# Out of Sight, Out of Mind: Irish Prisoners in England and Wales

#### Paul Gavin\*

**Summary:** In 2007 the Department of Foreign Affairs published a report on Irish Prisoners abroad (Flood, 2007) which identified between 800 and 1,000 Irish citizens incarcerated in prisons overseas. This report was one of the first pieces of research undertaken on the topic of Irish prisoners overseas. Since its publication there has been a dearth of further research. This paper is based on a presentation given at the 13th Annual Conference of the European Society of Criminology in 2013. It considers the position of Irish prisoners in prisons in England and Wales. It provides a statistical analysis of these prisoners as well as examining them in the context of the overall prison population and as a sub-group of the foreign national prison population. Statistical data on gender, offences and sentences is considered. The position of Irish Travellers in the prison system in England and Wales is examined, and services available to Irish prisoners are considered. The need for further study and research on the experience of Irish prisoners in custody in England and Wales is highlighted.

**Keywords:** Irish prisoners abroad, foreign national prisoners, Irish in Britain, Irish Travellers, ethnicity, migration, offending, sentencing, imprisonment, services for Irish prisoners, ICPO.

#### Introduction

The 2011 Census for England and Wales revealed a resident population of 56.1 million, of whom 407,000 were born in the Republic of Ireland. On the question of ethnicity, 0.9% of all respondents identified themselves as 'White Irish' (Office of National Statistics, 2012). This represents a figure of 504,900. On 30 June 2013 the prison population

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<sup>&</sup>lt;sup>1</sup> All statistics in this paper were obtained through Freedom of Information requests to the Ministry of Justice.

in England and Wales stood at 83,842. Of this figure there were 769 prisoners whose nationality was recorded as Irish, making Irish prisoners the second most represented foreign nationality in the prison system after the Polish, of whom there were 829.

The first and last official report on the position of Irish prisoners abroad was undertaken as part of a commitment in the Programme for Prosperity and Fairness to 'identify the number of Irish prisoners abroad and their needs for services in prison' (Department of the Taoiseach, 2000, p. 127). The Report on Irish Prisoners Abroad (Flood, 2007) gathered information from all Irish embassies and consulates, and estimated that there were at least 800 Irish citizens in prison throughout the world. The figure of 800 was declared a minimum, as 'not all Irish citizens request consular assistance when detained and therefore, may not come to the attention of the nearest Irish Embassy or Consulate' (Flood, 2007, p. 22). It was also noted that the majority of Irish prisoners abroad were in British prisons.

Foreign national prisoners represent approximately 13% of the prison population in England and Wales, and during the period 2000–2010 the foreign prisoner population rose by 99% (Prison Reform Trust, 2012). Given the great increase in their numbers over the past decade, it is not surprising that a great deal of research has been carried out on the foreign prison population (Banks, 2011; Bhui, 1995, 2007, 2009; Bosworth, 2011; Cheney, 1993; Richards *et al.*, 1995). Foreign prisoners were once referred to as the forgotten prisoners (Prison Reform Trust, 2004), and Irish prisoners in England and Wales have rightly been described as an invisible minority (Murphy, 1994). The dramatic increase in this population means that foreign prisoners are 'no longer the forgotten prisoners [as] the rise in foreign nationals in prison has encouraged research into their experiences of imprisonment' (Banks, 2011, p. 186).

However, there has been very little research into specific minority groups, and research into Irish prisoners' experiences is so underdeveloped that they remain the invisible minority in the prison system of England and Wales. Traditionally, the Irish have been 'usually ignored in the context of studies of ethnic minorities and the criminal justice system' (Hickman and Walter, 1997, p. 124), and when the needs of foreign prisoners have been considered, 'Irish prisoners are never included. When foreign prisoners were discussed during the course of this project, it was a common reaction to suggest that the research should not be concerned with prisoners from Ireland' (Cheney, 1993, p. 5).

This paper will examine Irish prisoners in the context of foreign national prisoners (FNPs) in England and Wales. It will begin by discussing FNPs in England and Wales and examining some of the issues that they face. This will provide a context to discuss Irish prisoners as a sub-category of the FNP population. Comparisons will be made between FNPs, Irish and the general prison population in terms of gender, offence category and sentence length. Furthermore, Irish Travellers will be considered and compared with the overall Irish prison population in the same categories.

#### Foreign national prisoners in England and Wales

According to the Prison Reform Trust, foreign nationals can be defined as 'anyone without a UK passport' (Prison Reform Trust, 2004, p. 1). This may include foreign citizens with British partners and children, people brought into the country as children with their families, asylum seekers with indefinite leave to remain, European and Irish nationals, people trafficked as drug couriers, sex workers or menial labourers, people whose legal permission to remain in the UK had expired and people who may have entered the country with false documentation (Cooney, 2013).

Given that FNPs can be categorised as anyone without a British passport, it is not surprising that the FNP population is made up of prisoners from over 160 countries. However, over 50% of all FNPs are from one of the following 10 countries: Jamaica, Poland, Republic of Ireland, Romania, Nigeria, Pakistan, Lithuania, India, Somalia and Vietnam (Prison Reform Trust, 2012).

On 30 June 2013 the prison population in England and Wales was 83,842. This figure included 10,786 foreign nationals as well as 877 whose nationality was not recorded. According to the Prison Reform Trust (2012) there was an increase of 99% in the FNP population between 2000 and 2010. Although FNPs make up quite a significant percentage of the overall prison population, they have been described as 'a relatively anonymous group in terms of prison policy and practice' (Bhui, 2009, p. 167) who have been 'largely disregarded within the criminal justice system' (Barnoux and Wood, 2012, p. 240). Foreign national prisoners are considered to be a vulnerable group within the prison population and have been cast as 'a scapegoat to take much of the blame for crime and other social ills of England' (Canton and Hammond, 2012, p. 5). Cooney (2013, pp. 47–48) states that:

Foreign national prisoners are among the most vulnerable and in need of protection. They may be people with the least opportunity to understand the system ... They may be experiencing language barriers, cultural difference and need access to proper legal advice so that they can make informed decisions about their situation.

Table 1 shows the percentage of FNPs compared to the overall prison population for the period 2002–2012. For the years 2006–2007 the FNP population represented 14.1% of the overall prison population, the highest rate recorded. This table also shows that the overall prison population increased by 22.9% between 2002 and 2012. However, the foreign national prison population increased by 44.15%.

However, Table 1 provides a somewhat misleading picture, as the percentage rates do not consider the numbers of prisoners whose nationality is unrecorded. If we assume that all of the prisoners with an unrecorded nationality are FNPs, and if we then add the unrecorded figures to the foreign national statistics, the overall percentage of FNPs looks much different. This is illustrated in Table 2.

Now the highest rate recorded is in the year 2010, where FNPs represent 16.4% of the total prison population. There is a 51% increase in the FNP population over the period (Tables 1 and 2 are adapted from Berman and Dar, 2013, p. 21).

This trend of increasing numbers of FNPs is not unique to England and Wales. Western European countries in general are now imprisoning more and more foreign nationals, and the number has been consistently increasing, "both in real and in relative terms" (O'Nolan, 2011: 371).

## Irish prisoners in England and Wales

The Irish are one of the oldest minority groups, if not the oldest, likely to be found in the prison system in England and Wales (Borland *et al.*, 1995) and anti-Irish discrimination within the criminal justice system is not a new phenomenon (Flood, 2007). Historically there was always an association between criminality and being Irish, and the first great wave of Irish migration to Britain after the 1845–1849 famine helped to reinforce a traditionally held belief in Britain that the Irish were 'an irredeemably criminal people' (Murphy, 1994, p. 3). A study of British political debates during the twentieth century reveals that Irish migrants were regarded as being 'prone to drunkenness, criminality and as carriers of TB' (Ryan, 2013, p. 8).

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	2002	2003	2004	2005	2006	2007	2002 2003 2004 2005 2006 2007 2008 2009 2010 2011 2012	5006	2010	2011	2012
Prison population	71,218	72,286	74,488	76,190	77,982	79,734	71,218 72,286 74,488 76,190 77,982 79,734 83,194 83,454 85,002 85,374 87,531	83,454	85,002	85,374	87,531
FNPs	7,719	8,728	8,941	9,561	0,879	11,093	11,498	11,350	11,135	10,779	11,127
Unrecorded	946	1,141	1,168	698	944	874	946	874	2,851	1,565	1,929
FNPs (%)	11.0	12.3	12.2	12.8	11.0 12.3 12.2 12.8 14.1 14.1	14.1	14	14 13.7 13.6	13.6	12.9	12.9

**Table 2.** FNPs (including prisoners with an unrecorded nationality) as a proportion of the prison population (England and Wales)

	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012
Prison population	71,218	72,286	74,488	72,286 74,488 76,190	77,982	79,734	83,194	83,454	83,454 85,002	85,374	87,531
FNPs (%)	12.1	13.6	13.6	13.7	15.1	15	15	14.6	16.4	14.4	15

The bombing campaigns of the IRA throughout the 1970s and 1980s did nothing to dispel these assumptions of Irish criminality, and according to Hillyard (1993) the Irish community as a whole was considered a suspect community. This suspicion and discrimination resulted in the wrongful conviction of the Birmingham Six, the Guildford Four and the Maguire Seven.

The Irish prison population in England and Wales has remained at an almost static level for the past decade. Statistics obtained from the Ministry of Justice (Ref. FOI/78877) reveal that at no point during the period 2002–2012 did the Irish prison population go above the 2012 figure of 737. This represents an increase of approximately 11.3% on the 2002 figure. However, any quantification of Irish prisoners is likely to be an underestimate, 'since Northern Ireland prisoners are not counted as Irish by prison authorities and second generation Irish may not identify as Irish to avoid anti-Irish racism' (Tilki *et al.*, 2009, p. 42). The statistics show a steady rise in the Irish prison population over the period 2002–2006 and this equates to an increase of 15%. During the period 2009–2012 there was a more dramatic rise in the Irish prison population, of 17.5% (Table 3).

#### Gender

Statistics obtained through the Freedom of Information process reveal that the gender breakdown of Irish prisoners is very similar to that of both the general prison population and the FNP population. Table 3 shows that between 2003 and 2012 the Irish prisoner population has remained between 93% and 98% male.

Table 4 compares the gender breakdown of Irish prisoners, FNPs and the overall prison population. The Irish segment contains no surprises, being exactly in line with that of the FNP population (94% male and 6% female) while only slightly adjusted from that of the general prison population (96% male and 4% female).

**Table 3.** Irish prison population by gender (England and Wales)

	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012
Male	643	666	657	674	603	632	609	657	707	692
Female	39	38	48	44	33	26	18	24	29	45
Total	682	694	705	718	636	658	627	681	736	737

**Table 4.** Gender of Irish prisoners, FNPs and the overall prison population (England and Wales)

	Prison population	FNPs	Irish
Male	81,925 (95%)	9,975 (94%)	692 (94%)
Female	4,123 (5%)	617 (6%)	45 (6%)
Total	86,048	10,592	737

## Offences

Table 5 provides a statistical breakdown of the category of offence for which Irish prisoners are imprisoned. The largest offence category that has resulted in imprisonment has always been violence against the person, and in 2011 it reached a 10 year high of 239, which represented 32% of all Irish prisoners. However, property offences of robbery, burglary, and theft and handling, when combined, have always been the most represented offences.

Despite reductions in the number imprisoned for all three of these offence categories during the period 2003–2012 (robbery: -20%; burglary: -18%; theft and handling: -6%), the combined number imprisoned for these offences is still higher than for violence against the person. The number imprisoned for sexual offences increased by 100% in the period 2003–2012, from 54 to 108, while the number imprisoned for drug offences fell by 14% for the same period.

**Table 5.** Categories of offence for which Irish prisoners are imprisoned (England and Wales)

	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012
Violence against										
the person	169	179	173	181	177	192	171	207	239	238
Sexual offences	54	54	62	59	70	73	84	108	104	108
Robbery	108	99	100	97	89	93	93	89	96	86
Burglary	112	118	132	113	113	96	106	80	97	92
Theft & handling	68	67	56	62	43	48	35	37	50	64
Fraud & forgery	14	18	16	20	15	16	20	17	13	12
Drug offences	56	64	69	58	54	45	52	51	36	48
Motoring offences	40	36	29	28	13	14	6	12	14	8
Other	50	59	62	92	61	79	52	72	82	76
Not recorded	9	10	7	1	9	4	9	8	5	5
Total	680	704	706	711	644	756	628	681	736	737

**Table 6.** Categories of offence: Irish prisoners, FNPs and the overall prison population (England and Wales)

Offence	Prison population	FNPs	Irish
Violence against the person	22,487 (27%)	1,777 (16%)	238 (32%)
Sexual offences	11,562 (13%)	973 (9%)	108 (14%)
Drugs	11,993 (14%)	1,501 (14%)	48 (6%)
Burglary	8,686 (10%)	393 (4%)	92 (12%)
Robbery	10,310 (6%)	671 (6%)	86 (11%)
Theft & handling	5,237 (6%)	613 (5%)	64 (9%)
Fraud & forgery	1,513 (2%)	344 (3%)	12 (2%)

In terms of representation of Irish prisoners as a subset of the general prison population and the FNPs, Table 6 compares the three groups for offences in 2012. The offence of violence against the person accounts for the greatest proportion of Irish prisoners (32%); the figure for the overall prison population is 27%. The Irish rate is twice the FNP rate (16%).

Irish prisoners (14%) represent a similar level to the general prison population for sexual offences (13%). When compared to the FNP population (9%) there is a slight over-representation. An examination of the three offences of burglary, robbery, and theft and handling indicates a notable over-representation of Irish prisoners compared to both the general prison population and the FNP population. When combined, these offences represent 32% of Irish prisoners but only 22% of the general population and 15% of the total FNP population

**Table 7.** Sentences handed down to Irish prisoners (England and Wales)

Sentence length	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012
Less than or equal	65	55	53	75	32	40	35	42	44	39
to 6 months										
>6 to <12 months	17	14	13	17	9	14	9	21	18	16
12 months to	176	179	174	163	173	159	149	131	141	174
<4 years										
4 years to less	231	252	263	244	219	207	199	192	196	205
than life										
IPP	67	61	59	79	95	115	131	145	150	151
Recalls								49	58	49
Total	556	561	552	578	528	535	523	580	607	634

## Sentencing

Table 7 provides a statistical breakdown of sentences handed down to Irish prisoners for the period 2002–2012. The majority were for 12 months to less than four years (27% of all sentences in 2012) and four years to less than life (33% of sentences in 2012). During this period Irish prisoners sentenced to indeterminate sentences of Imprisonment for Public Protection (IPP) increased by 115%.

Table 8 compares the sentences received by Irish prisoners, FNPs and the overall prison population. There do not appear to have been many discrepancies in 2012. However, Irish prisoners are over-represented in terms of the use of IPP. In 2012, 20% of Irish prisoners were serving IPP as opposed to 16% of the general prison population and 11% of the FNP population.

**Table 8.** Sentences received by Irish prisoners, FNPs and the overall prison population (England and Wales)

Sentence length	Prison population	FNPs	Irish
Less than or equal to 6 months	4,236 (5%)	673 (6%)	39 (5%)
>6 to <12 months	2,352 (3%)	336 (3%)	16 (2%)
12 months to <4 years	20,350 (24%)	2,132 (20%)	174 (23%)
4 years to less than life	25,890 (30%)	2,814 (26%)	205 (28%)
IPP	13,577 (16%)	1,180 (11%)	151 (20%)
Recalls	5,338 (6%)	129 (1%)	49 (6%)

# Irish Travellers in prison in England and Wales

The Irish Traveller community are a people with 'a shared history, culture and traditions, including, historically, a nomadic way of life on the island of Ireland' (Fountain, 2006, p. 29). They have been part of Irish and British society for a long period (Clarke, 1998; Power, 2003).

Under the Race Relations Act (1976) and the Race Relations Amendments Act (2001), Irish Travellers are recognised as a distinct ethnic group in the UK; in March 2011, Irish Travellers were categorised as a distinct ethnic group in the national Census. The statistics from the Census showed that 0.1% of respondents identified themselves as an Irish Traveller or a Gypsy. This represents an approximate figure of 56,100.

In 2011 Irish Chaplaincy in Britain published a report on the experiences of Irish Travellers in the prison system in England and Wales (MacGabhann, 2011). It identified at least 453 Irish Travellers in the

prison system. This suggests that Irish Travellers make up a significant percentage of the Irish prison population, possibly as high as 50%. However, there are no official figures for the population of Irish Travellers or the combined population of Gypsies, Roma and Irish Travellers in the prison system, although it has been estimated that Gypsies and Travellers make up approximately 5% of prisoners in male Category B prisons and 7% of prisoners in local female prisons (MacGabhann, 2013).

Given that the 2011 Census reported approximately 56,000 Irish Travellers or Gypsies in England and Wales, and over 500,000 who identify themselves as 'White Irish', this suggests that Irish Travellers are grossly over-represented in the prison system in England and Wales. This over-representation makes the lack of an official figure all the more striking, especially as it is estimated that National Offender Management Services (NOMS) spends between £23 and £38 million on Irish Travellers in prison (MacGabhann, 2011). Furthermore:

Irish Travellers suffer unequal hardship in prison. Poor levels of literacy, mental illness, limited access to services, discrimination and prejudicial licence conditions for release disproportionately affect Traveller prisoners. (MacGabhann, 2013, p. 19)

This is not a new claim, and was highlighted by the Commission for Racial Equality in 2003:

Failure area: Access to good facilities or services. Prisoners with low literacy skills had difficulty adapting to prison life and accessing prison services. In the case of Irish Travellers this is compounded by prejudice and discrimination, leading to high levels of self-harm. (MacGabhann, 2011, p. 83)

# Offences and sentencing of Irish Travellers

Tables 9 and 10 identify the offences committed and sentences received by Irish Travellers who participated in the report. The report identified that 26.4% of Irish Travellers were serving immediate sentences or were on remand for burglary offences. Violence against the person offences constituted 22.6% and could be broken down to 4.7% for murder, 1.7% for manslaughter and 16.2% for non-fatal harm (MacGabhann, 2011).

Robbery represented 14.5% and theft and handling represented 7.8%. Motoring offences represented 5.1%, 4.4% were sexual offences and

**Table 9.** Offences committed by Irish Travellers (England and Wales)

Violence against the person	67
Sexual offences	13
Robbery	43
Burglary	78
Theft & handling	23
Fraud & forgery	9
Drug offences	5
Motoring offences	15
Other	30
Not recorded	13
Total	296

**Table 10.** Sentences received by Irish Travellers (England and Wales)

20
6
85
124
45
280

1.7% were drug offences. 44.2% of Irish Travellers were sentenced to four years or more, 29.3% to between 12 months and four years, and 15.5% were being held on remand. 9% were serving sentences of less than 12 months (MacGabhann, 2011).

Table 11 shows that, when matched against the overall Irish prisoner population in England and Wales, there are clear areas of both over- and under-representation for Irish Travellers. Irish Travellers are largely over-represented when measured against the general prison population and the overall Irish prison population in terms of crimes of burglary and robbery. When the rates for the offences of burglary, robbery, and theft and handling are combined there is also an over-representation of Irish Travellers (48%) when compared with the general population (22%) and Irish prisoners (32%).

Sexual offences and drug offences show under-representation of Irish Travellers (4.4% and 1.7%) compared to the general prison population (13% and 14%) and the Irish prisoner population (14% and 6%).

In terms of sentencing it is clear that Irish Travellers are receiving harsher sentences from the courts. Table 12 shows that Irish Travellers are over-represented in sentences of 12 months to less than four years and in sentences of four years to less than life.

**Table 11.** Offences committed by Irish Travellers and other groups (England and Wales)

Offence	Prison population	Irish	Irish Travellers
Violence against the person	22,487 (27%)	238 (32%)	67 (22.6%)
Sexual offences	11,562 (13%)	108 (14%)	13 (4.4%)
Drugs	11,993 (14%)	48 (6%)	5 (1.7%)
Burglary	8,686 (10%)	92 (12%)	78 (26.4%)
Robbery	10,310 (6%)	86 (11%)	43 (14.5%)
Theft & handling	5,237 (6%)	64 (9%)	23 (7.8%)
Fraud & forgery	1,513 (2%)	12 (2%)	9 (3%)

**Table 12.** Sentences received by Irish Travellers and other groups (England and Wales)

Sentence length	Prison population	Irish	Irish Travellers
Less than or equal to 6 months	4,236 (5%)	39 (5%)	20 (7%)
>6 to <12 months	2,352 (3%)	16 (2%)	6 (2%)
12 months to <4 years	20,350 (24%)	174 (23%)	85 (29%)
4 years to less than life	25,890 (30%)	205 (28%)	124 (44%)
IPP	13,577 (16%)	151 (20%)	
Remand			45 (16%)
Recalls	5,338 (6%)	49 (6%)	

## Services for Irish prisoners in England and Wales

The Irish Chaplaincy in Britain (ICB) was established in 1957 as a direct response by the Catholic Bishops in Ireland to the emerging needs of emigrants. Currently its work involves delivery in three main projects: the Irish Council for Prisoners Overseas (ICPO), the Irish Chaplaincy Traveller Project and Irish Chaplaincy Seniors. These projects receive funding from the Department of Foreign Affairs: in 2012, a total of €282,940.

ICPO was established in 1985 as a specialised response to the needs of the Irish prisoner abroad. The organisation aims to fulfil its mission by:

- identifying and responding to the needs of Irish prisoners abroad and their families
- visiting prisoners and assisting families with travel and accommodation
- researching and providing relevant information to prisoners and their families including on issues such as deportation, repatriation and prison transfers

- representing prisoners' interests to the appropriate authorities (including embassies, welfare agencies, social welfare departments, probation, legal officers, etc.)
- networking with prison-based agencies, as well as other groups and organisations concerned with prisoners' welfare
- focusing public attention on issues affecting Irish prisoners
- engaging in practical work in aid of justice and human rights for Irish prisoners overseas.

While ICPO provides vital services to Irish prisoners, it operates with a small staff of five who must cover the entire prison estate in England and Wales. There are over 900 prisoners on the books of ICPO, spread across 133 institutions. This places considerable strain on such a small organisation. However, ICPO undertakes over 400 prison visits per year.<sup>3</sup>

#### Conclusion

This paper has attempted to highlight important issues in a very under-researched area in the penal landscape in England and Wales: the Irish prisoner. Irish prisoners represent a significant percentage of the FNP population in England and Wales. Given that there is significant non-identification and under-counting, it is impossible to estimate the true number accurately. However, since ICPO has at least 900 prisoners on its books, there may be as many as 1,000 Irish nationals in prison in England and Wales. This indicates that the minimum figure of 800 Irish citizens in prison throughout the world (Flood, 2007) needs to be revised upwards.

Consideration of the offences of Irish prisoners reveals over-representation in the categories of burglary, robbery, and theft and handling when compared to both the general prison population and the wider FNP population. Furthermore, Irish prisoners, as a subset of foreign prisoners, are grossly over-represented in terms of offences of violence against the person (Irish: 32%; FNP: 16%). In terms of sentencing Irish prisoners are over-represented in the imposition of IPPs. In 2012, 20% of Irish prisoners in the study population were serving IPPs as opposed to 16% of the general prison population and 11% of the FNP population.

 $<sup>^3</sup>$ www.irishchaplaincy.org.uk/Groups/160591/Irish\_Chaplaincy\_in/Our\_Work/Irish\_Prisoners/Irish\_Prisoners.aspx

Irish Travellers are largely over-represented within the prison system and especially in terms of the crimes of burglary and robbery. Furthermore Irish Travellers receive higher than average sentences. When compared to both the general prison population and the Irish prisoner population, a larger percentage of Irish Travellers serve sentences of 12 months to less than four years and of four years to less than life.

Given these statistics, it is surprising that research in this area has been quite limited. It is an area that merits further attention. The author is not aware of any Irish research on the topic of Irish prisoners abroad since Flood (2007).

MacGabhann's (2011) report for Irish Chaplaincy Abroad provided a fascinating insight into the experience of Irish Travellers in the prison system in England and Wales, and importance of that report to the literature in this field should not be underestimated.

The United Kingdom is a 'significant destination country' and 'one of the most popular destinations for emigrants leaving Ireland' (Glynn *et al.*, 2013, pp. 35–36). Given the high levels of Irish migration in recent times it is not unreasonable to assume that the Irish population in England and Wales will rise in the next three to five years. It will be interesting to see if this will result in an increase in the Irish prisoner population. If it does, the issues in this paper will need to be addressed again. It is the author's hope that this paper will add to the debate on this topic and encourage others to undertake more study and research in this area.

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