

In 2021, the Group will continue to identify where interagency cooperation can improve the effectiveness of the pathways for the integration and rehabilitation of offenders. It will facilitate agreement among the agencies involved through reviews of successful interagency initiatives and proposed initiatives and, through discussion and analysis, encourage alignment of policy and service objectives.

The Group will continue to focus on encouraging solutions to blockages in existing pathways and agree new pathways among the relevant agencies which improve the integration and rehabilitation of offenders.

*2. Based on this review, propose improved interagency coordination arrangements for the integration and rehabilitation of offenders.*

The work of the Group to date suggests that interagency cooperation could be enhanced to ensure that offenders, on release from prison, have an identity for the purposes of accessing relevant and needed public services, have better access to accommodation, to medical care for on-going conditions, particularly continuity of care regarding mental health issues and to training/employment opportunities. The Group will recommend steps that could be taken to improve access to these services.

The Group aims to specifically focus on access to the public services card in order to ensure that all prisoners can access related public services on their release from prison. The Group also aims to focus on employment related issues such as job seekers protocol, disability benefit and employment opportunities.

The Group also aims to continue to focus on the issue of medical cards to eligible offenders on release from prison. This includes the monitoring of procedures currently in place in the IPS with a view to improving procedures for applying pre-release and maintaining access to medical cards post release for eligible prisoners.

*3 Promote pro-social behaviour, which results in a positive participation in society.*

The Interagency Group has noted the success of the Community Return Programme in promoting better pro-social behaviour among prisoners before release from prison and their positive participation in society after release.

The Group will examine initiatives involving interagency cooperation in other jurisdictions, which could improve social behaviour and the positive participation of offenders in society and make recommendations where appropriate.

*4. Recommend how the consideration of crime prevention could be incorporated in the formulation and implementation of public sector penal and social policies.*

The Group will examine ways in which cross-sectoral issues are handled nationally and in other jurisdictions to identify an effective model for incorporating crime prevention in the formulation and implementation of penal and social policies and make recommendations accordingly.

Based on the evidence of the importance of family life to the reintegration and rehabilitation of offenders, the Group will continue to focus on strengthening & maintaining family links for prisoners. The Group will pay particular attention to how interagency cooperation could strengthen offenders' engagement in family life, both in prison and on release.

*5. Consider how fairness and greater equality could be achieved in the areas of penal and social policy in relation to crime prevention issues.*

The Group will review existing policies and practices in crime prevention from the perspective of fairness and equality and identify where interagency cooperation could achieve greater fairness and equality in crime prevention.

The Group will focus on accommodation related issues and their importance to fairness, equality and crime prevention. This includes focussing on implementation of a housing protocol between relevant services including the IPS, monitoring and contributing to Housing First Policy which is being developed and which aims to provide housing and provision of wrap around services support services for prisoners with special needs on release.

The Group will continue to monitor and engage with relevant services regarding continuity of medical care pre and post release, particularly in relation to those suffering from mental illness.

*6. Identify where research and data collation could assist in greater integration across the Public Service in terms of the rehabilitation of offenders and the formulation and impact of penal policy.*

The Group will continue to review existing research and data on the rehabilitation of offenders and the formulation and impact of penal policy and recommend where, from an interagency perspective, further research and data are required to underpin policy and to monitor implementation of service initiatives in the rehabilitation of offenders and the impact of penal policy.

The Group specifically aims to examine the following areas in detail, recidivism studies, crime prevention & reduction programmes and longitudinal studies of offenders post release with a view to collaborate with the Department of Justice in respect of their Data and Research Strategy and including proposals from the Group in the Departments call for research proposals.

## **4. Report for 2021**

### **4.1 Issues dealt with by the Group**

#### ***Healthcare***

Jim Walsh from the Department of Health presented a proposal on a Dublin North-East Inner City (NEIC) prisoner hub at the first Group meeting of 2021 on 10<sup>th</sup> March. It was emphasised at this meeting that the proposal was very much in a gestation period, and no funding had been agreed for the project at that point. Mr Walsh said that he was the chair of a sub-group working with the NEIC initiative focusing on marginalised groups. There is a large homeless population and a significant cohort of people in the North-East inner city in Dublin who have served custodial sentences, so D/Health have been working trying to address this cohort's health needs, particularly in the context of the four-week period post-release, which is deemed high risk due to dangers related to drug overdoses etc. An Inclusion Health Hub was up and running along with an addiction assessment unit. Funding may be provided for an initial one-year period with an additional funding source thereafter.

The IPS has met with representatives of the Dept. of Health to progress this initiative particularly with a focus on improving the release planning and community engagement for prisoners after release from custody.

Many of the processes that will be employed will service as an adjunct and compliment the work of the Integrated Sentence management and Irish Association for Social Inclusion Opportunities (IASIO) staff who already undertaken significant work in securing access to community accommodation, financial, social and health services on release from prison.

The IPS also stated the need to connect more imaginatively, and used the example of pre-release video linking, which was an innovation necessitated by the pandemic. The cohort for this particular set of prisoners would be located primarily in Mountjoy/Dóchas, and possibly Cloverhill. In some instances, prisoners could be moved around the country, but this had not been the case in early 2021 due to Covid restrictions.

The HSE made the point that this will need to build on what exists already and that this could be linked with existing initiatives such as Housing First and in-reach counselling for prisoners.

Overall, the engagement was very positive and it was established that all the challenges that may present can be managed with the commitment and appreciation of the aims of the project by all members.

#### ***Education and Employment***

Michael Courtney from the Central Statistics Office gave a presentation to the Group on 10<sup>th</sup> March which outlined a summary of the statistical report of prisoners enumerated on Census night 2016, which has been included as an attachment along with these minutes. An overview of the key findings of the CSO's study showed that, of the people in prison on

Census night in April 2016 – up to May 2019 – 59.7% of them were in neither employment or education; 19.6% were in education/training only; 9.5% were in substantial employment only; and 2.2% were in education, training & substantial employment. There were a greater number of prisoners in education/training and employment up to April 2016 than after April 2016. Also, the number of prisoners in substantial employment rose gradually between April 2016 and May 2019.

The IPS suggested that, for future developments, data could perhaps be linked to PAS data on the housing status of people who offend. The Department of Housing explained that PAS is a data set of people who engage with homeless services, each of whom are given a PAS number. There is an advanced level of detail involved, with individuals in specific geographic locations. The CSO said that this could be possible, and that there would be a need to develop the offender's relationship with PAS. The HAP & LPT datasets were also referenced. The CSO wanted to do more on housing in this report, but wanted a more refined analysis to begin this, as the PPSN coverage was not high enough.

The IPS also pointed to the work commenced to examine the use of the PPSN as part of the COVID-19 vaccination programme and whether this type of data-sharing initiative might be possible to build-on to better link data. From a longitudinal perspective, the CSO also said that millions of historical records would not be able to be used.

It was felt that a clear mechanism is needed to identify if people stay in or go out of prison. The work of IASIO to get people into meaningful employment and volunteering opportunities was also mentioned. Until there is pre/post release information and a shared dataset, problems would continue to arise.

### ***Social Enterprise and Employment***

The Group welcomed the publication of *Working to Change*, the Department of Justice's Social Enterprise and Employment Strategy, in November 2020. While the overarching theme of *Working to Change* is increasing access to employment opportunities for people with criminal convictions, it sets out a total of 46 inter-connected actions under three strategic areas of focus: (1) social enterprise employment options; (2) general employment options and (3) entrepreneurship. While the strategy is led by the Department of Justice, the actions are aligned with a number of other national and international policies, signifying that in order to address crime and create safer communities, the importance of multiple agencies needing to work collaboratively and learning from each other.

Siobhán Cafferty, Project Manager of *Working to Change*, provided a progress report on the Strategy, and its achievements to date, to the Group at its September meeting. At the end of 2021, of the 46 strategic actions contained within the Strategy, 35 were on target to be achieved by the end of the Strategy's life cycle; 7 were either delayed or on hold; and 4 had not yet been commenced. The Chair praised the very interesting work that has been done on this, and stated that there is huge potential. Labour shortages in the UK and Ireland throughout 2021 in the context of Covid-19 means that there are now an increasing amount of employers looking to this cohort, and this is now very much in the public policy space.



### ***Mental Health/Addiction***

The Group welcomed the new Government's commitment to establish a high-level and cross-departmental/cross-agency taskforce, which will consider how best to provide for the mental health and addiction challenges of those imprisoned, and primary care support on release. This taskforce was established in April 2021, and is chaired for former Minister of State at the Department of Health, Kathleen Lynch. The Group heard from the Secretariat of this taskforce, based in the Department of Justice, at its June meeting. John Dunphy, Assistant Principal in the Department of Justice, outlined the terms of reference of the Group, which were informed by the Interdepartmental Group (IDG) reports which examined issues relating to people with mental illness who come into contact with the criminal justice system. Council of Europe Committee for the Prevention of Torture (CPT) periodic reports and the Health Needs Assessment (HNA) also informed deliberations over the terms of reference.

The taskforce has a cross-cutting, broad agenda, and different agencies are represented. Meetings were held throughout 2021. To begin with, three subgroups were established. Subgroup 1 focuses on Diversion, and is chaired by An Garda Síochána. This subgroup is responsible for revitalising the recommendations of the IDG. These have been broadened further by the subgroup to capture more aspects of diversion.

Subgroup 2 focuses on Capacity and is chaired by Dr John Devlin of the IPS. The focus of this subgroup's work is to help build sustainable capacity within the National Forensic Mental Health Service (NFMHS) and also establish a model of care based on best practice.

Subgroup 3 is chaired by Mark Wilson of the Probation Service and focuses on Community Issues and through-care upon release from custody, with a specific mandate to examine the critical issue of housing.

The Group recognised how important the work of the taskforce is, and that there is an effort needed to build sustainable solutions in this area. This touches on a whole range of Departments and agencies, with the HSE being key players. Housing, homelessness, mental health and dual diagnosis issues are all intertwined. A holistic approach also needs to be taken with this, as it is important to have the right people in the right programmes. The wider implications for all of society need to be taken into account.

### ***Dr Ruth Barrington***

Former Chair of the Group, Dr Ruth Barrington, announced at the end of the meeting on 10<sup>th</sup> March that she would be stepping down as Chair. She stated that she enjoyed the experience of being Chair of the Group for the last five years, and learned so much about the penal service, in particular the goodwill of partners across the Criminal Justice agencies. Dr Barrington had been continuously impressed with the commitment of all stakeholders, particularly since Covid-19 measures meant that the Group would need to meet remotely. Also paid particular tribute to Department of Justice officials and the various secretaries of the Group. Stated that there is never a finishing point for co-ordination, but that this Group has served a useful purpose in trying to find common ground, and wished the Group well in its future endeavours.

Ben Ryan, Assistant Secretary in the Department of Justice, thanked Dr Barrington, and drew attention to the key successes of the Group. This group helped to organise the provision of medical cards to prisoners before release so they could access medical cards; co-ordinated the linkup between the Department of Housing, the local housing authorities, the Dublin Regional Homelessness Executive and the Irish Prison Service to improve communication and make it easier to get on a list for accommodation before release; and helped provide prisoners with access to Public Services Cards prior to release so that they can receive social welfare payments upon release. Ben stated that these would not have been achieved without Dr Barrington's leadership.

It was also announced at the March meeting that John O'Callaghan, Deputy Secretary of the Criminal Justice Pillar within the Department of Justice would be in situ as Chair for the next meeting of the Group. It was felt that this would be the best way of taking forward the proposal for a more formalised structure of interagency co-operation. The role of Deputy Secretary is ideally placed to steer the Group within the interconnected framework of the Justice Action Plan and to deliver on the Department's and its Agencies' strategic objectives under Goal 3 to "Strengthen community safety, reduce reoffending, support victims and combat domestic, sexual and gender based violence". Dr Barrington also expressed a willingness to engage with the Deputy Secretary with regard to a smooth transition.

#### **4.2 Research on offenders and penal policy**

The Review Group on Penal Policy highlighted the need for evidence-based research to inform penal policy and recommended that the Department of Justice join with other Government Departments and agencies to support research in order to assist in the formulation of penal policy.

The terms of reference of the Interagency Group mandate the Group to identify where research and data collation could assist in greater integration across the public service in terms of the rehabilitation of offenders and the formulation and impact of penal policy. The Group's Work Programme includes a commitment to review research and data on the rehabilitation of offenders and the formulation and impact of penal policy and recommend where, from an interagency perspective, further research and data are required to underpin policy and to monitor the implementation of service initiatives in the rehabilitation of offenders and the impact of penal policy.

The Group welcomed the commitment of the Central Statistics Office to develop its statistical reports on recidivism by offenders, both prisoners and those on probation. The CSO's 'Frontier Series' report on Offenders 2016: Employment, Education and other Outcomes, 2016-2019 was particularly welcomed by the Group as for the first time it provided a more comprehensive perspective on outcomes for offenders, in addition to the current remit of the recidivism reports.

The Group also welcomed the evidence based Review of Recidivism and Policy Responses, commissioned by the Department of Justice, and conducted by Professor Ian O'Donnell, which was published in May 2020. In welcoming the findings of the review of international best practice in relation to recidivism, the Secretary General of the Department of Justice

commented that *'knowing the characteristics of recidivism prone individuals or situations will allow interventions to be targeted with greater precision and confidence. This is not only to the advantage of the individuals and their families, but also to the wider community'*. The Group agreed with this statement and considered that comprehensive, reliable and regularly updated information on the profile of offenders is essential if all government agencies are to respond with effective interventions to reduce crime and to make Ireland a safer and fairer place in which to live. The Group was aware, that despite the CSO's commitment to improving information about offenders, that there are currently methodological limitations to being able to observe the current challenges offenders have or the interventions they receive in order to move away from re-offending tendencies.

The Department of Justice set out its commitment to improve the quality of data and evidence in the Data and Research Strategy (2018), which is being implemented under the leadership of the Chief Information Officer assisted by the Data and Research Implementation and Oversight Group and the Research Advisory Group. A fund is available to undertake studies in specified areas relevant to the strategic agenda of the Department. A number of calls to the research community were issued, including the call that produced the review of recidivism conducted by Professor O'Donnell and referred to above.

A maximum of €30,000 (ex-vat) is available per proposal.

The Interagency Group considered that a study of best international practice in relation to recording, reporting and tracking over time of the social, educational, economic and other relevant characteristics of offenders should be commissioned through the Department's research and data fund. The focus on a project that would identify best policy / international experiences with respect to:

A) What characteristics of an individual are captured by the justice system and at which stage of the justice journey is the information governed / quality assured. (Data related)

B) What cross-departmental interventions are used to co-ordinate the care of offenders to promote moving away from re-offending. (Policy)

C) How are the captured characteristics utilised / shared between agencies to measure the effectiveness of interventions aimed at reducing recidivism. (Data related)

D) How is policy intervention measured and recorded i.e. the best metrics of measuring success (Policy)

And in the light of the best international evidence, make recommendations on how best to develop a comprehensive, reliable and regular profile of offenders to support interagency cooperation to rehabilitate offenders and reduce crime and to evaluate the success of cross government interventions.

If this proposal for a commissioned study was accepted by the Department, it is proposed that the Interagency Group would be consulted on the terms of reference of the study, be

briefed at regular intervals on its progress and be presented with the findings and recommendations when the study is completed. In this way, the agencies represented on the Interagency Group would have greater ownership of the findings of the report and a greater commitment to implement the recommendations.

With this in mind, and in line with Action 156 of the Department's Justice Plan 2021 (to commission research on an offender's experience and interaction with state services in the areas of health, education, employment and housing to provide an insight into quality of life and integration into the community), the Penal Policy team in the Department, along with the Research & Data Analytics team, started this process in 2021. It was agreed that the Research Subgroup would be centrally involved in this process.

A request for tender was commissioned for an initial Rapid Evidence Review on the experience of people who offend both within and outside of the criminal justice system. The title of the review, following consultation with the wider Group, was *Understanding reoffending: Push factors and preventative responses*.

This proposed evidence review had a number of goals. Firstly, the review should develop a synthesis of evidence bringing together all available high quality research related to mapping the push factors linked to reoffending. Evidence of this nature will help to inform policy makers and agencies responsible for the management of those who offend of the reasons underpinning reoffending. In addition, it will also help to improving data collection efforts across agencies with responsibilities in this area thereby improving interagency cooperation regarding the management of those who offend.

A further goal of the review was to explore interagency-based programmes which co-ordinate the care of those who offend to promote moving away from re-offending. This in turn will assist agencies in providing more effective and safer rehabilitative custody and improve the supervision of community sanctions.

This approach aimed to summarise the knowledge base of an issue in a timely and accessible manner in order to inform practice and policy decisions related to reoffending. Rapid reviews are rigorous and explicit methods that avail of the evidence required for policy recommendations in a short timescale.

The evidence summaries created using this method can be used to:

- Support decision making for policies and programmes.
- Serve as a briefing note to inform stakeholders on an issue.
- Support the development of new policies and programmes.

The research questions the review sought to address and explore included the following;

- What are the primary factors associated with reoffending behaviour and how these intersect with each other. These could include, but were not limited to;

- Socio-economic characteristics,
  - educational achievements/opportunities
  - offending history,
  - history of imprisonment,
  - history of anti-social behaviour,
  - history of substance misuse,
  - mental health issues,
  - dual diagnosis of substance misuse and mental issues,
  - experience and level of participation in prison or community based criminal justice or other, for example health interventions,
  - lifestyle instability (unemployment, frequent moves),
  - homelessness
  - family relationships/ties
  - negative peer associations,
  - and any other variables of relevance.
- What factors are associated with desistence from offending?
  - What examples are there of interagency based programmes, including community release based programmes which co-ordinate the care of offenders to promote moving away from re-offending? By interagency we mean more than one agency or government department being involved in the management of those who offend, including non-criminal justice organisations?
  - What have been the strengths and challenges of running such programmes? Additionally,
    - How do programmes function and what are their objectives?
    - Describe programmes in terms of their suitability for different types of people who offend?
    - What is the basis of such programmes (statutory or administrative)?
    - What data/information is gathered and by who?
    - How is data shared? Who manages it? Who shared information? What challenges did this pose and how, if at all, were they addressed?
    - What have been the measures of success for these programmes? Did they establish Key Performance Indicators?

The review also sought to highlight any gender differences in terms of push factors and responses to reoffending.

Following a competitive procurement process, a research team was commissioned from Portsmouth University to carry out this work, and they presented the scope of their

proposals to the Research Group at its October meeting. It was agreed that points raised at this meeting would be incorporated, where possible, into the research, which started in October 2021. Originally, Portsmouth University had signed a 3-month contract with the Department, but that had since been extended to five months. This research is to be completed by March 2022.

### **CSO Recidivism Study**

Felix Coleman, CSO presented to the Interagency group on the CSO's work on recidivism among prisoners and those on probation at the September and December meetings of the Group. The results of this work and the challenges faced by the CSO in compiling it have been discussed earlier in this report. The Interagency Group was most impressed by the commitment of the CSO to the publication of this important data series and to making it more relevant to policy requirements.

### **4.3 Improving Interagency Coordination**

The terms of reference of the Interagency Group require it to propose improved interagency coordination arrangements for the integration and rehabilitation of offenders. The former Chair circulated a discussion paper on this to stimulate thought amongst the Group and also feedback on whether it needed more systematic, formalised co-ordination, along the lines of the Public Protection Arrangements in Northern Ireland (PPANI). With this in mind, the latest draft of the Amendment of Part 2 of the Principal Act to the Sexual Offences Bill 2021 was circulated to the Group, as it was felt that not only would this provide a legislative basis for SORAM, but that it may even go further than that.

The Probation Service highlighted that there are also very significant differences between PPANI and the approach here, e.g. all prisoners are released on licence arrangements and as such can be returned to prison through an administrative process without recourse to the Court. It is noted that a high percentage of sex offenders within the PPANI system are thus returned to custody within a number of weeks of their release for non-compliance and/or escalation of risk.

It was emphasised that the Department of Justice are still in discussion on the proposed legislation and that it has been re-prioritised in a short timeframe. There has been good engagement with the Criminal Justice agencies. The main aim of the discussed amendment is to formalise SORAM and ensure that data is better able to be shared freely across agencies, similar to the Policing & Community Safety Bill. In the draft heads of the Bill, all State Departments/Agencies have a statutory obligation to engage with each other. This puts an obligation on people to co-operate and will allow GDPR for information sharing. It was also envisaged that this would provide for revised offender management structures. In this regard, JARC-type offenders would be brought under a broader offender management umbrella. The heads of this Bill passed Committee Stage in the Houses of the Oireachtas in November 2021.

The Group felt that this would provide scope for items to be escalated when they are not working out, and that new structures will allow for accountability and transparency, and

that it would also be important to embed indicators of progression with the policy changes once the legislation is in place. Also, this data would need to be examined at a later stage.

It was also pointed out that a full time co-ordinator would be critical to the success of any formalisation of interagency co-operation. The IPS in particular felt that steering groups without an operational role could not have the same impact as full-time co-ordinators, and also that crucial relationships developed between agencies need to be built on. The Department of Justice indicated that the views of the Group would be communicated to the drafters of the Bill in this regard.

Overall, the Group welcomed the commitment by the Department of Justice to provide a statutory basis for interagency coordination for SORAM.

## **Appendix A**

### **2021 Membership of Interagency Group for a Fairer and Safer Ireland.**

Dr Ruth Barrington, Chairperson (to March 2021)

Mr John O'Callaghan, Department of Justice, Chairperson (from March 2021)

Mr Ben Ryan, Department of Justice

Ms Deborah White, Department of Justice (to September 2021)

Ms Mary O'Regan, Department of Justice (from September 2021)

Ms Therese Molyneux, Department of Justice

Mr Graham Hopkins, Department of Housing, Local Government and Heritage

Mr Jim Walsh, Department of Health

(alternate) Ms Dairéarca Ní Néill, Department of Health

Mr Finbarr Lane, Department of Further Higher Education, Research, Innovation & Science

(alternate) Ms Stacy Cannon, Department of Further Higher Education, Research, Innovation & Science

Ms Annette Kilcullen, Department of Social Protection

(alternate) Ms Geraldine Hurley, Department of Social Protection

Mr Felix Coleman, Central Statistics Office

(alternate) Mr Keith McSweeney, Central Statistics Office

Mr Joe Doyle, Health Service Executive

(alternate) Mr Eamon Keenan, Health Service Executive

Ms Kate Mulkerrins, An Garda Síochána

(alternate) Ms Tara Goode, An Garda Síochána

Mr Fergal Black, Irish Prison Service

(alternate) Ms Melanie Rhatigan, Irish Prison Service

(alternate) Mr Kieron Moylan, Irish Prison Service (to December 2021)

(alternate) Ms Edel Higgins, Irish Prison Service (from December 2021)

Ms Una Doyle, Probation Service

(alternate) Mr Darragh Bailey, Probation Service

Ms Siobhán Cafferty, Project Manager of Department of Justice's Social Enterprise & Employment Strategy 2021-2023

### **Secretary to the Interagency Group**

Mr Timothy Hurley, Department of Justice



## Appendix B

### Attendance at 2021 meetings of the Interagency Group for a Fairer and Safer Ireland.

Bodies represented	Meetings	1st	2nd	3rd	4th	Total meetings attended
Chairperson*		✓	✓	✓	✓	4
Dept. Housing, Local Government & Heritage		✓	✓	✓	✓	4
Central Statistics Office		✓	✓	✓	✓	4
Department of Justice		✓	✓	✓	✓	4
Health Service Executive		✓	✗	✓	✓	3
Dept. Further & Higher Education		✓	✓	✓	✓	4
Dept. Social Protection		✓	✓	✓	✓	4
An Garda Síochána		✗	✓	✓	✓	3
Irish Prison Service		✓	✓	✓	✗	3
Dept. Health		✓	✓	✓	✗	3
Probation Service		✓	✓	✓	✓	4
Working to Change Project Manager		✓	✓	✓	✓	4

\*Former Chair, Dr Ruth Barrington, chaired 1<sup>st</sup> meeting of 2021

### Attendance at 2021 Meetings of the Research Subgroup

Bodies represented	Meetings	2 <sup>nd</sup> March 2021	26 <sup>th</sup> October 2021	Total meetings attended
Chairperson*		✓	✗	1
Dept. Further & Higher Education		✓	✗	1
Department of Justice		✓	✓	2
CSO		✓	✓	2
Working to Change Project Manager		✓	✗	1
Portsmouth University		✗	✓	1
An Garda Síochána		✗	✓	1
Irish Prison Service		✗	✓	1
Dept. of Social Protection		✗	✓	1

\*Former Chair, Dr Ruth Barrington, chaired meeting of 2<sup>nd</sup> March.

Mary O'Regan, Department of Justice, chaired meeting of 26<sup>th</sup> October.