

“Nothing Feels as Good as Being Taken Seriously”

EXPERIENCING RACE, ETHNICITY AND POLICY IN THE PENAL
SYSTEM

Dr Joe Garrihy

Key topics



- Research and Ireland in context
- Diversity and non-discrimination
- Staffing, training and oversight

Research context

▶ Two recent projects



1. "Sometimes I'm missing the words": The rights, needs and experiences of foreign national and minority ethnic groups in the Irish penal system.

- ▶ with Doyle, D.M., Brandon, A., Adanan, A., Bracken, D., and commissioned by the Irish Penal Reform Trust. (2022)



2. Understanding the perspectives and potential interventions for Foreign National Prisoners in Ireland (working title)

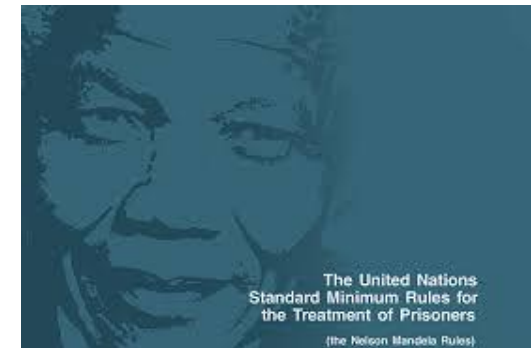
- ▶ with Doyle, D.M. and the Irish Council for Prisoners Overseas



- ▶ Methodological note: challenges presented by absence of data recording and maintaining anonymity

Legal Frameworks and Bodies

- ▶ Council of Europe (CoE) Revised European Prison Rules 2020 (EPR)
- ▶ Committee of Ministers' Recommendation CM/Rec(2012)12 concerning foreign prisoners
- ▶ UN Standard Minimum Rules for the Treatment of Prisoners (Mandela Rules)
- ▶ European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT)
- ▶ European Court of Human Rights (ECtHR)
- ▶ Committee on the Elimination of Racial Discrimination (CERD)

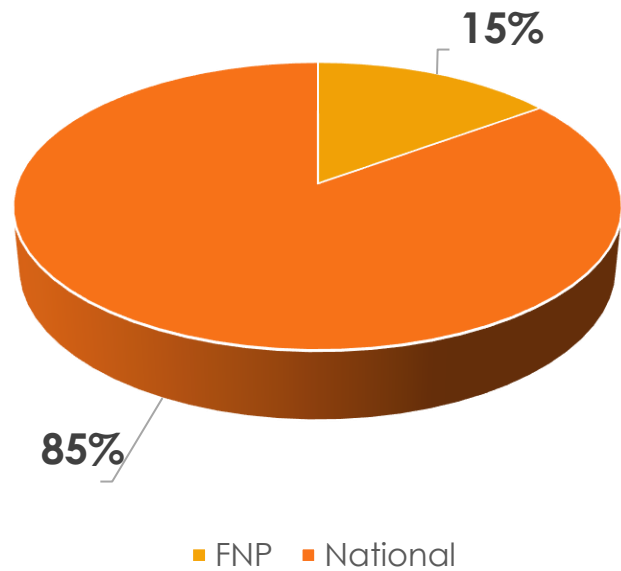


Points of note

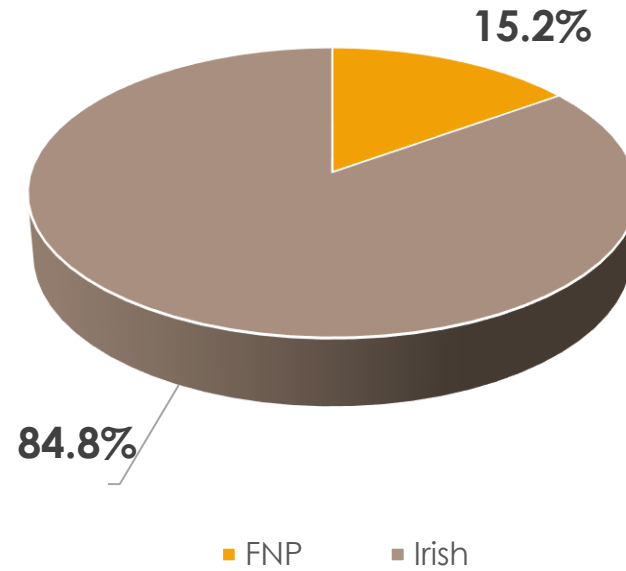
- ▶ Ongoing review of Irish Prison Rules
 - ▶ Rec 1: Prison as last resort
 - ▶ Rec 2: CERD into domestic law
 - ▶ Rec 7: Human Rights into Prison Rules
 - ▶ Rec 15: Reformed complaints system
- ▶ Revised EPR: vulnerability of FNPs & obligations to address the specific needs of minority ethnic prisoners and FNPs
- ▶ 'Lack of resources' is not a justification for impeding human rights and the provision of services

Ireland in Context: FNP

EU Average (31st Jan 2021)



Ireland (31st Jan 2021)



Ireland (20th Jun 2022)

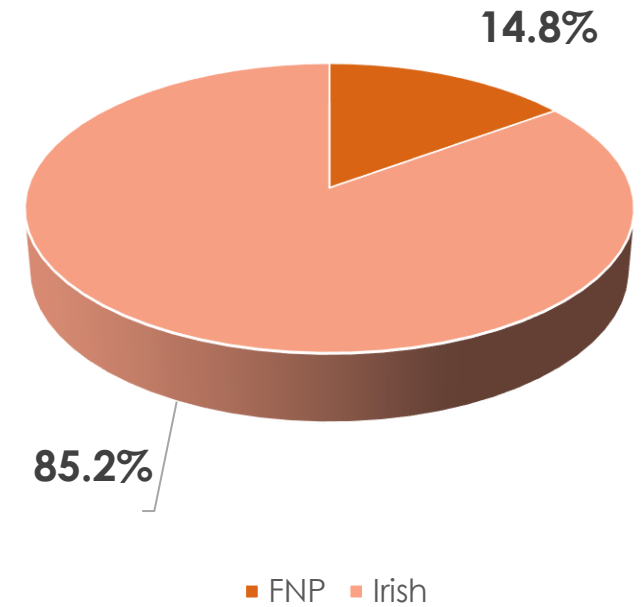
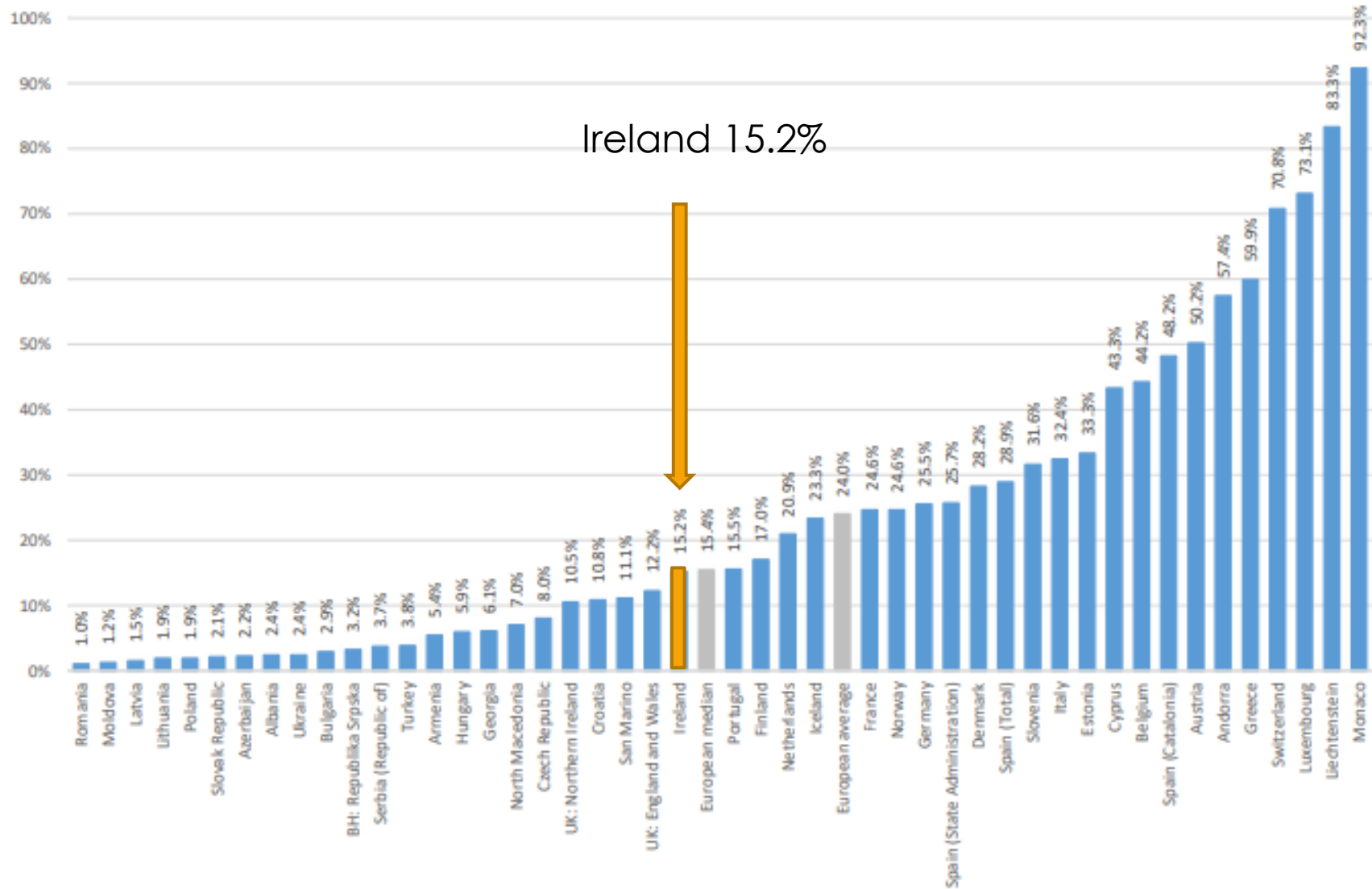


Figure 4. Percentage of foreign inmates in the prison population on 31st January 2021 (N=45)



Ireland in Context 2: FNP

Diversity and Integration

- ▶ Generally, quite integrated but mixed experiences were reported
 - ▶ “Just being a foreigner we all like stick together” (Participant 15)
 - ▶ “It’s no different if they are Irish, they are Polish, they are just normal guys” (Participant 3)
- ▶ Individuals reported a range of approaches which can reflect diverse capacities
- ▶ Participant preferences and staff practices have varied results
 - ▶ Example: Discretionary cell allocation



Discrimination and Legitimacy

- ▶ The experience of equality of treatment and legitimacy are inexorably linked
- ▶ It is essential that people **feel** that they are treated fairly, decently and in this context, equally.

▶ “Everyone is equal in here and just trying to get on with the sentence”

(Participant 10)

▶ “If you are from here [Ireland], they treat one way but if you’re not, they treat totally different”

(Participant 5)

“ . . . when I came in prison, nobody’s explained for me rules, no nothing. This was hard. It was the first time in my life in prison and nobody’s explain me. I just learned it from prisoners now some rules. ”

(Participant 9)

Policy ≠ Practice: Basic Rights

Religious Expression



“Use things like faith to keep their head up” (Participant 11).

Generally, IPS is “very good at providing (Professional 3) but “not everybody is well informed” (Participant 15) = uneven service delivery

“Jealous” and “bullying tactics” during Ramadan because they “don’t understand my religion” (Participant 7).

The chaplaincy playing a multifaith role but wider representation necessary.

Communicating with the Outside World



- ▶ Intersecting hardships: “Especially not being able to see the kids and the kids not being able to see me” (Participant 10).
- ▶ Temporary relief through proactive or ‘progressive’ practices:
 - ▶ Time and distance: “And because they knew they were travelling, they actually arranged for them to be let in and gave me one of the free slots” (Participant 11).
 - ▶ Videocalls: “...at the start of the sentence, I would only see them once or twice, but now I can see them every week if you want on a videocall” (Participant 11).
- ▶ Interactions with civil society and community organisations mostly absence

Staff Recruitment

Staff cohorts lack diversity of the people in their care

“I don’t see a Traveller being an officer”

(Participant 10)

Diversity of promoted staff?

This is reflected in staff occupational cultures and practices

Experiences of Racism

Latent

- “Racist comments and put downs” from prison staff were often “cloaked in banter” (Professional 9).
- “I'm not saying it's very big, a little bit racism things but is hidden. I only can feel it in the talk” (Participant 7).

Blatant

- Black participant called “monkey”, “ape”, black bastard” by staff
- Instances of arbitrary punishments and malicious actions
 - Telephone access

Oversight and complaints process is wholly undermined

- “I wouldn’t even do it. I wouldn’t complain. I want to do my sentence in peace and quiet” (Participant 12).
- “[Prisoners] get some pressure from staff after making complaints” (Participant 9).

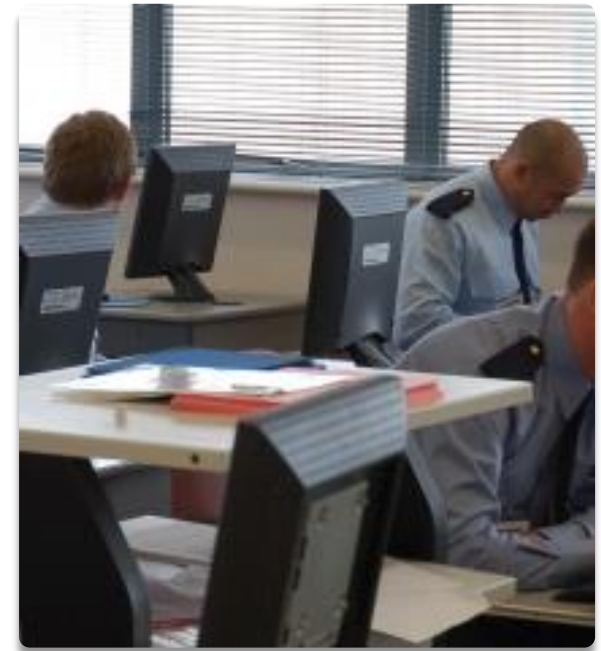
Little protection afforded if system lacks credibility

Process review ongoing but findings offer a cautionary tale

Oversight & Complaints

Staff Education and Training

- ▶ Training often offered as panacea for myriad issues
- ▶ Welcome existing training but further needed and career-long support of best practice
- ▶ Legitimacy, power relations & discretion
 - ▶ inconsistency and disconnect in policy and practice
 - ▶ especially among individual staff & reflected in occupational cultures



Rec 5: Staff training

Concluding Remarks

“Nothing feels as good as being taken seriously”

1. Encapsulates the daily challenges faced by minority ethnic and FNPs in prison
2. Simple yet profound opportunity through respect and decency
3. Provides a lens through which insight into wider policies and practices are revealed
 - ▶ Reducing minority ethnic and FNP to prescribed characteristics and/or sets of issues is unacceptable, they deserve to be
 - ▶ treated as whole complex individuals,
 - ▶ afforded the rights and support to thrive and move on with their lives
 - ▶ be **'taken seriously'**

Thank you

Questions welcome

JOE.GARRIHY@MU.IE

@JOEGARRIHY1

