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THE
IRISH PRISON SYSTEM



Houses of the Oireachtas

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It may seem premature to criticise a system which has only been a few months in existence, but as the subject will no doubt receive the attention of Parliament during the coming Session, a little light, however feeble, thrown upon it by one who has had a good opportunity of judging of its working may not be amiss.

The question whether the transfer of the control of prisons from county authority to that of Government was wise or judicious will not be considered here. Many of the changes introduced are no doubt reforms in the best sense of the word; but if the same powers had been given to the Boards of Superintendence, it is quite possible that they would have carried them out as effectively as the General Prisons Board, and it may be confidently assumed that they would have expended considerably less red tape in the process.

The innovation which has caused the greatest amount of criticism has probably been the plank bed, and a good deal of misapprehension appears to exist on the subject. Public opinion does not appear to be altogether in their favour, and both in England and Ireland inquests have been held on persons who have died in prison, when verdicts have been returned of "Died of a plank bed," or something very much to that effect, but in reality they are not the instruments of torture which some tender-hearted people imagine them to be.

Prisoners, as a rule, and their friends and patrons outside the prison walls, appear to adopt a theory that, when a person has had the bad luck to be sent to prison, it is the business of the prison authorities not only to treat him with kindness and consideration, but, as it were, to sympathise and condole with

him in his misfortune, and make his time pass as pleasantly as is consistent with loss of liberty. This view the prison authorities cannot be expected to take; on the contrary, the problem they have to solve is, how to treat him so that he may not only have no desire to return to prison, but a strong desire to remain outside. The average prisoner is in many respects better off in prison than at home. He is better housed, better clothed, and so far better fed that the food he gets is wholesome, and the best of its kind, if plain and not over-abundant. The gentlemanly swindler, accustomed to live in luxury at other people's expense, no doubt considers a month on a plank bed a very great hardship, but this class of prisoners forms a very small percentage of the inmates of Irish prisons; and the ordinary rough, who forms far the largest percentage, is, as regards bedding, better off in prison than out, inasmuch as his sheets and blankets are clean and whole, and all he suffers is the temporary loss of a mattress. Granting that this deprivation involves some discomfort, it is no greater than many who have not broken the law have to put up with. A soldier, every time he mounts guard—and in some garrisons this occurs twice a-week—has to sleep on a plank bed with a wooden bolster, and without bedding of any kind, and is awakened every four hours to go on sentry for two hours. The writer, with other young officers in Her Majesty's Service, slept for many consecutive nights in the cockpit of a man-of-war, with a waterproof rug under him and his greatcoat over him, and never slept better, and cannot understand why that which is considered good enough for officers and soldiers should be called torture when applied to criminals.

If a prisoner passes more than thirty days of his imprisonment on a plank bed it is his own fault, as an opportunity is given him to exchange it for one of straw at the end of that period, but some (though these are the exception) do not care to work for this privilege. One old beldame, who had been something more than one hundred times in prison, and nearly as many times

punished for prison offences, was ordered by the General Prisons Board to forfeit all marks earned during some five weeks' imprisonment. When this decision was communicated to her by the Governor, she first asked what it all meant, and on the Governor explaining to her that she would have to sleep for thirty days from that date on a plank bed, answered: "I don't care a d—— if you take the boards from me altogether; thim flags 'll do me rightly to sleep on;" and this was not mere bravado, as previously she had frequently refused to take bed or bedding into her cell when in punishment.

The conditions to be fulfilled by a prisoner to entitle him to transfer from the plank bed or probation class are simple enough. During the first thirty days of his imprisonment he must not have been reported for idleness or any breach of prison rules; he is then classified as fourth class prisoner, and has done with a plank bed. Old men, women, and boys are now allowed a coir mattress during their period of probation.

On the whole, if the use of the plank beds is to be modified, it should only be in favour of those prisoners who are committed for the first time, and probably the ends of discipline would be met if the period of probation for this class of prisoners were reduced to fourteen, or even seven days, the term to be extended in case of misconduct or idleness.

Good conduct and industry are, as has been said above, the conditions for transfer to a superior class. These are registered by means of marks, and this brings us to a consideration of the classification system. This is undoubtedly sound in principle, and has worked fairly so far, but some modification seems to be desirable.

The lowest class, that which a prisoner enters on conviction, and in which he is supplied with a plank bed, is called the probation class, the next above fourth, and so on to first, each distinguished from the one below it by some slight privilege or relaxation of discipline. For promotion from probation to fourth class a prisoner must earn by industry and good conduct sixty

marks; this cannot be done in less than thirty days, as two marks per diem are the maximum. This number is insufficient, as it does not give the Governor power to award marks in any sort of proportion to the amount of work done. Suppose, for instance, that the daily task required of a prisoner in the probation class be to pick four pounds of oakum; prisoners A, B, C, and D (all in other respects equally well-conducted) pick respectively 1lb., $2\frac{1}{2}$ lb., $3\frac{1}{2}$ lb., and 4lb. A, of course, earns no marks, and D earns two. C being short of his task can only be allowed one; but is B, who, although a pound behind C, has done more than twice as much as A, to be credited with one mark or with two; if with one, an injustice is done to C; if with none, B is placed on a level with A, who has been more than twice as idle. It is true the Governor can punish such determined idleness as that of A, but even if a rule were adopted that all prisoners who failed to complete (say) half their daily task should be punished in addition to losing marks, there would still be a difficulty in drawing the line between one mark and none. If the daily marks were increased to (say) five, and the number necessary for transfer from the probation class to (say) 150, a better distribution could be made between prisoners who fall a little short of their task, and those who accomplish less than half, or perhaps not even a quarter.

It would also probably be an improvement if prisoners were allowed, by industry, to reduce their period of probation. For instance, a prisoner might be required to perform a certain task during that time, say to pick one hundred-weight of oakum. If he succeeds in accomplishing it in less than thirty days, why should he not have the benefit of his activity, and be transferred to the fourth class when his task is completed, and set to some more profitable employment.

It is understood that the prison dietaries are under consideration, and it is to be hoped that, when the new scale is introduced, it will be graduated to a greater extent than that now in use. It appears probable that this will be done, as in

the classification tables extra diet is promised as an inducement to prisoners to earn promotion to a higher class, but no instructions have as yet been issued as to the nature and quantity of such extra diet.

At present there are but two rates of diet for adult male prisoners, viz., one for prisoners sentenced to seven days or less, and one for prisoners whose sentence exceeds seven days, the difference being that the former receive only two meals a day instead of three, and gruel instead of milk for dinner. The same rule applies to women, but their rations at each meal are somewhat less.

The Governor has power to reduce the ration allowance as punishment for misconduct or idleness, but as far as the latter offence is concerned, it would be a far less cumbersome arrangement, if the receipt of a portion of the daily rations were made to depend on the completion of the daily task. One among many advantages of such a system would be a considerable reduction in the number of entries in the punishment book. Some such plan is particularly desirable in the case of prisoners whose term of imprisonment does not exceed one month, as they have now nothing to gain by industry, and can only be kept up to their tasks by punishment or the dread of it.

The effect of the new system on prison officers remains yet to be seen.

Memorials have been sent from the officers of various prisons to the General Prisons Board praying for an increase of salary, and in some cases they have been told, in reply, that their application would be considered when the estimates were being prepared; but for the present the difference which the change of masters has made to them is a considerable increase in their hours of duty, and apparently a great reduction in the rates of pension allowed them on retirement.

By an Act passed in 1873, Grand Juries could (and generally did) grant to officers sixty years of age, who had been twenty years in the service, a superannuation allowance equal to

two-thirds of their *pay and emoluments*, and, as a rule, the money equivalent of emoluments was calculated on a liberal scale in determining the rate of pension. Since the transfer of prisons to the General Prisons Board, however, one or two officers who had fulfilled the above conditions as to age and service have been granted pensions amounting to little more than *half* their *salaries*.

The public, probably, have very little idea of the arduous duties performed by prison officers, and the utterly inadequate remuneration they receive. How the Prisons Board intend to recruit their ranks in future is not known, but hitherto vacancies have not been filled up as in the army, navy, and constabulary by boys who had everything to learn, but by men of established character, and the services of these men have been procured on terms which, compared with other services, and considering the nature of the duties they have to discharge, appear hardly credible. Their hours of duty average 116 per week, or if eight hours twice a week, during which they may sleep if they can, but are liable to be called up at any moment, be deducted, 100 hours per week; and all that time they must be on the alert and watchful—in fact, on sentry—and these duties they perform on salaries varying, according to length of service, from £30 to £46, or, in some few cases, of £50 per annum.

The reason for these low salaries is not far to seek. Hitherto, whenever a vacancy occurred, a dozen or more of candidates, well recommended, applied for the post, induced to seek for it, no doubt, partly through ignorance of the drudgery it involved, and partly, no doubt, because, if the pay were poor, the situation was permanent, and a man felt that he could make a home and settle for life in the place where the prison to which he belonged was situated. Now, however, that the Board can transfer prison officers from one prison to another, this inducement no longer exists, and probably the services of prison officers will command a better price, and they may, perhaps, even hope in time to have their rates of pay assimilated to those of the

Royal Irish Constabulary, whose duties are not more responsible or more dangerous, and whose hours of duty are neither so frequent nor so continuous, while their pay is at least fifty per cent. better.

The above remarks apply principally to subordinate officers. The superior officers, with the exception of chaplains, in whose duties and responsibilities but little alteration has been made, have quite as little reason to rejoice at the change of masters.

The office of Local Inspector has been abolished, and, with few exceptions, they have been sent about their business, with what amount of compensation is not generally known, probably with as little as the law would allow. In one instance, at least, an officer who, under the Prison Officers' Superannuation Act, 1873, was by age and service qualified for a pension of close upon £100 per annum, has been awarded less than £70. The few exceptions above mentioned have been posted as Governors to some of the smaller gaols or district bridewells.

The duties of prison surgeons have been increased and extended almost indefinitely, and yet many of them are receiving no remuneration for their services. By an old Act of Parliament, the surgeon of a county infirmary was required to give his services to the county gaol without salary; but when the gaol ceased to be a county institution, it is clear that the new authority to which it was transferred had no claim to such gratuitous services, and that if a prison surgeon chose to resign that appointment, while retaining the charge of the infirmary, he or some other duly qualified practitioner must be appointed to the prison, and would have to be paid. Nevertheless, though nearly twelve months have elapsed since the prisons passed under the control of the General Prisons Board, many surgeons are still serving without pay. It is even rumoured that a suggestion has been made to some of them that they should resign and seek re-appointment, one of the conditions of such re-appointment being that they should make up their own prescriptions, notwithstanding that this was never required of them before, and

that the Act of 1877 provides that all officers shall continue to discharge the same duties as they were performing before the passing of the Act.

Governors have fared even worse. By the 27th clause of the Prisons Act they are required to perform, as nearly as may be, the same duties as they discharged before the passing of the Act. In framing the new rules this clause has been totally disregarded, and new duties and responsibilities have been thrown upon them, for which they have been rewarded with the grotesque title of Sub-Accounting Officer. A reasonable amount of extra work would, however, have been thought little of, or would have been submitted to with a passing reflection on new brooms, were it not for the crowning injury and injustice which has been done them by the appointment of Inspectors, who practically supersede them, thus reducing them to a very subordinate position from one of comparative independence and authority.

Had the Inspectors been chosen in the first instance from among the old Local Inspectors, or if Governors of some years service had been selected for the office, their appointment would not have been felt as such a formidable grievance; but to Governors who have been for years in charge of prisons, and have earned a character for having their establishments in a state of order and efficiency, it is a great hardship to have set over them, as their superior officers, men who have all their work to learn.

It may be said, Governors of prisons could look for no promotion under the old system, and therefore have no claim to it under the new; and that this is the view taken by the General Prisons Board is abundantly proved by the fact that the four best appointments that had to be filled up since they took office—viz., three inspectorships and one important prison—have been given to gentlemen totally unconnected with the prison service.

Since making these appointments the Board have issued a circular informing their officers that promotion in the prison

service will be by merit and not by favour !! It was certainly well to delay the circular until after these appointments were made, or officers in the service might have been led to suppose that a thorough ignorance of their duties was the best test of merit.

Governors did not look for promotion formerly, because they were at the top of the tree, not a lofty one, perhaps, but such as it was, they were at the top and could go no higher, and their position was secure. They were responsible to the Boards of Superintendence, and to them alone, for the proper discharge of their duties, and so long as they carried out their instructions, and maintained discipline and order, were allowed to do so pretty much in their own way. Even the Local Inspectors, who were to a certain extent their superior officers, had very little real authority, much less could the Inspectors-General interfere in the discipline and management of prisons; they could merely report and suggest to the Boards of Superintendence; and in how limited a sense the term Superior Officer could be used to express the relations existing between Local Inspector and Governor may be judged from the fact, that not only were the duties of the latter acknowledged to be more onerous and responsible, and his services accordingly better paid, but he also had a voice in the appointment of his own Inspector, at least no Local Inspector could be confirmed in his appointment except on a certificate by the Governor, after three months' probation, that he was competent to discharge the duties of that office. But *nous avons changé tout cela*, and Governors have now been superseded by inexperienced Inspectors, and are precisely in the position in which an officer of the Army or Navy would be, if a civilian were appointed over his head to command his ship or his regiment.

How can the Prisons Board expect that subordinate officers will feel any real respect for the Governors, when by their acts, if not in words, they say plainly: We have so little confidence in your ability, fidelity, and discretion, that we set gentlemen

over you entirely ignorant of your duties, to overlook and control you in the discharge of them.

England expects every man to do his duty, and as a rule England's expectations are not disappointed, nor are Governors of prisons likely to prove any exception to the rule, and their duties will no doubt be discharged as well as ever; but it would be unreasonable to expect them to take pride or pleasure in their work, while the conditions of the service remain as they are now—Hard Work, Poor Pay, and No Promotion!

Since the above remarks were written a circular has been issued, which, when it comes into operation, will materially improve the pecuniary position of subordinate officers.

S. A. O.

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